

Institute of Social Studies Trust
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Progress of Women in South Asia 2007



UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all of its efforts, UNIFEM focuses its activities on four strategic areas:

- Reducing feminised poverty;
- Ending violence against women;
- Reversing the spread of HIV/AIDS among women and girls;
- Achieving gender equality in democratic governance in times of peace as well as war.

Progress of Women in South Asia

2007

Prepared by



Institute of Social Studies Trust

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UNIFEM South Asia Office

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While every effort has been made to check sources and data, the Institute of Social Studies Trust is responsible for any remaining errors.



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Foreword

It gives UNIFEM great pleasure to present 'Progress of South Asian Women 2007'. This is the fifth "Progress" we are offering in a series. Every alternate year for us, the process of preparing the Progress itself, is an exciting one. We know that information on 'Progress of Women in South Asia' is widespread and dispersed. The document meets the need for a single combined document, showcasing Government and civil society actions on areas of gender concern in the region. It also provides an efficient instrument for tracking progress on gender equality in South Asia. Most importantly, it is a companion and base document for the unique Biennial Review of the Beijing Platform for Action in South Asia, as well as a one-stop knowledge resource on the subject for development practitioners. So much sought after is the Progress, that it has almost become, an institution in itself.

Being the lead document for the Biennial Review, the Progress, will contribute in the development of a regional blueprint for the way forward. A wide-ranging and analytical report, it maps the situation and status of women in South Asia, within the framework of the areas of concern, which were identified at the last Review in Islamabad in 2005.

The biennial review meetings—six—including this one—have provided unique opportunities for developing an overarching framework of greater accountability to women. Not only have these events been the engine, resolutely keeping the Beijing torch aflame, they have facilitated the creation of a community without borders in South Asia—a community that is for all purposes, a regional network of key stakeholders, who work in partnership and collaboration, to ensure that the road map of gender equality remains alive and dynamic. Members of this community include, Ministers and senior officials of the governments, the SAARC Secretariat, Gender and academic experts, representatives of women's groups and civil society.

Building peer learning processes, biennial reviews are always co-hosted by governments in the region, in close collaboration with UNIFEM. They provide a platform for serious dialogue and debate, using the last Declaration as a barometer to measure progress made.

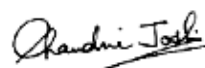
This consultative and participatory process provides the ideal mechanism to facilitate the implementation of the Beijing Platform for Action, tracking progress, noting challenges, identifying gaps, and developing a common South Asia agenda of priorities for action. I think it would be fair to say that these meetings have moved well beyond programmes and plans, focusing on the larger challenges

in the region, such as enhancing rights based processes and ensuring that women remain central in the development processes in South Asia.

This document presents a holistic overview of the situation of women in South Asia since 2005. It delineates, the strides made and the challenges that persist in relation to the advancement of women, particularly in relation to economic and political empowerment of women, violence against women, disaster preparedness, health and education, which had been flagged as priorities. Keeping these in mind, the Progress, works its way around them by following a framework crafted accordingly. Thus, we enter the journey, which covers an array of issues, ranging from the macroeconomic, including the feminized face of poverty and the impact of reform on women to gender and social policy, discussing social protection, health and education. Women's human rights framework and combating gender-based violence are spotlighted as are the issues of armed conflict and post conflict reconstruction on women. The challenges of participation and leadership are explored and the role of the national machineries and media scrutinized. Beyond border issues, including those of disaster and human security are dwelt upon and the importance of multi stakeholder engagements highlighted. The overwhelming sense that one gets in this report is that the gender development index in most countries has still not kept pace with extraordinary growth trends; that inter- linkages between different gender issues need to be focused upon and that for actual change to happen, there needs to be synergy in efforts, using new and strategic approaches.

I extend my congratulations and appreciation to Ms. Ratna Sudarshan and her skilled team at the Indian Institute of Social Studies Trust, (ISST), for producing yet another outstanding report, which well matches the Progress 2005, that they produced. I would also like to thank the panel of peer reviewers, who, with their expert inputs, have shaped the current document.

This publication makes available an excellent resource for those working on gender issues and development in South Asia. We hope it will be widely used by a range of stakeholders.



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28th December 2007



List of Acronyms

ADB	Asian Development Bank	KGBV	Kasturba Gandhi Balika Vidyalyaya
AFSPA	Armed Forces Special Powers Act	LFPR	Labour Force Participation Rate
AIDS	Acquired Immuno Deficiency Syndrome	LTTE	Liberation Tigers of Tamil Eelam
ATC	Agreement on Textiles and Clothing	MDG	Millenium Development Goals
BPFA	Beijing Platform for Action	MFA	Multi Fibre Agreement
BPO	Business Process Outsourcing	MFI	Micro Finance Institution
BRAC	Bangladesh Rural Advancement Committee	MMR	Maternal Mortality Rate
CEDAW	Convention for the Elimination of Discrimination Against Women	MTBF	Medium Term Budgetary Framework
CPN(M)	Communist Party of Nepal (Marxist)	NACP	National AIDS Control Programme
CRC	Convention on the Rights of the Child	NCPA	National Child Protection Agency
DDR	Disarmament, Demobilisation and Reintegration	NFHS	National Family Health Survey
FDI	Foreign Direct Investment	NREGA	National Rural Employment Guarantee Act
GBS	Gender Budget Statement	NWFP	North West Frontier Province
GBV	Gender Based Violence	PKSF	Palli Karma Sahayak Foundation
GDI	Gender-related Development Index	PLWHA	People Living With HIV AIDS
GDP	Gross Domestic Product	PRS	Poverty Reduction Strategy
GNP	Gross National Product	RCH	Reproductive and Child Health
GRBC	Gender Responsive Budget Committee	SC	Scheduled Caste
HDI	Human Development Index	SEWA	Self Employed Women's Association
HDR	Human Development Report	SHG	Self Help Group
HIV	Human Immunodeficiency Virus	ST	Scheduled Tribe
ICCPR	International Covenant on Civil and Political Rights	STD	Sexually Transmitted Disease
ICT	Information and Communication Technology	STI	Sexually Transmitted Infection
IDP	Internally Displaced Persons	U5MR	Under 5 Mortality Rate
IEC	Information Education and Communication	UNGA	United Nations General Assembly
IMR	Infant Mortality Rate	UNSCR	United Nations Security Council Resolution
IPR	Intellectual Property Rights	VAW	Violence Against Women
ITES	Information Technology Enabled Services	WMW	Women Migrant Workers
IWC	Island Women Committees	WTO	World Trade Organisation

Introduction

On the eve of the sixth South Asia Regional Ministerial Conference Celebrating Beijing Plus Ten, there are both achievements to celebrate and challenges to address. South Asian countries are embarked on a process of economic reform and growth that has attracted the attention of the world. It is widely accepted that failure to have gender equality will result in a failure to achieve the desired efficiency and well-being outcomes. Overall, governments in South Asia have been forward looking and have demonstrated commitment to advancing gender equality. At the same time, difficult development choices have to be made to protect vulnerable groups and all too often, corporate and business interests outweigh the concerns of gender activists.

At the fifth South Asia Regional Ministerial Conference Celebrating Beijing Plus Ten held in Islamabad in 2005, governments identified persisting gaps and challenges in implementation in the region, and prioritised the following areas:

- Violence against Women
- Economic Empowerment of Women
- Political Empowerment of Women
- Disaster Preparedness and Management
- Health and Education

There have been some notable steps taken in these areas. New legislation has been passed against domestic violence in India and Sri Lanka, in 2005. In Pakistan, the Protection of Women (Criminal Laws Amendment) Act, 2006 has brought about significant changes in the punishment of rape and adultery. In respect of economic empowerment, land rights are especially important given that across South Asia, women on average account for almost 40 percent of the agricultural workforce. The Hindu Succession (Amendment)

Act 2005 has deleted the gender discriminatory clause on agricultural land in India. In Nepal the Gender Equality Act was passed in 2006 that has repealed and amended 56 discriminatory provisions of various Acts and also has incorporated some provisions to ensure women's rights in marriage, property, adoption, abortion and cases of rape. Important steps have been taken to protect the rights of women migrant workers in Nepal. There is increased representation of women in governance, for example through introduction of a quota in Bangladesh. In addition, serious efforts to enhance capacities of elected women for the exercise of transformational leadership are in evidence. Post Tsunami reconstruction has engaged both Sri Lanka and Maldives over the last few years, and important lessons on the management of disaster learned by the entire region. Steps have been taken to engender disaster management in the region. Bangladesh's performance in extending education continues to be impressive.

The growth strategy adopted across South Asia has been associated with a feminisation of poverty, feminisation of agriculture, and limited entry of women into the dynamic and growing sectors. This report starts by laying out the **macro economic context** within which South Asian governments and citizens are attempting to progress towards gender equality. A brief review of growth trends over the last few years shows that most countries have seen strong growth trends, but the gender-related development index shows less improvement. This sets the stage for a discussion of the overall experience in regard to gender equality. The feminisation of poverty in the region is best understood by highlighting the large and increasing proportions of women in agriculture, casual wage labour and unpaid work, along with a gendered distribution of assets unfavourable to women. The impact of economic

reform on women has been negative in several ways. While women are concentrated in agriculture far more than men, their rights to land and recognition as the main contributors to the agricultural economy remains weak. Some important initiatives to expand micro credit have been taken especially in India and Bangladesh and served to benefit women although the outreach to the poorest is contested. The growing informalisation of women's work and their concentration in the informal economy mainly as home based workers or as unpaid family workers is associated with a persisting statistical invisibility and failure to correctly measure their contribution to the economy. For example, women migrants are largely unprotected by law even though the numbers are increasing and their remittances are growing. Female wages continue to be between 40-60% of male wages. One of the key reform measures expected to have a possibly adverse impact on women's employment was the phasing out of the Multi Fibre Agreement in 2005. While this has had limited immediate impact its longer term consequences remain to be seen. The burden of child care continues to fall on women and to influence their choice of work as well as the demands on time, even though demographic changes have meant some reduction in the number of children per mother. The gendered impact of trade policies is cause for concern. The experience of climatic and natural disasters in the region apart from its immediate effects makes achievement of gender development goals more difficult. Sustainable natural resource management is the need of the hour, and high rates of growth of the GDP should not compromise women's access to natural resources. Notable initiatives taken in the region include gender budgeting, laws to give women rights to land, and a regional network of women home based workers.

Social policy can be defined as policies that serve as tools to mediate between economic policy goals and welfare concerns within nations. The need to ensure such mediation is reflected in a strengthened social policy discourse in the region. Chapter 2 briefly reviews the current policy approaches in the areas of social protection, health and education in the region. Given that most women work as informal workers, they have had very limited access to any social security. Low public expenditures on health have created a situation where health is more a privilege than a right. Continuing challenges include high maternal mortality rates; high levels of anaemia; and feminisation of the HIV/AIDS epidemic. Whatever progress has been made has been uneven across region, sex and class. Despite the intention

Gender Equity Index 2007

The 2007 Social Watch Gender Equity Index shows that over the period 2004–7, for the world as a whole, the gender equity trend was “for limited or non-existent progress”. A weak relation is observed between the level of wealth of a country and its degree of equity.

The three dimensions included in the GEI are economic activity, empowerment and education. The index's range of values is from 0 to 100, with lower values indicating greater inequality. The highest ranked countries in 2007 are Sweden (89), Finland (84), Rwanda (84) and Norway (83); highest ranked region is North America (74).

Over the period 2004 – 2007, three regions suffered GEI regression, South Asia, Central Asia and North America.

Individual countries in South Asia show the following profile:

Country	GEI	Evolution (%) 2004–7
Maldives	64	n.a.
Sri Lanka	58	-5
Bangladesh	52	-9
Nepal	44	7
Pakistan	42	-2
India	41	n.a.
South Asia	52	-2.62

Source: Social Watch 2007 at 02-BCIGEI_ing_4t(81-90).indd

All countries in the South Asian region show improvement (or constancy) in regard to education indicators. Bangladesh, India and Sri Lanka show a worsening on economic activity indicators. In regard to empowerment indicators, Bhutan and India show some worsening. Nepal and Pakistan show improvement in all three areas, although only Nepal shows a net improvement in the aggregate indicator value.

of ensuring gender equality in education, gender gaps persist and budget allocations have dropped in many countries. Bangladesh has had the most impressive performance in improving enrollment, and data suggest that this has been mainly in primary and lower secondary enrollment. The stress on vocational education is partly a result of the need to step up growth; from the point of view of empowerment life skill education deserves stronger emphasis.

