The Future Asia Pacific Women Want[*]

Outcome Statement from women's and civil society networks and organizations present at the Regional Dialogue on Sustainable Development and the Post-2015 Development Agenda

Convened by Development Alternatives with Women for a New Era (DAWN) and Asia Pacific Gender and Macroeconomic Network (APGEM) in collaboration with United Nations Entity for Gender Equality and the Empowerment of Women Regional Office for Asia and the Pacific

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Background

In the next three years, women's groups in the Asia-Pacific region will mobilize toward reshaping the post 2015 development agenda by engaging in the Millennium Development Goals Review (**Post 2015 Development Agenda**), the processes to set the post-Rio+20 Sustainable Development Goals (**SDGs**), and the 20-year review of the International Conference on Population and Development (**ICPD+20**). These overlapping inter-governmental processes present an obstacle course for both governments and civil society to navigate in a meaningful way. There is an urgent need to find strategic points of entry toward transforming existing development paradigms with an understanding of the deeper structural roots of the crises we face today.

In the Post 2015 track, UN agencies have affirmed human rights, equality and sustainability as the core principles to guide the discussions. However, it is not possible to realize these principles without addressing the multiple, converging crises of food, fuel, finance and climate change caused by the current anthropocentric development model rooted in unsustainable production and consumption patterns.

Poverty and deprivation, inequality and insecurity, violence against women – structural, interpersonal, and on the basis of sexual orientation and gender identity - and violations of women's human rights, continue to be serious concerns in the Asia Pacific region. These are major challenges even as this region experiences continuing (if slower) growth during a period of halting

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global recovery from economic recession and instability. As we consider the commitments to be made for the post-2015 development agenda, inequality in its multiple forms demand our attention. The Asian Development Bank has pointed to technological progress, globalization and market-oriented reform as the drivers of inequality in the region. Ironically it is exactly this kind of growth and the policies to support it that have led to a rapid increase in domestic material consumption of resources in the Asia-Pacific region. Urbanization and the structural transformation from agriculture to industry have contributed to this rise in material consumption but put great stress on the environment. This is further compounded with large-scale land grabbing by private investors or governments for industrial agriculture or mining purposes across the region. Such acquisitions have led to armed conflicts particularly on indigenous peoples lands as territories are appropriated without recognition of their tenure and resource rights.

In the Pacific, the emphasis on export production or trade-led growth has encouraged the development of extractive industries (mining, logging and fishing), which have had deleterious social and environmental impacts that are disproportionately borne by women and girls. These industries widen gender disparities in income, encourage transactional sex, enable corruption, and trigger social conflict and violent repression. They have also encouraged the introduction of laws to protect foreign investors at the expense of local landowners. The prioritisation of extractive industries has led to a focus on export oriented agribusiness and a neglect of agriculture, including subsistence agriculture that supports 75% of the region's population, and is primarily undertaken by rural and indigenous women. This underscores the fallacy of an automatic link between economic growth and improved development outcomes.

In this context, the progress on the MDGs in the Pacific is 'slow and uneven' with distinct variations in performance evident among the 3 sub-regions: Micronesia, Melanesia, and Polynesia. Economic and public sector reforms pushed by international and regional financial institutions and donors over the last two decade have reduced state revenue by as much as 40% for some PICs and weakened state capacity for both social provisioning, and infrastructure development. Yet, even for goals on which some Pacific Island States (PICs) appear to be on track, positive indicators are questionable due to the weakness of data and disagreements over the existence, nature and extent of poverty, and given women's continuing underrepresentation in national decision-making and the prevailing culture of gender-based violence.

In the Asia-Pacific region today, it is clear that social inequalities - of gender, disability, caste, ethnicity, sexual orientation and gender identity among others - result in systematic exclusion and discrimination. International human rights norms and standards may have already been established but many governments are still not meeting their obligations as duty-bearers. These challenges are particularly of concern for women workers' rights, for women in conflict and transitions to peace, for sexual and reproductive health and rights, and for women's political agency.

