



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 Mangystaus 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.

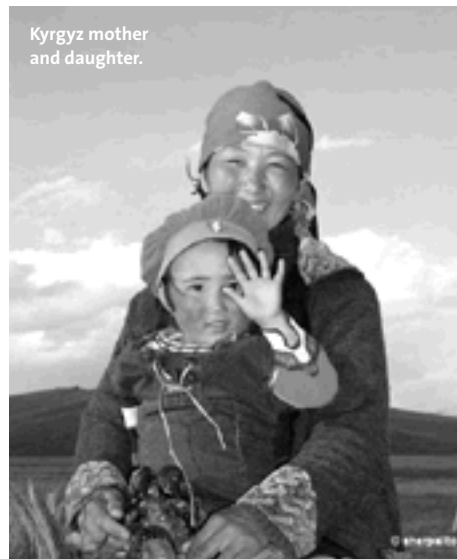
In the ecological disaster zone of the Aral region, the incidence of disease among children is several times higher than the national average. The Kyzyl-Orda region in particular has been the most severely affected in Kazakhstan, with the highest rates of disease and death among children.

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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EAST ASIA

Despite Legal Gains, Monitoring and Implementation is a Problem

Throughout 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.¹ 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



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.⁵

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 15th Joint Declaration, held on October 16-17, 2002 at Mountain Gyeongju 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 (NTI=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.² However, other data indicates that women comprise 45 percent of the workers who have been laid-off.³ 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.⁴ To help laid-off women

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

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.

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.⁶ 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 predominantly 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.⁷

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 (NWEC) has provided training for leaders and teachers along with other activities such as exchanges among women’s organizations. NWEC 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.⁸

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.⁹ 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.¹⁰ 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.¹¹

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.¹² 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.¹³

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.¹⁴

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.¹⁵ 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.¹⁶ 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.¹⁷ 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 2001.¹⁸ 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.¹⁹ 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.²⁰ 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 2001.²¹ 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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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.

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SOUTH ASIA

With Legislative Gains Come Enforcement Challenges

This 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 has 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 11th 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

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. 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

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".

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

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.

A recent trend is that of "forced suicides" by rape victims, who don't receive support from the state or community.

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

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-

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, Panchyat 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 minuscule 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 socio-economic 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.

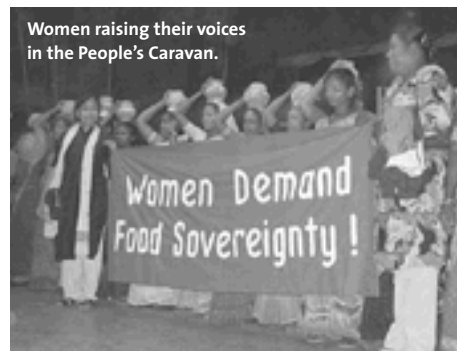
There is a constitutional guarantee of the right to health but this is not substantiated by any specific law and therefore cannot be exercised properly by any citizen. Most of the laws are obsolete because of the changes in the social, economic and political conditions. Moreover, new laws and policies 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 changes 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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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.¹

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.²

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 (NCFAW), 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. NCFAW 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, NCFAW 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 Women³

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.⁴

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.⁵

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.⁶

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.⁷

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 offense, 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.⁸

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.⁹

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.¹⁰

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.¹¹

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.¹²

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.¹³

The Philippines and Thailand signed in 2000 but have not yet ratified. Indonesia, Lao PDR, Malaysia and Vietnam have not signed the Rome Statute.¹⁴

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

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 11th 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 1998.¹⁵

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.¹⁶

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 1998.¹⁷ Women occupy less than 20 percent of all elective posts at the national and local levels.¹⁸

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.¹⁹ 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.²⁰ 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.²¹ 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.²² 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, downsides 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.²³

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.²⁴ 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.

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.