The **Women's Human Rights** Framework was formally accepted at the World Conference on Human Rights in Vienna in 1993. CEDAW defines broadly the parameters of women's human rights, supported by the Beijing Platform for Action. Given multiple forms of discrimination, a range of responses promoted by CEDAW, BPFA and MDGs are required. Beyond laws and policies that can only prescribe equality, substantive equality in daily life calls for a life cycle approach as the guide for the human rights agenda. There are persistent challenges in using this framework including the clash between universality and cultural, religious, or national specificities; individual vs. community interests, etc. Women's rights are at different stages within South Asia. The key challenges include **Gender Based Violence**. The threat of multiple forms of GBV lasts throughout the life cycle, from pre-birth to old age. It has been shown that GBV has extensive costs, physical and mental health costs with concomitant loss of earnings and productivity. The root of the problem, unequal power dynamics between men and women, also explains the link between GBV and HIV/AIDS. Governments of South Asia have signalled their determination to end GBV through a number of regional initiatives. SAARC countries have adopted a SAARC Convention on Preventing and Combating Trafficking in Women and Children for prostitution 2002. All countries (except Afghanistan) have adopted the 1966 Stockholm Declaration and Agenda for Action Against Commercial Sexual Exploitation of Children. Links have been observed between child labour and child trafficking. While the legal framework is critically important, it is equally necessary to put in place mechanisms for the enforcement of the Acts and enough effort to spread awareness of laws among all women as well as government officials. A new regional initiative to involve men and boys in violence prevention has been recently launched.

Women in the region are inevitably caught in the emerging forms of new warfare and women are both participants in and affected by **Armed Conflict**. One of the striking features of armed conflict in South Asia is the presence of women combatants. Poverty and sympathy with the movement both induce women to join guerrilla struggles, but their role is rarely recognised by those designing post-conflict programmes. Trafficking, sexual harassment in welfare centres, and other forms of exploitation are all found in greater degree among those affected by conflict and/or displacement. Several international treaties and conventions have set standards for protecting bodily integrity and safety of women. None of the South Asian countries have so far become parties to the International Criminal Court so that violence against women in armed

conflict does not fall under that jurisdiction. High defence expenditures in the region, ranging from 1.2 to 4.1 % of GDP in 2003, are a cause of concern. Women have played significant roles in peace processes. Networks such as Women's Initiative for Peace in South Asia (WIPSA) and South Asian Network of Gender Activists and Trainers (SANGAT) have gained in strength. Traditionally, security has been a male domain and reforms are needed on many fronts, including official recognition to informal peace processes and their linkage to peace negotiations between and within countries. The role of non government agencies and women's groups is particularly significant in this area given the political pressures that restrict official government actions in this realm.

Participation and Leadership is discussed in the next chapter in relation to **Politics, Policies and the Media**. An important plank of the gender equality agenda is to strengthen women's participation and agency in the formal political process. Countries in South Asia have mostly chosen to enhance women's political participation through the use of quotas and reservations. Bangladesh, Nepal and Pakistan have reservations for women both in local level institutions as well as national parliaments. India has reservations at the local level (panchayats) but not at the national level. Pakistan and India are federal systems however no reservations have been introduced for State Assemblies. In Bhutan, Maldives and Sri Lanka there are no quotas or reservations at either local or national level. Other supporting measures are necessary to ensure women's *de facto* participation and their ability to bring issues of concern to women on to the policy agenda. Efforts by the Asian Development Bank and the Hunger Project to support such additional measures have been initiated in the region. The efforts of South Asian governments to strengthen the national machinery for women's advancement have been successful in that all countries now have ministers in charge of women's affairs. In Bhutan a first step has been taken with the National Commission for Women set up in 2004. While institutional mechanisms exist, the actual progress of legislative enforcement and programmes for women varies depending on political will. Women's involvement in media has increased in the region. This has facilitated a gender sensitive press to some extent. At the same time, media has contributed to increased commercialisation and stereotyping of women.

The final chapter discusses problems **beyond borders**. It pulls together the reviews of earlier chapters with the suggestion that the notion of human security offers us a

way forward, allowing non traditional security threats such as migration, trafficking, HIV/AIDS, and disaster to be more strongly integrated into national policy making and regional agreements. These trans-national issues need co-ordinated response and cross sectoral approaches, using both bilateral and multilateral mechanisms. These are concerns that cut across sector/issue boundaries and are interlinked in many ways. The link between trafficking and HIV/AIDS needs urgent attention because both often nurture each other and take place in a climate of denial. Migration and trafficking are clearly distinct from each other and yet female migrants who move in an irregular manner are not protected by law and are vulnerable to trafficking. Environmental and disaster management needs to have high priority in the region, which has suffered the consequences of the Tsunami in 2004 and an earthquake a year later. Water scarcity, high urban population density, energy shortages, deforestation: all of these lead to environmental stress and would benefit from regional co-operation. The management of these problems needs to ensure that women's perspectives and needs are at the centre.

While it is true that overall regional governments have been forward looking and several initiatives have started to examine these issues regionally, especially in the area of trafficking and disaster management, much remains to be done.

The challenges in realising gender equality in South Asia call for actions of many kinds and for regional initiatives to complement and support the efforts that national governments make. Initiatives such as the SAARC Convention on Preventing and Combating Trafficking in Women and Children for prostitution and the creation of the SAARC Gender Data Base are significant for their regional perspective.

In any effort to sensitise policymakers it is hard evidence that is often missing. At the Joint SAARC-UNIFEM Expert Group Meeting on Preparation of the SAARC Gender Database held in Kathmandu in November 2005, government representatives and technical experts agreed that a database comprising traditional and non-traditional indicators, as well as other knowledge components in the region must be brought together on a unified web-based platform, to be anchored in the SAARC Secretariat. Governments prioritised Violence against Women (especially trafficking), Feminisation of Poverty and Health (including HIV) as the three priority issues that will first be tracked. The Gender Database is to be housed in the

SAARC Secretariat. UNIFEM has been mandated to, and has developed, a prototype format that has been shared with all the member countries, and a common set of indicators for each theme, for which data is available, is being developed. Other indicators, for which data is not currently available, will influence future data collection. The SAARC Gender Database agreement holds out considerable potential for providing the kind of information that is essential for sensitising and informing policymakers, and for tracking the successes and shortcomings of interventions and policies designed to advance gender equality. It will also be a one stop shop for researchers, activists and policymakers for ready reference.

The actions of government set the framework for ways to meet the various challenges that countries face. It is one of the outstanding features of this region that civil society has often been in the forefront of change: whether it is in conflict resolution and building peace or seeking to build solidarity between home-based women workers across the region. Today, as was true some decades ago, the relation between the women's movement and governments of the region continues to be complementary in many ways. In other areas the independent view and critique of the movement is a catalyst for policy change. Thus, the advocacy for women's land rights, for women's political representation, for women's rights as workers, have been able to cross borders and draw in women across the region in support of change. Women in the region are assured (largely) of legal and constitutional rights: but their ability to exercise these rights requires different forms of affirmative action, solidarity and support. While there are many successes to record, sustained and continued effort is needed to ensure that we see the emergence of substantive equality.

Among the many recommendations of this report, the need to re-examine development discourse emerges as prominent. Women's roles and contribution to economic output are not fully recognised, as in agriculture, leading to their limited presence in stakeholder discourses. The risk of serious threats to environment and natural resources has found expression in the studies on climate change. The impact of disasters as well as recovery from disaster has a gendered dimension which needs stronger recognition in policy. The UN Report, An In-Depth Study on All Forms of Violence Against Women, has argued strongly for the exercise of leadership to end VAW, and close the gap between international standards and national laws, policies and practices.

Table 1 Statistical Indicators: Demographic and Health Indicators

Country	Total Fertility Rate (2007)	Maternal Mortality Ratio	Percent of Births Attended by Skilled Personnel	Life Expectancy at Birth (years)		Mean Age at Marriage		Minimum Legal Age for Marriage		Percent of Married Women 15-49 using Contraception		Women's Share of Adults (15+) with HIV 2005 (%)
				Male	Female	Male	Female	Male	Female	Any Method	Modern Methods	
1	2	3	4	5	6	7	8	9	10	11	12	13
Afghanistan	7.11	1600	14	47.2	47.7	25.3	17.8	–	–	5	4	–
Bangladesh	2.98	230	13	63.7	65.6	25.5	18	21	18	58	47	13
Bhutan	3.89	255	24	63.5	66	–	–	18	18	19	19	–
India	2.79	301	43	63	66.5	23.4	18.7	21	18	48	43	29
Maldives	3.81	160	70	68.5	68.1	23.2	19.1	–	–	42	33	–
Nepal	3.32	415	11	62.8	63.9	21.5	17.9	20	20	39	35	22
Pakistan	3.77	500	23	64.4	64.7	26.5	21.7	18	16	28	20	17
Sri Lanka	1.87	59.6	97	72.4	77.7	27.9	24.4	18	18	70	50	–

Sources:

Column 2,4,5,6,11,12 – UNFPA (2007) State of World Population 2007: Unleashing the Potential of Urban Growth, UNFPA, New York

Column 3 – <http://www.searo.who.int/en/Section260/Section1808/Section1933.htm> (accessed on 16th July 07),

For Afghanistan – Human Development Report, 2006

Column 3, For India – Sample Registration System (2006), Maternal Mortality In India (1997-2003), Trends, Causes and Risk Factors, Registrar General of India.

Columns 7 & 8 – http://www.prb.org/pdf06/2005UNFPA_Country_Profiles_AsiaProject.pdf (accessed on 12th October 07)

Columns 9,10 – <http://unstats.un.org/unsd/demographic/products/indwm/tab2a.htm> (accessed on 18th October 07) 18th October 07

Column 13 – <http://unstats.un.org/unsd/demographic/products/indwm/tab3c.htm> (accessed on 18th October 07)

Table 2 Statistical Indicators: Education and Political Participation

Country	Adult Literacy Rate (% ages 15 and older) 2004		Literate Women as Percent of Literate Men (age15-24)	Girl's Share of Primary Enrollment (%)	Girl's Share of Secondary Enrollment (%)	Women's Share of Tertiary Education (%)	% of Paliamentary Seats in Single or Lower Chamber Occupied by Women
	Male	Female					
1	14	15	16	17	18	19	20
Afghanistan	43	13	36	29	16	20	27
Bangladesh	54	41	60	50	51	32	15
Bhutan	–	–	–	47	51	34	3
India	73	48	67.7	47	43	38	8
Maldives	96	96	98.3	48	52	70	12
Nepal	63	35	60.1	46	45	28	17
Pakistan	64	35	53.1	41	41	43	21
Sri Lanka	92	89	96.1	49	49	–	5

Sources:

Columns 14,15,16 – Human Development Report, 2007/2008

For Afghanistan – Human Development Report,2006

Columns 17-19 – <http://unstats.un.org/unsd/demographic/products/indwm/statistics.htm#education>

Column 20 – <http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

Table 3 Statistical Indicators: Economic Activity Indicators

Country	Adult (15+) economic activity Rate		Percentage of Women Contributing as Family Workers	Percentage Employees		Percentage Employers		Percentage Own-account Workers		Adult (15+) Unemployment Rate	
	Male	Female		Male	Female	Male	Female	Male	Female	Male	Female
1	21	22	23	24	25	26	27	28	29	30	31
Afghanistan	89	38	–	–	–	–	–	–	–	–	–
Bangladesh	87	26	58	13.8	13.3	0.4	0.2	50.6	24.5	4	5
Bhutan	–	–	–	–	–	–	–	–	–	–	–
India	82	34	–	–	–	–	–	–	–	5	5
Maldives	72	37	57	21.3	28.8	4.5	1.1	54.9	35.1	–	–
Nepal	79	55	–	–	–	–	–	–	–	7	11
Pakistan	71	16	33	40.3	37.1	0.9	0.3	42.4	15.7	7	13
Sri Lanka	75	35	70	58.5	59.6	3.6	0.9	34.8	18.6	6	14

Sources:

Column 21 & 22
For Afghanistan
Column 23
Column 24–29
Column 30 & 31

<http://unstats.un.org/unsd/Demographic/products/socind/inc-eco.htm> (accessed on 6th August 07)
Women and Men in Afghanistan: Baseline Statistics on Gender, Ministry of Women's affairs, Kabul, Afghanistan, 2007, P-49.
Human Development Report, 2006
<http://unstats.un.org/unsd/Demographic/products/indwm/statistics.htm#Work> (accessed on 22nd August, 2007)
<http://unstats.un.org/unsd/Demographic/products/socind/unempl.htm> (accessed on 17th October 07)

Macroeconomic Context in South Asia

South Asia has witnessed positive growth rates of GDP over the last two years and all countries have continued the process of economic reform directed at economic liberalisation and globalisation. Concerns over the unequal distribution of this growth across regions, the gendered distribution of assets and resulting exclusion of women, and persistent trends towards the feminisation of poverty, suggest the need for re-examining the growth paradigm that is in place. The mounting evidence of climate change and the fact that its consequences will be felt most sharply in poor regions of the world and by the most vulnerable groups, including women, indicates the need for much stronger policy attention to sustainable natural resource management.

1. Women and the Macro Economy

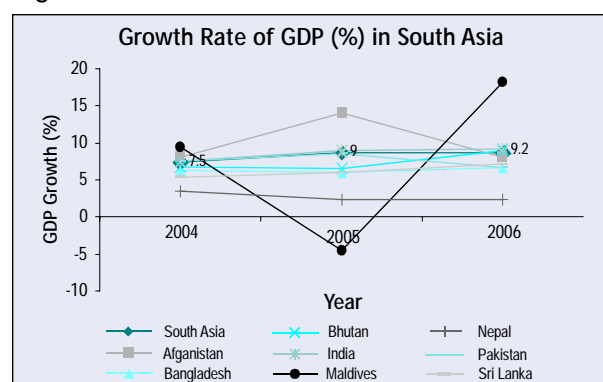
South Asian economies are rapidly changing according to macro indicators. However, institutions at the micro and meso levels such as the household, community and local social organisation in certain cases, appear resistant to change (Harris-White 2003). A gendered analysis of economic phenomena in South Asian Nations is rendered complicated due to the household and societal contexts which shape women's experiences of economic policies. The attempt to evaluate the progress of women in South Asia needs to be initiated by mapping the current context, determined by macro and micro structures such as macro policies and household norms, within which women must negotiate their life choices.