Women's Workers' Rights

A comprehensive study by the FAO on rural women workers revealed that women of Asia Pacific contribute greatly to the economy ensuring food security for their households and the region. The bulk of this work is unpaid or underpaid and sometimes invisible without any social protection. The contribution of rural (including coastal and upland) and indigenous women workers is often inadequately recognized and they receive very little benefits from their own work. Beside unequal rights to land, women have limited access to resources to help in production and marketing; and little access to training and technological improvement. **We urge governments and agencies to support the passing and implementation of laws to give women equal rights to land ownership, control and use; access to productivity enhancing technology and resources; and to support building their capacity for negotiations over prices and products. Governments and non-state actors must respect the principle of 'prior informed consent' allowing indigenous peoples to approve development activities that impact their territories thereby regaining land rights and reducing gender-based violence that often accompanies militarized development. Special attention is also needed for women workers discriminated on the basis of caste and disability.**

Since the 1980s and 1990s, many countries especially the transitional economies have gone through the process of opening up and economic reform. This has quite often been done on the back of the cheap labour and 'nimble fingers' of unprotected Asian women workers. **Women workers must not only be viewed as a convenient instrument of rapid growth, but must be guaranteed legal protection, social security and social protection, fair contracts, access to social and sexual health services and insurance, occupational health safety and living wages. These rights must be legally guaranteed and strictly implemented for both women in the formal and for the overwhelming majority who work in the informal sector.**

It must also be emphasized that women who are informal workers often work for subcontracting firms of large national and multinational corporations. There is a need for a global mechanism to hold corporations accountable to labour and environmental standards. There must be regional mechanisms to monitor, regulate and hold corporations accountable for their ecologically and socially unsustainable practices. **However, labour and environmental regulations should not become a barrier for women to enter the labour market. The establishment of a corporate accountability mechanism needs to be in consultation with most affected peoples, and include human rights lawyers and feminists advocates.**

Recent decades have seen significant increases in the numbers of women migrant workers as a result of multi-dimensional factors including lack of opportunities, displacement, situations of conflict, trafficking and other factors. **Governments and international agencies as duty bearers have a responsibility to protect and fulfill the rights of migrant workers rather than just trying to control them instrumentally as a source of remittances.** There is an acute need for sex disaggregated data to enable full recognition of 'voluntary migration' patterns, source and destination countries and sectors in order to improve protection for migrant women workers.

The nexus between migration and trafficking should be explored and strategies should prioritise the implementation of the Palermo Protocol and develop appropriate rights based approaches which focuses on redress and justice for the trafficked victim rather than a criminalized approach which further violates the rights of trafficked women and sex workers.

Sex work is work and sex work is a viable economic option for most adults who earn a living doing sex work. For many, it is work that is a legitimate form of economic activity. And like all work that is practiced in mostly criminalized settings sex workers face unsafe and unfair working conditions. They are forced to work in an environment where wages fluctuate, where there are ambivalent working hours, no safe working conditions and they have no access to social security including healthcare, accident coverage, disability benefits or occupational hazard compensation. **All countries should therefore work toward decriminalization of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers.** Antidiscrimination laws and regulations should guarantee sex workers' right to social, health and financial services.

In general, sex disaggregated data are urgently needed on all women workers. In many communities displaced by conflicts, disasters, mega state development projects and large scale private investment, such data are simply not collected. Hence, the negative impacts on women and their special needs and constraints are not visible, understood or analysed. **We insist that it is essential for governments to collect sex disaggregated data and to ensure its use for analysis, planning and interventions in support of women workers.**

Women in Conflict and Transition to Peace

In 2011, 1.5 billion people lived in countries affected by repeated cycles of political and criminal violence. 42 million worldwide were forcibly displaced either as refugees (15.2 million), those in the process of seeking asylum (895,000) and those internally displaced (26.4 million). The proportion of refugees is lessening relative to the proportion of internally displaced persons due to an intensification of anti-immigration policies post 9/11 and the nature of conflict, which is increasingly intra state rather than inter-state.

It is important to acknowledge the continuum of conflict – imminent, protracted conflict, transition and post-conflict and how these are inter-related, how they might overlap with some countries being in more than one phase of conflict and the different nature of conflicts in fragile as well as those in stronger States. The actors are also varied from State to non-state actors and international financial institutions, and should deal with the consequences and root causes of conflict which are multifarious, including elements of militarisation, expanded military structures and war budgets, the proliferation of arms that inhibit potential peace-making/peace-building or the success of peace processes. All measures and action in relation to conflict and in transition to peace must address the intersectionalities and diversity of the identities of women including as refugees, IDPs and stateless women, ethnic, sex workers, racial, religious, cultural and linguistic differences, sexual orientation, age, language, nationality, and disability.

We call on governments, agencies and other actors to develop cohesive local, national and international strategies that would **promote convergence between all available laws and standards (on universality, non-retrogression, substantive equality and non-discrimination) for the support of the rights of women in situations of conflict and transition**, including CEDAW and other International Human Rights Law, International Humanitarian Law, relevant Security Council Resolutions, especially 1325, 1820, 1888, 1889 and 1960, and other relevant international mechanisms and sources of law. A clear rights based approached should place women at the center and recognize their roles as agents of change.