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

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-

native 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.²⁵ 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 2001.²⁶ 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.²⁷

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.²⁸

HEALTH²⁹

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.³⁰

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.³¹

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 Makasar 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 Rp2,500.³²

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.³³

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.³⁴

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.³⁵

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.³⁶

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.³⁷

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.³⁸

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 objections remained significant barriers.³⁹

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.⁴⁰

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 1997.⁴¹ 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.⁴²

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 (NCAFW) 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.⁴³

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.⁴⁴

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.⁴⁵

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.⁴⁶

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.⁴⁷

In Indonesia, preventive programs—including awareness-building media campaigns in schools, workplaces, health facilities, and community settings—are being implemented.⁴⁸ 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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AOTEAROA/NEW ZEALAND

Women Make Progress but Face Backlash and Some Troubling Trends

Aotearoa/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.¹

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.² 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



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*³, 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 Corporation⁴ 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-19th 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-

ording 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

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.⁵

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.⁶

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.

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".⁷ There has been a partial establishment of interpreting services for publicly provided health services only.⁸

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.

Representation⁹

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.¹⁰ 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.¹¹ 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.¹²

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 1999.¹³ 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 farming¹⁴ 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.¹⁵

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.¹⁶ 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 2001¹⁷, 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.¹⁸

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.¹⁹ 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,



At work in fish processing factory.

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.²⁰ 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.²¹

Women refugees are disproportionately illiterate in any language, have poor English language skills and low educational levels, and face high unemployment.²² A number are women-at-risk who need additional re-

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.

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.²³

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-

ment of Conservation and the Ministry for the Environment. Pakeha women are well represented in policy-making on formal environmental management, including at senior levels. In contrast, Maori women have very little decision-making power.

The Resource Management Act²⁴ 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.²⁵ 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

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-

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.

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%).²⁶

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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THE PACIFIC ISLANDS AND TERRITORIES

In Traditional Settings, Women Are Gaining Broad Support for Change

Covering 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.¹ 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

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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.²

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.³

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 kava⁴ 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.⁵

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.⁶

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.”⁷

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 2000,⁸ 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.⁹ 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.”¹⁰

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.¹¹

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.¹² 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.¹³ 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 1993.¹⁴ 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 9th 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?"¹⁵ 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.¹⁶

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.

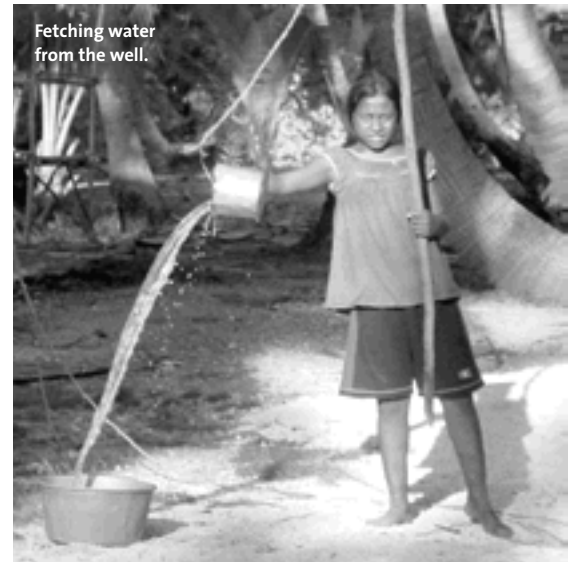
Recent studies have found increasing inequality and poverty in the sub-region. In 2001, 37 percent of the population in Papua New Guinea had insufficient income to meet minimum food energy requirements per adult; 93 percent were from rural areas.¹⁷ A quarter of households in Fiji live below the poverty line, and wealth is unevenly distributed.¹⁸ 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.¹⁹

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.²⁰ 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.²¹ 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.²² 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."²³

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 responsive 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.²⁴

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 Niuee, 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.²⁵ 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.²⁶

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.²⁷ 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.³⁰

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.³¹

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.²⁸

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.²⁹ 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.³² 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.³³ 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.³⁴

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.³⁵ Some tertiary institutions—for example, nursing schools in Fiji—do not allow students who become pregnant to continue their studies.³⁶

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.³⁷

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.³⁸ 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."³⁹

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.⁴⁰

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.⁴¹

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.⁴²

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.”⁴³

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.⁴⁴

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.⁴⁵ 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-

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.⁴⁶

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

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.⁴⁷ Poorly maintained water systems may supply water, but it may not be safe, as recent studies in the Federated States of Micronesia have shown.⁴⁸

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.”

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.⁴⁹

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.”⁵⁰ Some cultures do not acknowledge the existence of HIV, believing it “only happens to others.”⁵¹ 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.⁵²

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.”⁵³

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.⁵⁴

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