The region, overall, is experiencing fast-paced economic reform and growth rates. Per capita GNP for South Asia has doubled since the 1980s and continued to increase

between 2005 and 2006 in most countries (see Figure 1, 2). These rapid growth rates are usually associated with changing economic policies oriented towards reduced state intervention in the market and deregulated capital flow regimes. The reform agenda hinges on fiscal consolidation through disinvestment and privatisation of state-owned enterprises, reform of finance and infrastructure sectors, and diminishing State intervention in resource allocation processes. The changing role of the State, service-delivery mechanisms and trade regimes through structural reform has also had an impact on the broader environment that women inhabit and interact with.

The Gender-related Development Index presented by the UNDP gives a summary picture of the situation regarding men and women in each country, taking account of literacy and enrolment, life expectancy, and income earned. The data for 2007 is presented in Table 1. In Maldives and Bangladesh, the ranking of the country as per the GDI is higher than on the HDI.¹

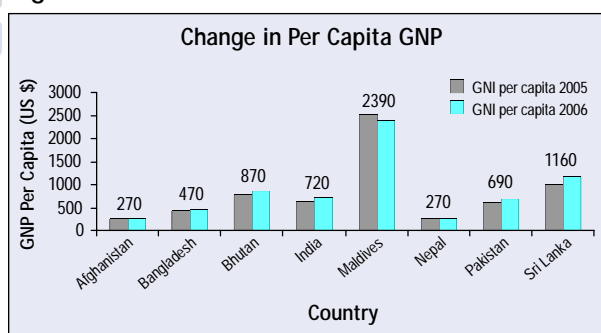
Figure 1



Source: ADB 2007

¹ The HDR warns that statistics presented in different editions of the report may not be comparable due to revisions to data or changes in methodology. Hence trend analysis of the GDI has not been included here. It may be noted that in 1993 the range of values for the GDI for South Asian countries was from 0.3–0.7; in 2007 the range is 0.52–0.73, suggesting some improvement at the lower end.

Figure 2



Source: ADB 2007

Table 1: Gender-related Development Index (GDI)

Country	GDI Value	HDI rank minus GDI rank
Sri Lanka	0.735	-1
Maldives	0.744	4
India	0.6	0
Pakistan	0.525	-7
Bangladesh	0.539	1
Nepal	0.52	-4

Source: HDR 2007/8

2. Outcomes: The Feminisation of Poverty

The discourse surrounding the current growth witnessed in the region also recognises the role economic structures play in rendering certain sections of society more vulnerable than others, this being especially true for women (UNRISD 2005, WEDO 2005). At the same time new opportunities also became available, especially in terms of human capital investments and employment (Dollar and Gatti 1999). Such threats and opportunities are mediated by the considerable differences between women's and men's ability to access economic structures and resources in these societies. Women are able to derive fewer benefits than men through the reform process for a variety of reasons, including their weaker starting point in asset ownership, work participation and skills, gender discrimination on the part of employers, and household norms that place restrictions on women's mobility. Women's capacity to make decisions regarding expenditure within households or to access the market continues to be weak as these spheres of activity are seen

more as male domains (Kabeer 2000, Agarwal 1997, Goetz and Sengupta 1994). Taken in conjunction with intra-household gender disparities in roles and responsibilities, women tend to face a greater burden of poverty.²

Poverty estimates indicate an overall decline at varying rates across the region. The severity of poverty is usually higher for women, who face greater hardship lifting themselves (and their children) out of the poverty trap. Women's concentration in informal work, low-paid or unpaid work, and their responsibilities as regards the care of household members, means that their economic contributions are often invisible and their access to inputs is correspondingly low. Their lack of ownership of assets means they are unable to offer collateral against loans. The feminisation of poverty is best understood by highlighting the large (and increasing) proportions of women in agriculture, casual wage labour and unpaid labour. The tables below show that this concentration in the less well paid segments and sectors is true of all countries. Women's work participation is less than that of men (see Table 2). As per national estimates, in Afghanistan, India and Sri Lanka, women's LFPR's are nearly half of the male estimates. On closer inspection of the type of work women are engaged in, self employment and contributory family work appear as the most significant categories. However, in Sri Lanka and the Maldives, a majority of women are employees engaged in paid work. (Table 3)

While female-headed households are doubly vulnerable as they have to manage without either the social or economic support of a partner, a comparison of female- and male-headed households is not in itself a good indicator of feminisation of poverty, and needs to be considered along with data on income levels, economic activities, educational levels, and freedom of decision-making. For some types of women-headed households, such as widows with low education, access to assets and work may be particularly weak. Interestingly, the incidence of poverty is found to be higher in male-headed households than in female-headed households in Nepal, Bangladesh and Sri Lanka (from the SAARC regional poverty profile). This appears counter-intuitive and these statistics could stem from male-migrant families, classified as female-headed in the absence of the male. Studies show widowed households have a greater probability of being below the poverty line in Sri Lanka (CENWOR: 2001).

² Thus, in a situation of overall scarcity, the household norm observed among many groups in South Asia that women eat last, is associated with lesser intake of food and consequent lower nutrition among women. See for example Haddad, Lawrence; Christine Pena; Chizuru Nishida; Agnes Quisumbing, and Alison Slack. 1996. "Food Security and Nutrition Implications of Intrahousehold Bias: A Review of the Literature", FCND Discussion Paper No 19, Washington: International Food Policy Research Institute, September.

Table 2: Labour Force Participation Rates (in percent)

LFPR	Afghanistan 2003	Bangladesh 2005	Bhutan 2006	India 2004-05	Maldives 2006	Nepal 2003-04	Pakistan 2005-06	Sri Lanka 2006
Men	87.7	87.40	69.8	57	73	80.4	39.97	68.1
Women	48.9	26.10	53.9	26	52	74.4	10.08	35.7

Sources: Afghanistan: International Labour Office (ILO). 2003. Yearbook of Labour Statistics. Geneva: ILO. Data were provided by the ILO, and also found in the Yearbook of Labour Statistics, 2003. This indicator reflects the economically active population and its relation to the total population, by sex and age (15–64). <http://www.unfpa.org/profile/afghanistan.cfm>

Bhutan Labour Survey 2006, Department of Labour and Human Resources BBS (2007), 2005 Statistical Yearbook of Bangladesh (refined activity rate)

Employment and Unemployment Situation in India, 2004-05 NSS 61st round, Ministry of Statistics and Programme Implementation, Government of India

Maldives Population and Housing Census 2006, Ministry of Planning and National Development

Nepal Living Standards Survey 2003-04, Central Bureau of Statistics, National Planning Commission Secretariat, Government of Nepal

Pakistan Labour Force Survey 2005, Federal Bureau of Statistics, Ministry of Statistics and Economic Affairs, Government of Pakistan (refined activity rate)

http://www.statpak.gov.pk/depts/fbs/publications/lfs2005_06/lfs2005_06.html Sri Lanka Labour Force Survey 2006, Department of Census and Statistics [http://www.statistics.gov.lk/samplesurvey/2006-annual1 percent20reduce percent20file percent20 percent20size.pdf](http://www.statistics.gov.lk/samplesurvey/2006-annual1%20reduce%20file%20percent20size.pdf)

Table 3: Activity Status/Nature of Occupation of Working Women (percentage of women workers)

	Employee	Employer/ Owner	Own Account Worker	Contributing Family Worker	Self Employed	Casual Workers/ Labourer
Bhutan 2006	12	0	15	64	4	5
India 2004-05	19	-	-	-	56	25
Maldives 2006	45	1.2	24	23	-	-
Nepal 2003-04	10	-	-	-	76	-
Pakistan 2005-06	25.7	0.1	15	59.2	-	-
Sri Lanka 2006	55	0.8	22.7	21.7	-	-

Sources: Bhutan Labour Survey 2006, Department of Labour and Human Resources

Employment and Unemployment Situation in India, 2004-05 NSS 61st round, Ministry of Statistics and Programme Implementation, Government of India

Maldives Population and Housing Census 2006, Ministry of Planning and National Development

Nepal Living Standards Survey 2003-04, Central Bureau of Statistics, National Planning Commission Secretariat, Government of Nepal

Pakistan Labour Force Survey 2005, Federal Bureau of Statistics, Ministry of Statistics and Economic Affairs, Government of Pakistan

http://www.statpak.gov.pk/depts/fbs/publications/lfs2005_06/lfs2005_06.html

Sri Lanka Labour Force Survey 2006, Department of Census and Statistics [http://www.statistics.gov.lk/samplesurvey/2006-annual1 percent20reduce percent20file percent20 percent20size.pdf](http://www.statistics.gov.lk/samplesurvey/2006-annual1%20reduce%20file%20percent20size.pdf)

Investing in gender equality can reduce poverty and malnourishment in the region. UNICEF's State of World's Children Report 2007 states that inequality at home between men and women leads to poorer health for children and greater poverty for the family. The report finds that female exclusion from family decisions causes greater child under-nourishment; in fact, there would be 13 million fewer malnourished children in South Asia if women had an equal say in the family.

The impact of the low level of work force participation by women and their concentration in low productivity sectors is compounded by a significant and increasing wage gap in earnings of men and women. Activists and recent literature have highlighted the extremely low levels at which women's wages are pegged and the fact that they face downward pressure, perhaps to ensure a competitive edge for exports. Wage gaps continue to increase in the region.

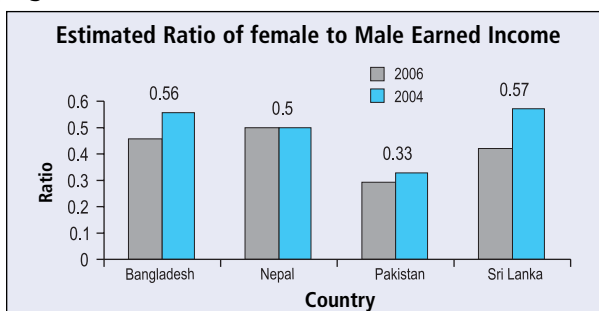
While the ratio remains stagnant in Nepal, in Bangladesh, Pakistan and Sri Lanka the ratio of female to male earned income has fallen further between 2004 and 2006. (Figure 3). The data available for India is for regular workers,³ and the ratio of female to male earnings has fallen, a process that has been more rapid in rural areas according to most recent data (Figure 4).

In Afghanistan, women's wages are significantly lower than that of men. According to the Ministry of Women's Affairs quoting the National Risk and Vulnerability Assessment 2003 report, wage ratios (women/men) were reported as 51 percent for planting, 61 percent for harvesting, and 50 percent for other farm work. In the case of non-farm occupations, the wages paid to women for making handicrafts were 41 percent of men's wage, and for weaving, the ratio was 53 percent. A woman gathering wood receives 53 percent of the male payment.⁴

³ Regular workers are those drawing regular salaries and wages from their place of work. This does not include casual labourer or self-employed people.

⁴ *Women And Men In Afghanistan: Baseline Statistics on Gender*, Ministry of Women's Affairs Kabul, Afghanistan OCTOBER 2007, pp 51.

Figure 3



Country	2006	2004
Bangladesh	0.46	0.56
Nepal	0.5	0.5
Pakistan	0.29	0.33
Sri Lanka	0.42	0.57

Source: HDR 2004, 2006

Figure 4



Source: Govt of India, NSS 55th Round

3. Multi Fibre Agreement Phase Out

One of the key recent events expected to have a major impact on women's employment in the region was the phasing out of the Multi-Fibre Agreement (MFA) in early 2005. The MFA governed trade in the textile and clothing industry for almost twenty-five years. It was a framework of bilateral agreements or unilateral actions that established quotas limiting the exports of textiles and clothing from developing countries to developed countries whose domestic industries were facing competition from rapidly increasing imports. On January 1, 2005, the World Trade Organisation (WTO) replaced the MFA with the Agreement on Textiles and Clothing (ATC).

This sector is vital to women's empowerment as it is a major source of jobs for women in the region. Several South Asian countries are crucially dependent on the textiles and clothing sector. In Bangladesh, for example, two million workers are employed in the textile sector, and 80 percent of them are women. In Pakistan, 2.3 million people (35 percent of those engaged in the industry) work in this sector. Many of these are women, and in fact this is

one of the few avenues of employment for them as the structure of the industry allows them to work within their domestic space. In Sri Lanka, the sector provides jobs for 6 percent of the labour force and accounts for nearly 40 percent of the value of industrial production. In Nepal, until 2003, the sector directly employed 12 percent of total employment in manufacturing. It is the second largest source of employment in India after agriculture, providing direct employment to almost 35 million people including a substantial number of women.