All parties have a responsibility to ensure the participation of women during all facets of reconstruction and transformation in post-conflict strategies that are the traditional preserve of men – early warning systems, in peace talks and political decisions that forge resolutions to conflict, on power-sharing, demobilization and reintegration of the armed forces and cadres, constitutional reforms, formulation of development paradigms, infrastructure development and other such critical policy matters.

States and UN agencies have an obligation to create an enabling environment through temporary special measures such as quotas, budgetary allocation, technical support/ training etc. States must be obligated to locate issues relating to women's participation at the national level and not only at peripheral levels.

Female combatants and ex-combatants must be integrated by including a gendered dimension to disarmament, demobilization and reintegration programmes (DDR) in order to ensure that women combatants are not discriminated against or harassed; on the other hand treat them like all other combatants but recognizing the special potential they possess for leadership and transformation. Support systems for women survivors need to be emphasized. DDR should not be used to reassert stereotypical gender roles or gender inequality policies that are inconsistent with CEDAW and other international principles and standards.

There is a diversity of actors responsible for rights violations in conflict and post-conflict settings including States having a more distant but nonetheless grave impact on conflict, including through troop or arms contributions or bilateral militarization policies. We are also concerned about the impacts of international financial institutions in conflict settings, particularly their lack of transparency in funding, budgetary and investment strategies and the inability of governments to hold them accountable. **There is an urgent need to examine how such diverse actors and processes (including multi and bi-lateral trade and aid) can be linked to the obligations of States parties, including their extra-territorial obligations to protect women's human rights under CEDAW and other international human rights treaties and humanitarian laws.**

Monitoring and accountability of mechanisms (transition, interim and long term) affecting the administration of justice and rule of law must be strengthened through a strong gendered approach to transitional mechanisms for accountability and for this to be framed in the context of the right to justice, the right to know, the right to reparations and the guarantees of non-recurrence.

Non-judicial mechanisms like truth commissions, civil society-led truth processes, or a reparations programme, that includes reconciliation and rehabilitation measures, are critical to change attitudes and provide urgent care to those who most need it, and to continue to conduct advocacy on the plight of victims, with a focus on women's experiences. Truth processes can be the beginning of lifting the veil of silence and shame on gender-based crimes, if done in an empowering and transformative manner and are essential to create enabling environment of seeking justice through participation of victims and vulnerable groups in justice processes, security sector and institutional reforms. In designing reparations (in consultation with women victims and groups), **gender concepts of practical and strategic needs of victims must be used**.

Women face violence, often as a continuum through periods of conflict, transition and post conflict and violence that spans the domestic sphere to societal and state violence. In fact, studies show that there is a rise in violence, including violence against women in post-conflict situations where humanitarian protection mechanisms are no longer in place. Many of these incidents remain undocumented as the focus remains on the conflict as the main source of violence. **Hence the specific violence against women, including sexual and gender based violence and safe abortion for rape victims must be addressed by excluding sexual violence crimes from amnesty as required under SCR 1325; effective support for women victims; and protecting women human rights defenders during times of conflict as well as post- conflict.**

In the light of growing evidence of sexual abuse and crimes, **due diligence by sending governments in the selection of humanitarian and peace keeping forces is essential.**

We call on governments and agencies to adopt an integrated and coordinated approach to the application of regional human rights mechanisms, for instance, as per the mandate of ACWC and AICHR to promote implementation of international human rights obligations, especially CEDAW and CRC obligations; and to ensure that the draft ASEAN Human Rights Declaration addresses the issue of conflict and post conflict resolution and transformation within a gendered perspective.

Sexual and Reproductive Health and Rights

Since the International Conference on Population and Development (ICPD) in Cairo and 1994, the environment for sexual and reproductive health and rights (SRHR) has been changing significantly with regard to health problems (sharp increases in non-communicable diseases even while infectious diseases are still rampant in many countries), the age structure of the population in different countries (both ageing and a so-called youth bulge), a significant increase in both internal and cross-border migration by women and girls, and high incidence rates of HIV among women and girls in a number of countries. At the same time, there has been a growing privatization and marketization of health services making health expenditures a major contributor to poverty; a renewed discourse on population and family planning that is insufficiently sensitive to women's human rights, and withal, inadequate financing for the comprehensive and integrated approach to

SRH services envisioned at ICPD. One of the biggest challenges is the rise of religious conservative groups, often externally funded, whose priority is to attack on gender equality and women's human rights, especially our sexual and reproductive rights, bodily autonomy and integrity, and full citizenship.