The phase-out of quotas which protected exports from these countries to the major developed countries was expected to be most harmful for Bangladesh and Nepal, with 'mixed opinions' (UNCTAD 2005) on Pakistan and Sri Lanka. Least developed countries like Bangladesh wanted to delay the phase-out of quotas which protected their exports, as they did not feel prepared to meet the challenges of trade in an open environment. In comparison, India had been waiting for decades for the phase-out to expand their export share of developed country markets.

Contrary to the doomsday predictions about the predicament of South Asia post-MFA, most of the countries have done well since the phase-out of quotas. The surprising successes are Bangladesh and Sri Lanka, whose exports to the US and EU have increased considerably in the 18-months after the quota phase-out (see Table 4). India and Pakistan too have done well.

Table 4: Textiles and Clothing Exports from South Asia (percent change)

Country	To the US		To the EU	
	2004-05	Jan-Jul 2005-06	2004-05	Jan-Jul 2005-06
Bangladesh	19.8	23.4	-5.0	41.7
India	26.0	13.7	18.3	24.8
Nepal	-25.8	-9.7	-6.1	3.9
Pakistan	13.2	19.2	-13.2	19.4
Sri Lanka	5.9	0.9	-1.3	33.5

Source: US Department of State and Adhikari and Weeratunge in Chapter 4: "Textile and Clothing Sector in South Asia: Coping with Post-quota Challenges" in CENTAD South Asian Yearbook of Trade and Development, March 2007 http://www.undprcc.lk/publications/trade/Centad_Yearbook_T_and_C_Chapter_RA_CW.pdf

The employment effects of the post-MFA scenario are limited in Bangladesh, India and Pakistan, and one can conclude that women have not been displaced by these events. However, the situation is quite different in the case of other countries in the region. Sri Lanka witnessed a fairly sharp fall in employment in readymade garments from

340,367 in 2003 to 273,600 in 2005, although some of this has been attributed to the short-term migration of workers to other countries. Nepal has had the most adverse effects on employment, with a fall in employment from 50,000 at the peak of the industry in 2003 to 5000 in July 2006. Most of these workers have not found alternate forms of employment. According to a study carried out by the National Institute for Development Studies about 120,000 women have been laid off from garment factories, among them 51,000 are in high risk categories. Only 49 factories remain in 2005 out of 1500 in 2000.⁵

While the immediate impact of the change has been less drastic than feared, the longer term implications for market competitiveness suggest that trade policy is an area that needs greater focus from a gender perspective.

4. Understanding the Impact of Reform on Women

A large section of socio-economic literature has highlighted the household as the key site for gender discrimination (Mc Elroy and Horney 1992, Agarwal 1997, Kabeer 1999). The roles ascribed to women through institutions such as the family, parastatal bodies and markets mediate their experiences of the changing economic paradigm. In the sections that follow, we briefly review what may be described as “conventional” indicators of well-being – access to economic opportunity and food security; as well as ‘non conventional’ indicators including stress levels and time burdens to pinpoint areas of concern.

'Conventional' Indicators of Well-being

- **Access to Economic Opportunity**

Dependence on Agriculture and Land Ownership

In a region where most women are still dependent on agriculture for survival, land ownership is a major step in ensuring livelihood security for women. Even though women are almost half of the agricultural labour force, their share in land ownership is small. South Asia falls in the male farming system category and is part of the belt of classic patriarchy characterised by extreme forms of gender discrimination (IDRC 2004). This includes the right to ownership of land. Traditionally, women have been denied equal inheritance rights to property both under the Hindu and the Islamic systems of law. Wage disparities in the earnings of men and women agricultural workers persist despite legislation for equal wages.

In India, inheritance laws governing Hindus was reformed through the Hindu Succession Amendment Act 2005, bringing women on par with men in relation to agricultural land. However, legal change has to be supported by other measures in order to be effective. These include raising awareness among people in general, and government functionaries in particular. With increasing concern about slow growth in agriculture, there is still inadequate recognition of the role that women play in agricultural decision-making. Women's mobility out of agriculture is far lower than male mobility and agriculture is increasingly dependent on women farmers. This feminisation of agriculture is reflected in the fact that while 53 percent of male workers, 75 percent of women workers and 85 percent of rural women workers are in agriculture. The growing female face of agriculture is captured in the fact that close to 40 percent of agricultural workers are women. Furthermore, Bina Agarwal suggests that “while 11 percent of rural households are landless, a likely 85 percent of women from landed households are landless, if we extrapolate from small surveys”.⁶

The gender discriminatory pattern of inheritance is reiterated in other countries of the region. While none of these countries have any constitutional barriers to gender equality, personal laws govern inheritance, marriage and other social contracts and are, in most cases, inherently discriminatory.

Unlike other countries in the region, Bhutan allows no overt discrimination against women socially, economically, politically or legally, perhaps because of its matrilineal system. Legally, women are accorded a dominant role, especially under family and inheritance laws. The law of inheritance reserves equal rights for all children and in many parts of Bhutan where the society is matrilineal in structure, women inherit land (UNCT 2000).

Credit

For women in self employment, access to credit is a critical input for enhancing production and productivity. The past decade has seen a surge in micro credit initiatives across the globe, and Bangladesh is considered a pioneer in this area. While the earlier phase of such programmes were associated with non-governmental organisations, more recently there has been increased state involvement in channeling funds and regulation.

In Bangladesh, the government has set up the Palli Karma-Sahayak Foundation (PKSF), as an apex institution involved in the long-run financing of 192 organisations. PKSF encourages its partners to target women through their micro credit programmes. Today, more than 90 percent of

⁵ Sancharika Feature Service, vol 8, issue 12, December 2005.

⁶ Bina Agarwal, Social Exclusion, Plenary Comments, Asia 2015, 7 March 06.

the beneficiaries of its partners' programmes are women. The Indian Government set up the Rashtriya Mahila Kosh in 1993, which is the most prominent national-level micro finance apex organisation providing micro finance service for women in India. With a total of 549,641 women beneficiaries, the programme is growing in significance.

Women with access to micro credit have used it in innovative ways. In parts of Bangladesh, women have taken land on lease through loans from MFIs. In other places, they have used capital from MFIs and training in aquaculture to take control of the management and income from fish ponds from their husbands. In Andhra Pradesh, India, women in self-help groups have leased land through the funds accumulated by the group.

At the same time, it is important to keep in mind that the South Asian experience with micro credit has been mixed. While advocates have cited the improved level of consumption and living expenditure as a key benefit, other studies suggest increasing indebtedness and stress levels particularly for women. Further, there are serious questions related to the interest rates charged and the degree to which the "poorest" can access such programmes.

Skills

Skills training to enable women to access new opportunities and increase their productivity in traditional occupations need stronger emphasis, whether seen as an aspect of employment promotion or vocational education. Skills in the use of new technology is particularly lacking among women.

The rapid growth of ICT and ICT enabled services is one of the striking features of today's economies. Although currently the employment offered by the sector is relatively small, its potential for employment, and its role in strengthening information and disaster warning systems in remote and rural areas is high. ICT has also opened up new opportunities for young women particularly in urban areas.

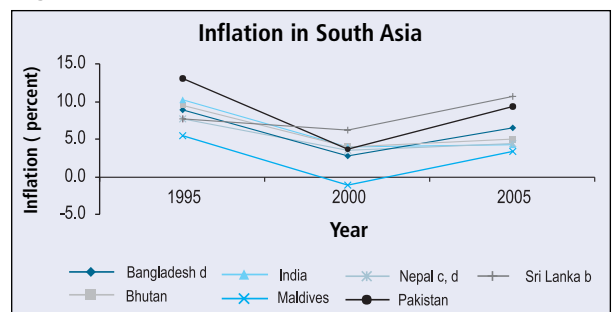
• Food Security and Intra-Household Allocations

The impact of structural adjustment programmes on household food security is a major area of policy concern. Changes in employment and income-earning opportunities, coupled with a reduction in government subsidy programmes, have had adverse effects on food consumption, both quantitatively and qualitatively (FAO 2004). Women produce between 60 percent and 80 percent of the food in most developing countries. However, nutritional allocations for women have been traditionally weak within the South Asian household (Ramachandran 2006). The structural adjustment process (focused on the

reduction of public spending and price supports, liberalization of markets, reduction and elimination of agricultural and food subsidies and the elimination of marketing and transportation controls) are likely to have a negative impact on small and poor farmers. While macro-food stability has been bolstered, women's access to primary goods has deteriorated due to inflationary pressures on households (see Figure 5). With the shift towards "getting prices right" and dismantling agricultural pricing support, women's exposure to food and work-related insecurity has increased. (Senapaty 2001). Cuts in social services and the increase in food prices adversely affect more vulnerable sections of the population, particularly women and children, and place a disproportionate burden of work on women to make up for the reduced services.

Further, larger incentives for tradable cash crops, has led to women's returns from subsistence cropping being marginalised. Concomitantly, in a few cases, an increase in income from cash crops has led to greater investment in girl children and their education and nutrition (IFPRI 2003).

Figure 5

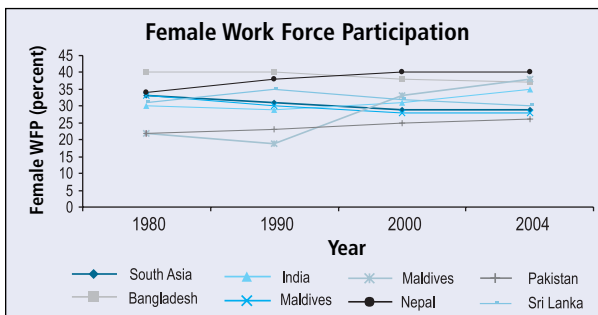


Source: ADB 2007

• Work Force Participation

While overall the region shows a decline in women's share of the labour force from 33 percent in the 1980s to 29 percent in 2004, several micro-studies suggest that this is the result of the growing informalisation of women's work (ILO 2004, UNIFEM 2005). Women are more likely to engage in irregular, flexible forms of work, and as unpaid family workers. A study in Sri Lanka showed that unpaid female labour increased from 6.5 percent in 1980 to 25 percent in 1990s (ILO 2002). Not only is female engagement in informal work increasing, this form of work is rendered more invisible due to its location at home. The phenomenon of home-based work which allows women to combine domestic unpaid labour with paid employment is increasing in the region (Unni, Jhabwala and Sinha 2006, ILO 2004). Trends in work force participation over the last 25 years show little change (with the exception of the Maldives). (Figure 6)

Figure 6



Source: GENSTAT, World Bank

With increasing global economic integration and technological development, production structures are rapidly changing and new sectors are opening up for production and employment. However in technology-centric industries such as the software sectors in Sri Lanka and India, women occupy the lower end of the sector in terms of leadership and earnings (Mitter and Sen 2000). Traditionally female labour-intensive sectors are in decline due to pressures from import displacement and technological advancement. In India, for example, employment losses from trade liberalisation were found to be largely in the informal sector while the gains were concentrated among skilled workers (Winters 2000). Given women's dominance in informal work, these employment losses may have been suffered disproportionately by women.

Another aspect of women's work needing policy attention relates to migrant workers for short-term employment. According to UN statistics Asia has some 49 million migrants, compared to 16 million and 6 million from Latin America and the Caribbean region, respectively.⁶ Research suggests that the main reasons behind the escalating numbers are the lack of domestic employment and the support that remittances provide for families at home.⁷ According to data from the Central Bank of Nepal, Nepal expects to receive NRs 102.56 billion as remittances for the fiscal year 2006-07 through official channels, and an estimated equal amount through unofficial channels; 11 percent of the total remittances are contributed by women migrant workers (WMWs). The Nepal Living Standards Survey 2004 reported a reduction of poverty from 42 percent to 31 percent over eight years. Remittances of migrant workers (including WMWs) sustained the economy despite the conflict situation. However, Nepal had banned domestic work in Gulf countries for Nepali women, which

exacerbates their vulnerabilities as many opt for these opportunities through irregular channels. The new Foreign Employment Act 2007 passed in August 2007, has removed discriminatory provisions against women whereby the partial embargo to travel to Gulf countries to work is removed. The Act includes other measures to protect the rights of WMWs. In Sri Lanka too, overseas remittances are the backbone of the economy: around 60 percent of overseas contract workers are women who had sent home \$ 1.2 billion in 2002. Similarly, Bangladeshi women working in the Middle East remit 72 percent of their earning on average.⁸ Around one-third of labour migrants within the region are women, the large majority of them work in domestic services and entertainment sectors, and are often not protected by national labour laws.⁹

The relative invisibility of women's work persists, despite improvements in data-collection methods. For example, subsistence production in rural and fishing areas, and related fishing services as well as domestic work, is mostly unrecognised, unorganised and unpaid and therefore often not fully valued. Work done mainly by women, such as collecting fuel, fodder and water, growing vegetables, or keeping poultry for domestic consumption, and other household and community work, goes unrecorded.

'Non-conventional' Indicators of Well-being

• Stress levels

In a context where women's mobility is restricted (Mandlebaum 1988, Ahmed and Ahmed 1981, Nath 1981, Risseuw 1994), an increase in women's role within the economy and market-oriented work for the household appears to create tensions in the pre-existing social fabric based on the male breadwinner model of the household. In several cases of export-oriented employment, violence and stress levels for women are reported to increase (Mukhopadhyay 2003, CENWOR 2001). Other research argues that women working in garment factories in Bangladesh express a sense of confidence, greater self-esteem and more significance within their household (Kabeer and Mahmud 2004).

• Time burden

Feminist economists and social scientists have long observed that an increase in women's labour-force participation is not accompanied by a commensurate

⁶ *Migration in an Interconnected World: New Directions for Action*, Global Commission On International Migration, 2005, pp. 15.at: <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

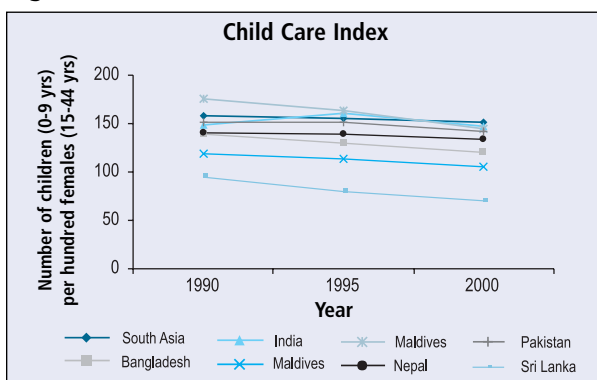
⁷ *Ibid.*, pp.22

⁸ *Migration by Region: Asia and the Pacific Trends*, UNFPA 2006.

⁹ *Migration by Region: Asia and the Pacific Trends*, UNFPA 2006.

reduction in their unpaid domestic labour, as men have been reluctant to make up the short fall, resulting in the so-called "double-day" for women. Two consequences can be seen with the increase in women's paid employment: either the provision of care is squeezed and/or women's leisure time is reduced. In a study of Bangladesh, Fontana and Wood (2000) find that the expansion of women's paid employment has been accompanied by a reduction in their leisure time while the 1999 *Human Development Report* ties intensification of global trade competition to a squeeze in the provision of care—both unpaid and paid (see also Floro 1995; Moser 1993). A squeeze in provision of care, in turn, jeopardizes human development in the long run.

Figure 7



Source: UNDP 2003

Masculinities, Fatherhood and Care Roles

Women's well-being outcomes are closely linked to the familial context they find themselves bargaining with and thus the role of men in any attempt to improve the status of women. A foray into involving men in the quest for gender equality in the region was made with the Regional Capacity Building Workshop on Men, Caring and Fatherhood organised by UNIFEM, Save the Children Sweden and Instituto PROMUNDU, Brazil. Hosted in Kathmandu, Nepal in October 2005, the workshop focused on capacity building for 24 development professionals from India, Nepal, Pakistan, Bangladesh and Sweden to enable them to engage men more effectively in efforts to improve family health outcomes and tackle violence against women. Policy and action plans were discussed for each country and several exercises to map the nature of men's role in caring were presented.

Source: Workshop Report, Save the Children 2005

The ratio of children per mother is decreasing in the region (Figure 7). However, this decrease does not necessarily mean a direct reduction in the time women invest in reproductive and care-work within households.

Other "non-conventional" indicators such as decision-making power, and gender-based violence are discussed in subsequent chapters. It needs to be noted here that while women's work and access to sources of income and livelihood are absolutely essential for moving out of poverty and for the dignity and self-respect of women, how far this leads to "empowerment" depends greatly on non-economic and "non-conventional" factors.

5. Areas Requiring Attention

Trade Policy, Home Based Workers and Gender

Trade theory suggests that greater engagement with the global economy leads to greater technological capacity development and human and physical capital gains. A Round Table UNCTAD Conference in 2004 on Trade and Gender stressed the need to orient national economic policies towards harnessing trade liberalisation gains to benefit women through drawing up a common list of gender-sensitive products, and using this to prioritise demands for reduction of developed-country subsidies and market-access restrictions. While a reduction in developed country agricultural subsidies would result in improvements in domestic market prospects for many women's crops, an additional slowing down of tariff escalation would also result in the creation of several jobs for women in food-processing industries. The reduction of barriers to trade in services, and in particular to the movement of service providers, would also greatly enhance female employment opportunities. Particular aspects of the trade discourse should be gendered for beneficial environmental outcomes. Encouraging trade policies which support organic products, predominantly produced by small-scale female producers, is an example of one such measure (UNCTAD 2004).

UNIFEM in collaboration with various member-based organisations and civil society bodies has constituted HomeNet South Asia. This serves as an advocacy network for home-based workers across the region, and also seeks to develop and strengthen regional markets for the products of home-based women workers. An Action Plan adopted at a regional conference for South Asia jointly organised by UNIFEM and SEWA in January 2007 calls on countries to ratify ILO Convention No. 177, also called the Home Work Convention, to collect data on home-based workers and increase trading opportunities.

Intellectual Property Rights (IPR) and Gender

There are serious concerns regarding health care with the prices of medicines and access to them restricted through IPR regimes. Further, the lack of recognition of traditional sectors and knowledge can be a setback for women as they play a vital role in conserving biological diversity (FAO 2003). Restricting access to seeds, technology and other know-how decreases women's opportunities within agriculture.

Managing Natural Resources to Reduce Women's Work Burden

Changes in local habitat and environment have an immediate impact on women's well-being. Despite the importance of natural resources to women, often they are denied the right to access these, which makes their work and economic status weaker in the face of agrarian decline, privatisation, industrialisation and specifically the sale of public lands to private industries. Increasingly, policy is needed to enhance the participation of women in rural development programmes, especially in the areas of forestry and energy supply. Policy makers and planners should recognise that women need to participate in rural development on an equal basis with men and fully share in improved conditions of life in rural areas. They should also recognise that the integration of women's roles and needs in the development paradigm is a prerequisite for successful rural development planning and programme implementation.

Energy

Increased access to non-polluting power for lighting, cooking, and other household and productive purposes can

have dramatic effects on women's levels of empowerment, education, literacy, nutrition, health, economic opportunities, and involvement in community activities. The improvements in women's lives can, in turn, have significant beneficial consequences for their families and communities.

Lighting is of particular significance for women. Global evidence has shown that the availability of lighting in the home increases women's literacy and educational levels, and extends their working day and thus their scope for income-generating activities. Lighting in public places increases the safety of communities, particularly for women, and allows women greater access to public gatherings. Street lighting also opens up opportunities for extended trading hours by street vendors, an income-generating activity favoured by women.

Water

Water scarcity can lead to a double hardship for women. When water is scarce, women and girls may have to travel longer distances to obtain water. In many societies, water and energy are at the core of women's traditional responsibilities: collecting and storing water and fuel wood; caring for children, cooking, cleaning, and maintaining sanitation. These tasks often represent a whole day of work; in some regions, women spend up to five hours a day collecting fuel wood and water and up to four hours preparing food. They are major stakeholders in all development issues related to water, yet they often

Energy Meets Women's Practical, Productive, and Strategic Needs: Selected Examples

Energy Form	Women's Needs and Issues		
	Practical Needs	Productive Needs	Strategic Issues
Electricity	Pumping water supplies - reducing need to haul and carry; mills for grinding; lighting improves working conditions at home	Increase possibility of activities during evening hours; provide refrigeration for food production and sale; power for specialised enterprises such as hair-dressing and Internet cafes	Make streets safer allowing participation in other activities (e.g. evening classes and women's group meetings); opening horizons through radio, TV, and Internet
Improved biomass (supply and conversion technology)	Improved health through better stoves; less time and effort in gathering and carrying firewood	More time for productive activities; lower cost for process; heat for income-generating activities	Control of natural forests in community forestry; management frameworks.
Mechanical	Milling and grinding; transport and portering of water and crops	Increases variety of enterprises	Transport allowing access to commercial, social, and political opportunities

Source: Clancy, Skutsch, and Batchelor 2003

remain on the periphery of management decisions and planning for water resources.

In South Asia, water rights are given to landowners, who are usually men. Women have user rights through men. Participation in water users' associations can give women a voice in decisions, but women seldom join these associations, despite policy statements favouring their active membership. A variety of reasons may account for women's low rate of participation: rules may limit participation to only one member per household, in which case the man usually attends meetings as a loss of social prestige is associated with women's appearances in public; too little time may be given to women at meetings; or lower literacy rates among women in some areas brings them lower status in meetings. Women often find it easier and more effective to call on the water master to gain extra use. (IFPRI 2002)

Forests

Gathering fuel wood and fodder is a major subsistence as well as an economic activity for poor women. Deforestation and land degradation increase the time that needs to be spent in gathering fuel wood and fodder; and using inferior fuels affects health. Micro-case studies have shown that 60-70 percent of gatherers in India are women, a fact that is substantiated by discussions with forest departments working at the division and sub-divisional levels (Gera 2003). As a result, women are the main stakeholders in forest conservation, and need to be seen as such. Because of their close and continuous contact with various plant species, women often have deeper knowledge of conservation than men do. From a perspective of efficiency as well as equity, women's role in forest management ought to be central.

6. Gender Sensitising Public Policy

Gender Budgeting is a tool being increasingly used in the region as a way of sensitising governments to the gender-differentiated nature of the outcomes of programmes and policies. Gender budgets are a way to measure and monitor accountability; to demonstrate how gender inequality leads to major losses in economic efficiency and human development. It is a way to increase transparency; help "demystify" the budget and thereby encourage greater public participation; as well as promote the equitable distribution of benefits.

In South Asia, India, Nepal and Sri Lanka are the countries in the process of engendering budgets. In Nepal, a gender budget audit has been conducted to assess the

Gender Responsive Policy: Nepal

Interim Constitution of Nepal, 2007 is progressive as it recognizes women's right as a fundamental right and it addresses, among other issues, that of violence against women, women's equal right to property and their reproductive rights. The Interim Parliament has passed progressive resolution on behalf of women, such as 33 percent reservation for women in all State mechanisms of decision making, ending all forms of violence against women and including a provision of conferring citizenship through mothers. In line with this the Ministry of Women, Children and Social Welfare, with support from UNIFEM, is preparing policies on ensuring at least 33 percent women in decision making and zero tolerance to violence against women at the workplace. Similarly, a bill on sexual harassment, has been drafted and is currently at the Parliament. The Trafficking Act passed by the Parliament this year is one the process of being actualized with the preparation of its Regulations by the Ministry of Women, Children and Social Welfare. In the civil service, police and the armed police have a provision for reservation of 45 percent seats for marginalized groups including women.

expenditure policies and revenue measures from a gender perspective. The study found that budgetary allocations to women specific programmes has been very low at 0.4 percent and 0.6 percent of total budget in the years 2000-01 and 2001-02 respectively (Chakraborty 2003). Since then, the Government of Nepal has institutionalized a Gender Responsive Budget Committee (GRBC) at the Ministry of Finance, which is coordinated by the Ministry and has membership of National Planning Commission, Ministry of Women, Children and Social Welfare, Ministry of Local Development and UNIFEM.

In India, till 2004, the process of gender budgeting was directed towards post-facto analysis. After consistent lobbying by feminist economists and women's groups, in 2005 all ministries were required to establish a Gender Budgeting Cell, and so far 50 ministries and departments have done so. During the current financial year, 2007-08, the Gender Budgeting Statement covers 33 demands for

grants under 27 ministries and departments and 5 Union Territories.¹⁰

The initial gender-sensitive budget analysis in Sri Lanka was co-ordinated by the Department of National Planning. It focussed on the portfolios of health, education, public sector employment, agriculture, industry and social services. The report found 48 percent of recurrent expenditure benefited women in the education sector, 56 percent in health sector and 57 percent in the social services sector. But in production related sectors like agriculture and industry, women's participation in government-supported programmes was low. The Ministry of Women's Affairs in co-ordination with UNIFEM, South Asia has taken the initiative for the second round of gender budgeting in December 2002 with a project titled "The Future - Regaining Sri Lanka" (FRSL). FRSL embodies the Government's recent attempt to prepare the "Poverty Reduction Strategy" (PRS) in consultation with government agencies, donors, NGOs and the private sectors. To effectively track the implementation of PRS, the priority actions identified gender as one of the priority areas. The Sri Lankan Government is committed to mainstream gender in all anti-poverty efforts and to make a society free of violence against women and children.¹¹

The term "gender budgeting" was used for the first time within the Bangladesh budget for the fiscal year.¹² As part of the preparations for International Women's Day, the Afghan Ministry of Finance announced on March 4th 2007 the opening of its first Gender Budgeting Unit supported by GTZ to ensure that the budget process is just and fair, and that resources are equally distributed to all citizens.¹³

In Pakistan, the year 2006 was the second year of the gender budgeting project. Major reforms were introduced in the established government budgetary procedures in the form of gender sensitive amendments in the federal as well as Punjab's Medium Term Budgetary Framework (MTBF) Budget Call Circular. Similarly, a Gender Budget Statement (GBS), one of the key tools of gender responsive budgeting, was issued by the Government of Punjab for the Education, Health and Population Welfare sectors.¹⁴

¹⁰ Patel 2007; also <http://wcd.noc.in/ub2007.htm>

¹¹ Government of Sri Lanka (2002): *Poverty Reduction Strategy Report*, Development Forum, Colombo, pp.78

¹² http://www.financialexpressbd.com/index3.asp?cnd=6/2/2007§ion_id=16&newsid=62864&spcl=yes accessed in Nov 2007

¹³ http://www.gender-budgets.org/index2.php?option=com_content&do_pdf=1&id=229 accessed in Nov 2007

¹⁴ http://www.grbi.gov.pk/documents/apr_2006.pdf - pp 3 accessed in Nov 2007

Gender and Climate Change

The Human Development Report 2007 points out that "while the world's poor walk the Earth with a light carbon footprint they are bearing the brunt of unsustainable management of our ecological interdependence". While climate disasters affected an estimated 262 million people annually from 2000–2004, over 98 percent of these were in the developing world. Unequal access to modern energy sources means that women and young girls continue to spend many hours a day fetching firewood. Apart from the immediate impact of "abnormal flooding" or accelerated glacial melt, coping strategies used by people to address such climatic disasters may mean slowing down of gender development. For example, Indian women born during a flood in the 1970s were 19 percent less likely to have attended primary school.