We recognize, therefore, that governments and regional and international agencies should work together with women's rights organizations **to urgently address the unmet need not only for family planning but for comprehensive and integrated SRH services** especially for the most marginalized and disadvantaged groups such as women and girls at risk of or living with HIV/AIDS, women with disabilities, sex workers, women using drugs, transwomen and migrant women, among others. Since ICPD, HIV/AIDS programmes have emerged as a silo separate from the rest of SRHR, and more recently there is a well-funded initiative focused only on family planning. Under the MDGs, health financing in many countries tended to focus on maternal health as traditionally understood. **There is an urgent need therefore for adequate financing for the comprehensive SRHR agenda.**

We call on governments and agencies in the context of the post 2015 development agenda to **address the unfinished human rights agenda for women and girls by ensuring access to safe abortion services, upgrading significant the quality of SRH services, abjure the recurrent threat of coercion, and strengthen governmental monitoring and evaluation systems so that they are based on human rights principles.**

A critical gap is the lack of a holistic approach that addresses young people as persons with rights to health (including SRH), to education and information, to services, to regular employment, housing, and livelihoods, to creativity and self-expression, and to the full enjoyment of life. **We insist on the importance of young people's access to SRH information and services; to comprehensive sexuality education and education for gender equality; recognition of the needs and rights of younger adolescents (10-14 years) who are often excluded; and effective participation and representation by young people.**

Ensure, particularly in view of the growing momentum in favour of Universal Health Care (UHC) in the post 2015 development agenda that SRHR be included as a fundamental aspect. This is essential that SRH services are inclusive, affordable, accessible and of high quality; and that attention to the social determinants of health includes gender power and inequality, and violence against women as key determinants of women's ill health and mortality.

To ensure effectively carrying out the above, **indicators need to be developed to and adapted to implement and to monitor and evaluate the rights-based approach** (to assess the whether and how the unmet needs being address and where the gaps are), drawing on the work by OHCHR, WHO and other bodies; **data and qualitative evidence must document the SRHR gaps and needs of the most vulnerable and the marginalized** (women with disabilities, women living with HIV/AIDS, migrant women's access to the information and SRH services, adolescent sexuality); and **this should include both quantitative and qualitative data.**

Particularly in the context of the post 2015 development agenda, a number of **collaborative steps are needed:**

- Regional bodies, national governments, national UN system bodies and CSO's (especially women's and young people's organizations) should work together **to integrate and secure SRHR as a central and coherent element of Post-2015 development agenda,** so as to ensure convergence of the currently parallel global processes of ICPD+20 review, SDGs and MDGs in the post-2015 development agenda. **In particular, ensure that SRHR is included in goals, targets and indicators on health, population dynamics, and inequalities.**
- **Ensure effective participation of women's advocates, particularly from marginalized groups, at upcoming CSW, CPD, UNESCAP and other critical events particularly in 2013 and 2014**.
- **Support capacity building of key parties including of government delegations on SRHR for CSW, CPD and UNESCAP meetings in 2013 and 2014**.

Women's Political Agency

There can be no real democracy without full and equal political participation of women. Women engage in political processes as representatives of political institutions, (Parliament, National Assembly, Provincial Councils, Local Councils etc.). They also engage in social change processes, as political actors, through community based organizations, women's organizations and networks. Despite this, women's representation in politics is extremely low in the Asia Pacific region; ranging from 0- 5% in countries with no special provisions, to 20% where governments have introduced special measures.

Factors that prevent women's equal representation in politics include discriminatory laws and practices, and rise in religious conservatism. These manifest in the exclusion or marginalization of women in the political sphere. In many countries in the region, over the past decade, we have witnessed the 'disempowerment' of national machinery on women through demotion in status and allocation of resources. Other political institutions are also often sites of high levels of sexual harassment and character assassinations.

There are several **key interventions** that need to be adopted across the region to ensure that women's capacities and contributions are recognized at the national and regional levels. We call for:
- **Adoption of Temporary Special Measures to accelerate women's representation in local bodies as well as in Parliament or National Assemblies.** These can be through Reservations of Seats and/or through setting quotas for women;
- **Removal of laws that discriminate on the basis of sex**, and adoption of measures to counter discriminatory practices;
- Putting in place effective mechanisms and institutions to **advance gender equality in the different sectors of government;**
- Measures such as on-going programmes for both women and men in elected positions to **create champions of women's rights and gender equality in parliament & local government bodies;**
- Encouragement and **support for programmes for better working relations between women in elected positions and women's rights organisations** to build women's political agendas;
- Developing and introducing **well defined terms of reference and powers for women's reserved**

positions in local government bodies;

- Introducing **codes of conduct for public representatives** in local bodies and parliament in order to encourage positive working relations between women and men;
- Ensure the **meaningful participation in policy making and program planning** of autonomous women's groups particularly from marginalised communities and those most affected by development policies and programmes.