Source: HDR 2007/8

7. Challenges

Two years ago, the Islamabad Declaration had recognised the "continued lack of gender perspectives in macroeconomic policies, trade negotiations, national budgets and investment decisions". As this quick review has shown, the growth process in South Asia has in many ways exacerbated the vulnerability of women; the contributions of women to economic activity are undervalued and often still invisible in statistics. Making clear the critical role that women play in agriculture, micro enterprises of the informal economy, and home-based work (for example) needs to be followed by policies that enhance women's access to assets, credit, and other inputs such as marketing and training support.

In addition, since women's well-being is closely linked to environmental resources therefore, sustainable management of these resources needs to be given higher priority in decisions on land and water use.

Gender and Information Technology: India

A Nasscom McKinsey study has predicted that software and services will account for a third of India's exports, over 7.5 percent of GDP growth, \$5 billion in FDI and 2.2 million jobs by 2008. Currently, in the Indian IT industry, women account for close to 30 percent of the total workforce and this is expected to increase to 45 percent by 2010.¹⁵ NASSCOM (The National Association of Software and Services Companies, India) also reports that the ratio of women software professionals in information technology in India is rising steadily and is likely to be 65:35 (men to women) by the year 2007. This ratio is reversed in the ITES-BPO sector where the ratio of men to women is 31:69. Most men and women employed in the IT industry are drawn from metropolitan and urban backgrounds.

A prominent feature of the IT sector is the growth of IT enabled services (ITES), including call centres, medical transcription, technical support and back office processing, engineering and design, geographic information services, payroll and other human resource services, and this sector is expected to provide employment to more than 1 million persons by 2008.

Women's employment in ICT sectors ranges from low-skilled, low-paid data entry jobs to high-skilled, high-status professional jobs of systems analysts and computer programmers, though most are concentrated towards the low-skilled end of the spectrum. Interestingly, the bulk of women's employment in computer-related occupations has been concerned with data entry, suggesting some carry-over of the existing gendering of work. Moreover, there are questions regarding the nature of employment, quality of work and careers, skill enhancement, and autonomy at work in the newly emerged ICT sector.

Apart from the direct employment it offers, organisations working in rural areas are able to use ICT for building networks of rural women for education and business. These include SEWA (Self Employed Women's Association), Gyandoot in Madhya Pradesh, Datamation Foundation in Delhi, Dairy Information Services Kiosk (DISK) in Gujarat, Akshaya in Kerala, M.S. Swaminathan Research Project in Pondicherry and Change Initiatives in West Bengal.

¹⁵ www.nasscom.in NASSCOM NewsLine, issue no. 63, January 2007

Gender and Social Policy in South Asia

"Social policy" can be defined as policies which serve as tools to mediate between economic policy goals and welfare concerns within nations. Social policy discourse has come into prominence in the region over the last decade with varied civil society, donor body and government initiatives attempting to create a climate for policy directives to improve women's access to social security, health care and educational facilities. This chapter attempts a brief review of policy approaches for social protection, health and education, as indicators of the scenario related to social policy goals and women's entitlements.

Social Protection

In its usual understanding, social protection seeks to enable people to cope with crisis situations that may be anticipated or unanticipated. The poor however are often in a state of persistent crisis, a result of low incomes, poor health, difficult environment, and other structural causes.¹ Kannan has argued for the need for social protection to encompass both basic social security and contingent social security, with basic social security referring to the need to meet "deficiency" in food, health, education and housing, and contingent social security referring to the need to meet "adversity" such as sickness, accidents, old age.² Dealing with an episodic problem is very different from dealing with a perennial one, and this is the main reason why social protection in the context of poor countries becomes very difficult to distinguish from poverty eradication.

To the extent that social protection policies are in place in South Asia, these largely cover workers in the organised sector with formal jobs, and are usually not available to workers in informal employment. If informality is accepted not as a transient phenomenon, but rather as an aspect of the production process that has economic advantages and social embeddedness, it becomes easier to understand why the question of providing social protection to workers in informal employment is both necessary and also viable.³ In the South Asian context, social protection currently provided by the government is most often of two types, either available to those below the poverty line (hence overlapping with poverty alleviation programmes) where there is no recipient contribution, or to certain groups of workers, in the form of contributory schemes.

Women's paid and unpaid productive work, as discussed in Chapter 1, tends to be concentrated in the informal economy and this means that they are not always recognised as workers eligible for social protection. A brief review of recent initiatives in social protection, and efforts to increase the outreach of these programmes, follows.

Bangladesh: The Government and development partners are currently implementing 27 social protection schemes, of which six are food based. All programmes combined cover an estimated 13 percent of households in the country. A significant increase in budget allocations for social protection marks the 2007-8 budget.⁴

¹ Unni, Jeemol and Rani, Uma, "Social Protection for Informal Workers: Insecurities, Instruments and Institutional Mechanisms," SES Papers, ILO, September 2002.

² Kannan, K.P. 2004. "Social Security, Poverty Reduction and Development: Arguments for Enlarging the Concept and Coverage of Social Security in a Globalizing World." ESS Paper No 21. ILO, Geneva.

³ Beneria, Lourdes, "Changing Employment Patterns and the Informalisation of Jobs: General Trends and Gender Dimensions," SES Papers, ILO, August 2001.

⁴ See *Social Watch* 2007, p 149.

While labour laws are comprehensive in Bangladesh, implementation – as elsewhere in the region – is inadequate. In a welcome move, the Government of Bangladesh withdrew restrictions on trade union rights in Export-Processing Zones, in January 2004.⁵

Skill training is provided through technical training centres. An important initiative currently being finalised is 'The Workers Welfare Fund Act' which will benefit informal workers. Bangladesh has been a pioneer in innovative micro-credit schemes and both NGOs and state-run bodies are engaged in this sector. Beyond credit provisioning, several NGOs have initiated programmes integrating enterprise development and training with their credit schemes. One such example is the Employment and Enterprise Development Training for the Ultra-Poor, a programme operated by Bangladesh Rural Advancement Committee (BRAC).⁶

Between 2001 and 2004 the ILO initiated the Women's Empowerment through Employment and Health (WEEH) Programme in Bangladesh which includes two projects Women's Empowerment through Decent Employment (WEDE) and Micro-Health Insurance for Poor Rural Women in Bangladesh (MHIB). These were implemented through the Grameen Bank and BRAC.⁷

India: In recent years, the focus of these programmes has shifted from being welfare and charity-oriented, to a rights-based approach. A Universal Health Insurance Scheme launched by the Government in July 2003 for low-income groups provides for reimbursement of hospital expenses. The National Social Assistance Programme (1995) seeks to ensure a minimum national standard of social assistance beyond that provided by States from their own resources.

Other centrally funded social assistance programmes include employment and income-oriented poverty-alleviation programmes such as the Swarnjayanti Gram Swarajgar Yojana, Pradhanmantri Gram Sadak Yojana, and the National Rural Employment Guarantee Act, 2005. The NREGA is significant in that it is demand based, links earnings to work, and as a constitutional guarantee is an irreversible commitment.⁸

Among the positive measures for workers in informal employment introduced in recent years, is the Unorganised Sector Workers Social Security Scheme, being piloted by the Employees Provident Fund Organisation, and actively supported by several groups such as Workers' Facilitation Centres, Employees State Insurance Corporation, other insurance companies, Panchayati Raj Institutions (PRIs), Self-Help Groups (SHGs) and other civil society organisations. However, effective implementation and governance are major bottlenecks. For instance, the Rs. 5,240 lakh allocated for the New Initiatives in Social Security in the Tenth Plan has not been used.⁹

The Government has set up a National Commission on Enterprises in the Unorganised Sector to frame comprehensive legislation to provide social security and other benefits, to unorganised workers, including home-based workers.¹⁰

Maldives: The government set up a Child and Family Protection Authority (2006) to oversee the rights of children and women, and policies and legislation related to the family. Protection services, including counselling and social work are now provided by the Child and Family Protection Services; and the Family and Community Development section looks after advocacy and the implementation of international instruments such as the CEDAW, CRC, Commonwealth Plan of Action, Sanya Declaration, and so on. The Planning, Monitoring and Research Section undertakes research on children, women and families, and monitors and reports on the implementation of these instruments in addition to policy planning and implementation.

A project is underway to set up social protection service centres to provide decentralised social services for children, women and families in the atolls. Six centres are expected to be fully functional by the end of 2007 and the entire project is expected to be completed by the end of 2009.

Nepal: In its policy relating to women, Nepal's Tenth Plan talks about skill development and promotion of entrepreneurship among women.¹¹ The objective of the Labour and Employment Policy 2006 is to enhance productivity and create a secure and healthy working environment in the formal and informal sectors.

⁵ Tenth Regional Meeting, Bangkok, August 2001, ILO.

⁶ Presentation at the Policy Dialogue Conference, HNSA-ISST, February 2006.

⁷ Women's Empowerment through Employment and Health - Bangladesh, www.logos-et/ilo/150_base/en/init/ban_5.htm

⁸ See <http://nrega.nic.in/>

⁹ *Mid-Term Appraisal*, Tenth Plan, 2006, p. 276.

¹⁰ See <http://nceus.gov.in/>

¹¹ *Nepal's Tenth Five-Year-Plan*, Chapter 26, Women, Children and Welfare Sector, p. 6. http://www.npc.gov.np/tenthplan/english/Chapter_percent2026-Women_percent20& percent20Social_percent20Welfare.pdf

Employment is seen as a route out of poverty, and the outreach and coverage of social security is to be gradually expanded. Special compensation is offered to families of those who died in terrorist attacks.

Social security is currently provided to workers through the Employees Provident Fund, Transport Workers Welfare Fund, Citizen Investment Trust, Welfare Fund, Insurance Board, Administrative Court and Labour Court. However, services and benefits are not easily accessible throughout the country given the difficult terrain.

Pakistan: After 30 years the Government formulated a new labour policy for Pakistan in 2002,¹² with greater emphasis on social security. It introduces a comprehensive social insurance scheme for the elderly, and health benefits on a self-registration/voluntary basis for formal and informal workers.¹³ It also sets out to regulate contract work, and ensure that contract workers are covered by labour laws and labour welfare measures.

Pakistan's current National Policy for Development and Empowerment of Women (2002)¹⁴ lists measures to provide safety nets and housing schemes for poor women, with the recommendation that women's access to institutional credit is eased.¹⁵ It also seeks to augment women's capacity to earn by increasing their access to livelihoods, providing them equal opportunities, ensuring appropriate labour legislation, and improving facilities for education, training and skill-development. Women will receive special training in entrepreneurial skills to help them set up small-scale enterprises.¹⁶ A section focuses on women in the rural economy and in the informal sector, recommending that their economic contribution in both formal and informal sectors is officially recognised, that they are recognised as workers and that measures are taken to provide them with healthy and safe working conditions.¹⁷

Sri Lanka: Sri Lanka is best known among the South Asian countries for its social protection policies. Statutory pension schemes for the self-employed began with the Farmers' Pension and Social Security Act (1987), which the

government has expanded to other informal workers through the Fishermen's Pension and Social Security Act (1990) and the Social Security Board Act (1996) which covers those not included under the other two Acts. These are based on voluntary contributions from the self-employed supplemented by contributions from the government, providing for lump-sum payments of varying amounts for disability or death, and assistance to widows for self employment. In practice, however, these schemes have not been widely availed of.

The extension of social protection to women in the region is thus bound up with two sets of developments, the first is recognition of women as workers (statistics tend to underestimate women workers) and the second is extension of social protection to all workers (not just those in the organised sector).

Health

Impact of Reforms

Public expenditure on health in South Asia was as low as 1 percent of GDP in 2001¹⁸ making health more of a privilege than a right. Low public expenditure in health severely affects women and child health in the poorer regions.¹⁹ Disparities across areas and socio-economic groups also mirror the manner in which resources have been allocated within the health system. For instance, in India the ratio of hospital beds to population in rural areas is fifteen times lower than that for urban areas, and per person government spending on public health in rural areas is seven times lower than that in the urban areas.²⁰ Similarly, a pregnant woman from the poorest quintile of the population is over six times less likely to be attended by a medically trained person during delivery.

Women's Health in South Asia

Statistics show that South Asian women in low-income areas and in low-income groups bear a much heavier burden of health problems, in terms of basic health care, with higher mortality and morbidity rates.²¹

¹² Ministry of Labour. *Manpower and Overseas Pakistanis*, p. 3, <http://www.pakistan.gov.pk/labour-division/policies/LP2002.pdf>

¹³ *Ibid* p. 23.

¹⁴ Government of Pakistan, Ministry of Women Development, Social Welfare and Special Education, Islamabad, National Policy for Development and Empowerment of Women, <http://pakistan.gov.pk/women-development-division/policies/policy-women-development/title.html>

¹⁵ *Ibid* 5. *Economic Empowerment of Women*, <http://pakistan.gov.pk/women-development-division/policies/policy-women-development/p12.html>

¹⁶ *Ibid* <http://pakistan.gov.pk/women-development-division/policies/policy-women-development/p13.html>

¹⁷ *Ibid* <http://pakistan.gov.pk/women-development-division/policies/policy-women-development/p14.html>

¹⁸ Mahbub ul Haq Human Development Centre (2005) *Human Development in South Asia 2004: The Health Challenge*. Karachi: OUP.

¹⁹ Duggal, Ravi (2005) 'Public Health Expenditure, Investment and Financing under the Shades of a Growing Private Sector' in Leena V. Gangolli et. al. (ed) *Review of Health Care in India*, Cehat: Mumbai.

²⁰ Sarojini, N.B et al (2006) *Women's Right to Health*, New Delhi: National Human Rights Commission: New Delhi. Pp. 14-15.

²¹ Mahbub ul Haq Human Development Centre (2005) *Human Development in South Asia 2004: The Health Challenge*. Karachi: OUP Pp. 68-9.

Table 1: Public and Private Expenditure on Health in South Asia

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
Total expenditure on health as percent of GDP – 2004	4.4	3.1	4.6	5.0	7.7	5.6	2.2	4.3
Public expenditure on health as percent of GDP – 2001	–	1.5	3.6	0.9	5.6	1.5	1.0	1.8
– 2004	–	0.9	3.0	0.9	6.3	1.5	0.4	2.0
Public expenditure on health as percent of total expenditure on health – (2004)	16.9	28.1	64.2	17.3	81.4	26.3	19.6	45.6
Private expenditure on health as percent of total expenditure on health – (2004)	83.1	71.9	35.8	82.7	18.6	73.7	80.4	54.4
Social security expenditure on health as percent of govt. expenditure on health – (2004)	0.0	0.0	0.0	5.6	29.2	0.0	0.0	0.2
Per capita expenditure on health at international dollar rates – (2004)	19	64	93	91	494	71	48	163

Source: Human Development in South Asia 2004; UNDP Human Development Report 2006 and 2007/08; WHO World Health Statistics 2007 at www.who.int/whosis/en/ [accessed on 15 May, 2007]

Major challenges in South Asia:

- High maternal mortality and morbidity: South Asia has the second highest maternal mortality rate (MMR) in the world: annually about 185,000 women die of complications due to pregnancy and childbirth. Most deliveries occur at home without the presence of skilled attendants. Apart from Sri Lanka and the Maldives, less than half of all births are attended by skilled health personnel (see Table 3).
- High anaemia: South Asia is the most severely affected area in terms of female anaemia and iron deficiency; 58 percent of non-pregnant women are anaemic and 75 percent of pregnant women are anaemic.
- High levels of infant and child mortality. Around 2.4 million infant deaths occurred in 2001 in South Asia. One in every ten children dies before reaching the age of five, making a death toll of 3.6 million each year. There is a gap in the U5MR depending on the sex, mother's educational level and poverty status of the household. Progress has been uneven within the region. (See Table 2)
- Women are primary caregivers at home, and this increases their vulnerability to communicable diseases, which is important given that around one in four new tuberculosis cases (for example) in the world occurs in the region.

- HIV/AIDS is another looming threat facing South Asia; most recent data from India have halved the estimates of affected people, but increasing feminisation of the HIV epidemic remains a grim reality. Contraceptive prevalence rate is low in most South Asian countries, in addition to which the social stigma associated with the virus has disempowered South Asian women.
- The major causes for the unsatisfactory health status of South Asia are lack of antenatal care, a shortage of health personnel, poor nutrition, unhygienic conditions, and the lack of sanitation facilities and affordable health care facilities. Whatever progress has been made has been uneven with huge gaps between regions, sexes and classes. Overall, the health sector in South Asia suffers from a lack of funds, inadequate infrastructure, insufficient management of health system and inadequate political commitment to provide health care to everyone.

Women and Public Health Policies in South Asia

Health is a fundamental human right, and an important component of the Millennium Development Goals, three of the eight being directly health-related. Goals four, five and six deal with basic health issues like maternal health, child health and communicable diseases such as malaria, tuberculosis and HIV/AIDS. The countries in the region do not have an explicit policy for women's health.

Table 2: Inequalities in Maternal and Child Health

Country	Survey year	Births attended by skilled health personnel		Infant mortality rate		Under-five mortality rate	
		Poorest 20 percent	Richest 20 percent	Poorest 20 percent	Richest 20 percent	Poorest 20 percent	Richest 20 percent
India	1998-99	16	84	97	38	141	46
Pakistan	1990	5	55	89	63	125	74
Bangladesh	2004	3	40	90	65	121	72
Nepal	2001	4	45	86	53	130	68

Source: UNDP: Human Development Report 2007/2008

Table 3: Commitment to Health: Access and Services

Country	Contraceptive prevalence rate (percent of married women aged 15–49) 1997–2005*	Births attended by skilled health personnel ** (percent) 1997–2005	Physicians (Per 100,000 people) 2000–04*
Afghanistan (2004)***	10	14	11 (1997)
Bangladesh	58	13	26
Bhutan	31	37	5
India	47	43	60
Maldives	39	70	92
Nepal	38	11	21
Pakistan	28	31	74
Sri Lanka	70	96	55

Source: * UNDP Human Development Report 2007/2008; [data for most recent year during the period specified] **UNFPA State of World Population 2007: Unleashing the Potential of Urban Growth at <http://www.unfpa.org/swp/swpmain.htm> [accessed on November 14, 2007] ***The World Bank Database of Gender Statistics at <http://devdata.worldbank.org/genderstats/> [accessed on May 15, 2007]

A few studies critically examine the implications of existing policies and programmes for the health status of women.²² Two decades of conflict in Afghanistan have not only led to a breakdown of infrastructure and delivery of services but have also contributed to a downward trend in women's rights. Afghanistan's health indicators are among the worst in the world, particularly in the areas of child and women's reproductive health, with very high infant mortality rates and maternal mortality ratio (see Table 4). Life expectancy is estimated at only 47.2 for men and 47.7 for women. Recent surveys have revealed that almost half the deaths among women of reproductive age are a result of pregnancy and childbirth – and that more than three-fourths of these deaths are preventable. Opportunities for Afghan women in the areas of health, education, employment, legal and political rights are extremely low by world standards. Much of the population lacks access to basic health services, and there is an acute shortage of health facilities and trained staff, particularly women staff,

in most rural areas. An estimated 40 percent of all basic health facilities lack women staff, and people lack access to information on how to protect themselves. Although data is not available, many women may be forced into sex work to support their families.²³

In response to these realities, the Ministry of Public Health in Afghanistan has committed, in its Strategic Framework for 2005-09, to ensure that all provincial and regional hospitals offer 24-hour emergency maternity services; and that 95 percent of all districts in Afghanistan have a health care facility, provided by the government or an NGO. In February 2006, a supplemental grant of US\$30 million was approved to expand the provision of basic health services to eight areas where no clinics previously existed and where health services have rarely been provided. The supplemental grant also supports the provision of vaccines against diseases such as polio, measles, and neonatal tetanus.²⁴ Improving health services needs to take place

²² Leena V. Gangolli, Ravi Duggal and Abhya Shukla eds. (2005) *Review of Health Care in India*, Cehat, Mumbai.

²³ World Bank (2005) *Afghanistan: National Reconstruction and Poverty Reduction - the Role of Women in Afghanistan's Future*, World Bank: Washington DC. available at <http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/AfghanistanGenderReport.pdf> (accessed on 16 July 2007).

²⁴ Govt. of Afghanistan (2007) *Afghanistan Development Forum Report 2007*. available at <http://www.adf.gov.af> (accessed on November 13, 2007).

Table 4: Survival: Progress and Setbacks

Country	Infant Mortality rate* (per 1000 live births)		Maternal mortality ratio (per 100,000 live births)	
	1970	2005	2000**	2004***
Afghanistan	–	140 (2004)		1600 (2002)
Bangladesh	145	54	380	230
Bhutan	156	65	420	255
India	127	56	540	407
Maldives	157	33	110	160
Nepal	165	56	740	415
Pakistan	120	79	500	500
Sri Lanka	65	12	92	59.6

Source: * UNDP Human Development Report 2007/2008; Women and Men in Afghanistan: baseline statistics on gender, published by Ministry of Women's Affairs, Kabul, Afghanistan, October 2007 [for Afghanistan]. ** WHO World Health Statistics 2007 at www.who.int/whosis/database/core [accessed on 15 May, 2007] ***Improving Maternal, Newborn and Child Health in the South-East Asia Region, Report published by WHO Regional office for the South-East Asia, New Delhi, 2005. available at www.searo.who.int/en/section260/section1808/section1933.htm [accessed 16 July 2007].

concomitantly with measures to address geographic and social barriers to accessing health care by building roads and transport systems and educating and empowering women to make decisions about when to seek care.

Bangladesh has made considerable progress in establishing a health care system, although inequality in access to basic health care services persists. The number of births attended by skilled health personnel has increased from 5 percent in 1990 to 12 percent in 2000, although there are wide variations across income groups. The MMR remains one of the highest in the world: an estimated 14 percent of maternal deaths are caused by violence against women, while 12,000 to 15,000 women die every year from maternal health complications. The chief causes of maternal deaths are haemorrhage, unsafe abortion, and the “three-delays dynamics”: the first delay, arising mainly from poverty, is in seeking professional care; the second is logistical, as most health centres and private clinics are in district towns, while 70 percent of the population is rural; and the third delay arises from the lack of adequate human resources and trained personnel in service centres.²⁵ (Only 25 percent of women received care from trained health personnel during their pregnancies in 1998.)²⁶

The National Maternal Health Strategy 2001 in Bangladesh takes a rights-based approach to maternal health with Safe Motherhood as its central theme. The Strategy has been integrated into the Health and Population Sector

Programme, (HPSP 1998–2003) and into the follow-up initiative, the Health, Nutrition and Population Sector Programme, (HNPS 2004-2006). The strategy calls for 50 percent of all deliveries to be attended by skilled health personnel by 2010. This implies that 1.26 million deliveries will be attended by skilled health personnel in 2010. To achieve this target, there must be a rapid increase in the rate of growth of births attended by skilled health personnel, which will in turn require an accelerated increase in the number of trained personnel.²⁷

Bhutan has made substantial progress in improving its child and maternal health indicators. The proportion of pregnant women attended by trained personnel during pregnancy is fairly high at 72 percent, and deliveries attended by trained personnel are 23.66 percent (2000). The percentage of women of childbearing age using family planning is 30.7 percent (2000). The infant mortality rate is reported to have fallen between 1984 and 2000 from 102.8 to 60.5; the under-five mortality rate has reduced from 162.4 to 84 per 1,000 live births; and the maternal mortality ratio from 770 to 258 per 100,000 live births. A declining mortality rate and a stationary birth rate of 39.9 per 1,000 people during the early 1990s resulted in a high population growth rate of 3.1 percent in 1994. Following the increased priority given to population planning in the Eighth Plan, the growth rate has come down to 2.2 percent in 2006.²⁸

²⁵ WHO – Regional Health Situation, Country Health Profile of Bangladesh. Available at www.searo.who.int/LinkFiles/Bangladesh_bang.pdf (accessed on May 15, 2007).

²⁶ Ain O Salish Kendra, Bangladesh Mahila Parishad and Steps towards Development (2004) Shadow Report to the Fifth Periodic Report of the Government of Bangladesh, May 2004. available at http://www.iwraw-ap.org/resources/pdf/bangladesh_SR.pdf (accessed on May 15, 2007).

²⁷ WHO - Regional Health Situation, Country Health Profile of Bangladesh.

²⁸ United Nations Population Fund (UNFPA) : *Population, Health and Socio-economic Indicators of Bhutan*. (www.unfpa.org/profile/bhutan.cfm) (accessed on November 12, 2007).

While Bhutan has made significant progress towards achieving the MDGs of reducing child and maternal mortality, further efforts necessary to meet these goals will mean extending services to the more hard-to-reach areas and will require behaviour change—on the part of both communities and health workers. The government recognised the importance of reducing the MMR (The Bhutan Vision 2020 document targets bringing it on par with the average of all developing countries by 2007; the Ninth Plan highlights the fact that MMRs are still unacceptably high despite the renewed focus on issues such as safe pregnancy and motherhood, teenage pregnancies and family planning).²⁹

India is still attempting to bring down its high MMR and reduce the wide socio-economic gap in health status. Despite the strong women's movement, women's experiences are barely reflected in the policies according to the Second NGO Shadow Report. The National Health Policy (NHP 2002) states that "social, cultural and economic factors continue to inhibit women from gaining adequate access even to the existing public health facilities". The National Youth Policy (2003) acknowledges that "the prevailing gender bias (is) the main factor responsible for the poor status of health... of women in our society." Apart from the socio-economic gap, the rural-urban gap in access to health services and health indicators is a major barrier to health parity across the region and across population groups. The NFHS-3 (2005-06) reports only 31 percent of total births as institutional births in rural areas, whereas 69.4 percent of total births in urban areas are institutional births. The NFHS-3 also estimates that only 39 percent rural births are attended by any skilled health personnel, the figure for the urban areas is 75 percent. The Reproductive and Child Health Survey-2 (RCH-2, Ministry of Health and Family Welfare, 2004) reports that 78.2 percent of maternal deaths occur in the rural areas. A wide gap also exists between rural and urban areas in infant mortality rates (IMR). The NFHS-3 reports IMRs in rural and urban India as 62 and 42 percent, respectively.³⁰

In India, the National Rural Health Mission (NRHM 2005) launched in 18 states with poor health indicators, emphasises comprehensive primary health care for rural people, by appointing an Accredited Social Health Activist (ASHA) at the village level as the link worker for the rural

public health system.³¹ However, a major criticism of the Mission is that only a small proportion of the increased health budget has gone into actual improvement of the rural health system.³²

In Maldives, some progress has been made since the Multiple Indicator Cluster Survey of 2001, when 48 percent of deliveries were conducted by doctors and 22 percent by nurses. The Ministry of Health conducted a survey on reproductive health in 2004 which found that 85 percent of births were attended by skilled professionals and 63 percent of Maldivians have access to reproductive health services and antenatal care. A reproductive health strategy has been developed by the Ministry of Health. In maternal health, the quality of care and accessibility remain as challenges. Although many of the islands have institutions for safe deliveries, the people conducting deliveries often do not have adequate training or equipment. In some islands, a few deliveries are still conducted by traditional birth attendants or a family health worker, who are not trained to deal with complications during birth. The main challenges are the absence of economies of scale in these very small islands and inaccessibility to transport when needed urgently. Mobile services to improve emergency evacuations are an absolute necessity.

Nepal has formulated the Second Long-Term Health Plan (SLTHP) 1997–2017 in the broader perspective of its National Health Policy. The main features of this are the development of integrated and essential health care services at the district level and below, active community participation and mobilisation of the private sector to develop general and specialised health services, ensuring quality in health care and making Maternal and Child Health/Family Planning an integral part of Public Health Centre (PHC) services. There have been some improvements in the MCH/FP indicators in Nepal though much still needs to be done. Efforts are being directed at training Traditional Birth Attendants (TBAs) and female community health volunteers as outreach health workers.

Over the last five years the Government of Pakistan has taken a number of steps to improve maternal health, including instituting regular antenatal checkups, improving emergency obstetric care, management and referral of obstetric/neo-natal complications by skilled birth attendants, expanding access to comprehensive family planning

²⁹ Royal Govt. of Bhutan (2005) *Millennium Development Goals: Progress Report 2005 Bhutan*. Thimpu: Department of Planning.

³⁰ National Family Health Survey (NFHS-3) 2005-2006 *National Fact Sheet India* (<http://www.nfhsindia.org/pdf/IN.pdf> accessed on November 12, 2007).

³¹ Dasgupta, R (2006) "Quality Assurance in the National Rural Health Mission (NRHM): Provisions and Debates", *Medico Friend Circle Bulletin*, No. 316-317, April-July 2006, pp. 36 – 38. Available at <http://www.mfcindia.org/2006Apr.pdf> (accessed on November 14, 2007).

³² "Key decisions -Meeting on the National Rural Health Mission", organized by Jan Swasthya Abhiyan at New Delhi, on 14-15 May, 2005. Available at <http://phm-india.org/events/2005/14may05-nrhmmmeet.html> (accessed on November 14, 2007).

services, increasing community awareness about danger signs and enhancing birth preparedness. The National Maternal and Child Health Programme (2005–10) focuses on deploying community skilled birth attendants; and providing and strengthening emergency obstetric care in hospitals in the District and Tehsil headquarters, in rural health centres and basic health units.³³

A National Commission on Health Manpower has been set up to review the human resource situation in health. A health research unit is being established in the Ministry of Health to identify strategic policy issues and undertake policy analysis and research.

Sri Lanka's achievement in reducing its MMR is a widely known success story. The consistent decline in maternal mortality for over 5 decades is attributed to a wide network of maternal services, which has been integrated with childcare and a trained cadre of public health midwives. The declining trend in maternal mortality in Sri Lanka started in the 1930s, and is associated with the control of malaria and access to a wide network of free health services particularly maternal services (throughout the country), which include antenatal care, care at delivery and postnatal care. Family planning services have been provided through the network of primary health care facilities since the late 1960s. This has been recently extended to cover STI/AIDS and cancers of the reproductive organs within the broader framework of reproductive health.³⁴

Impact of HIV/AIDS on Women

Sexual taboos play a complex role in controlling the HIV/AIDS epidemic in South Asia, but poverty, lack of employment opportunities, social and gender discriminations, the growth of trafficking, and the absence of political commitment make women more vulnerable to HIV/AIDS in the region.

HIV infection levels in Asia are low compared with some other continents, notably Africa, but the large populations in the region mean that even low national HIV prevalence means large numbers of people living with the virus.

Afghanistan has only 49 known cases of HIV, although these statistics could be misleading. Conditions are such that there is a high risk of spread of the infection – conflict situations, high drug-use, large number of refugees, and the lack of public information on preventive measures.

Table 5: Estimates of HIV Infection in South Asia

Country	Year	Estimated no. of HIV cases	
		Adults and Children	Women
Afghanistan	2005	<1000	<100
Bangladesh	2005	11000	1400
Bhutan	2005	<500	<100
India	2006	2,500,000	–
Maldives	–	–	–
Nepal	2005	75000	16000
Pakistan	2005	85000	14000
Sri Lanka	2005	5000	<1000

Source: UNAIDS (2006) Report on the Global AIDS Epidemic, UNAIDS: Geneva, May 2006; for India "India at a Glance" at <http://www.youandaids.org/Asia%20Pacific%20at%20a%20Glance/India/index.asp> [accessed on November 14, 2007]

With less than 1 percent HIV/AIDS prevalence in Bangladesh, the virus may appear not to present a major threat. However, international funding agencies indicate significant underreporting of cases because of the country's limited voluntary testing and counselling capacity and the social stigma attached to the disease.³⁵ A new National Strategic Plan (2004–10) has now been put in place. The government also works with the World Bank on a HIV/AIDS Prevention Project.

A 2006 World Bank report has identified some of the likely factors that contribute to the prevalence and spread of HIV/AIDS in Bhutan, where not many cases have been recorded so far. The factors identified include the presence of sexually transmitted diseases (STDs), the rising trend in commercial sex, increasing use of amphetamines, high mobility, and porous borders.³⁶

In August 2006 India released new estimates of people living with HIV. The estimates have been made by the National AIDS Control Organisation (NACO) and supported by UNAIDS and WHO. These estimates indicate that national adult prevalence in the country is approximately 0.36 percent, which corresponds to an estimated 2 million to 3.1 million people living with HIV. The new estimate is lower than the previous one, although the increasing feminisation of the epidemic is an acknowledged reality. The new figure still points towards a serious epidemic with the potential to escalate if prevention efforts identified in the National AIDS Control Programme, NACP III, are not scaled up rapidly and effectively implemented. In the meantime the

³³ Mario Diaz (2005) "Public Health Forum: Islamabad Declaration Prioritizes Child Survival". Available at http://www.unicef.org/infobycountry/pakistan_25897.html (Accessed on November 14, 2007)

³⁴ Government of Sri Lanka (2005) *Millennium Development Goals Country Report 2005*, Sri Lanka.

³⁵ UNAIDS (2006) Report on the Global AIDS Epidemic, UNAIDS: Geneva, May 2006. Available at http://www.unaids.org/en/HIV_data/2006GlobalReport/default.asp (accessed on November 14, 2007)

³⁶ The World Bank (2006) *HIV/AIDS in Bhutan*, August 2006 (www.worldbank.org/saraid)

third phase of the national programme has been launched by the Ministry of Health and Family Welfare which has gender and equity as one of its guiding principles.³⁷

The declining trend in HIV in recent years masks the variation across regions and population groups.³⁸ HIV infection levels fell among people who attended sexually transmitted infection clinics in the southern states, so Tamil Nadu and other southern states where HIV prevalence was high, have started showing a decline. However, HIV continues to emerge in new areas. The 2006 surveillance data has identified selected pockets of high prevalence in the northern states: there are 29 districts with high prevalence, particularly in West Bengal, Orissa, Rajasthan and Bihar. The 2006 surveillance figures show an increase in HIV infection among several groups at higher risk of HIV infection such as injecting drug users and homosexual men. However, the bulk of HIV infections in India result from unprotected heterosexual activity.³⁹ Consequently, women account for a growing proportion of people living with HIV (some 38 percent in 2005), especially in rural areas. HIV infection levels of over 1 percent have been found among pregnant women in Andhra Pradesh, Maharashtra and Karnataka. In some rural sub-districts, prevalence ranged between 1.1 percent and 6.4 percent among adults, underlining the highly varied character of the epidemic.⁴⁰ A recent study has once again shown the vulnerability of Indian women to HIV infection and the gendered impact of HIV/AIDS in India. The study shows that 40 percent of people living with HIV/AIDS are women and girls; only 36 percent of women have information about where to go for HIV voluntary testing compared to 52 percent of men. The study elaborates the impact of HIV/AIDS on Indian women and its social and economic manifestations from a gender perspective.⁴¹

The Indian Government has implemented various programmes to facilitate effective State-level responses to HIV prevention through NACP I and II. The NACP III (2007–12) has been launched recently. State-specific and nationwide consultations have been held with National stakeholders such as PLWHA networks, local and

international NGOs, experts and practitioners of HIV control initiatives, as well as international development partners.

The current low prevalence of HIV among the general populace in Nepal masks an increasing prevalence in several groups: It is now evident that Nepal has entered a "concentrated epidemic", i.e. HIV/AIDS prevalence consistently exceeds 5 percent in one or more sub-groups such as sex workers, their clients and injecting drug users. The main mode of transmission continues to be through commercial sex. The implementation of the National Programme in Nepal, according to UNAIDS, was successful in some important areas and the coverage of sex workers and their clients has been increased nationwide. The Family Planning Association of Nepal (FPAN) and the International Planned Parenthood Association (IPPF) in their HIV/AIDS Strategy (2002–06) have clearly targeted migrant and slum populations as being highly vulnerable to the infection.⁴² A National Federation of Women Living With HIV has been formed.

In Pakistan too, the spread of HIV among single partnered married women is high. According to UNAIDS estimates, around 70,000 to 80,000 people, or 0.1 percent of the adult population in Pakistan, are infected with HIV although the number of cases recorded by the National AIDS Control Programme is lower. As in many countries, the numbers may be underreported. Data suggests that most infections occur between the ages of the 20-44 years, with men outnumbering women by a ratio of 5:1.⁴³

In Sri Lanka, the cumulative number of cases reported at the end of 2004 was 614, with HIV-positive men outnumbering women in the ratio 1.4 to 1, although the proportion of women infected has been increasing. Vulnerable groups include women employed in factories in free-trade zones, people seeking employment overseas, plantation workers and the fishing community.⁴⁴

Women's Right to Health

The CEDAW Convention outlines additional steps governments should take to ensure gender equality in the context of the right to health:

³⁷ Joint Press Release by UNAIDS, NACO and WHO, "2.5 million people in India living with HIV, according to new estimates" available at http://data.unaids.org/pub/PressRelease/2007/070706_indiapressrelease_en.pdf (accessed on November 14, 2007).

³⁸ Kumar R et. al (2006) "Trends in HIV-1 Young Adults in South Asia from 2000 to 2004: A Prevalence Study", *Lancet*, 367(9517): 1164-72.

³⁹ NACO (2005b). Facts and Figures: An Overview of the Spread and Prevalence of HIV/AIDS in India. New Delhi, National AIDS Control Organisation. Available at http://www.nacoonline.org/facts_overview.htm (accessed on November 14, 2007).

⁴⁰ UNAIDS (2006) *2006 AIDS Epidemic Update*, December 2006. Available at http://data.unaids.org/pub/EpiReport/2006/2006_EpiUpdate_en.pdf (accessed on May 15, 2007).

⁴¹ Pradhan, Basanta K, and Ramamani Sundar (2006) *Gender: Impact of HIV and AIDS in India*, NACO, NCAER and UNDP, India.

⁴² Youandaids: the HIV/AIDS portal for Asia Pacific (http://www.youandaids.org/Asia_percent20Pacific%20at%20a%20Glance/Nepal/index.asp) and the website of National Centre for AIDS and STD Control, Nepal (www.ncasc.gov.np/).

⁴³ Youandaids: the HIV/AIDS portal for Asia Pacific (<http://www.youandaids.org/Asia%20Pacific%20at%20a%20Glance/Pakistan/index.asp>).

⁴⁴ Youandaids: the HIV/AIDS portal for Asia Pacific (<http://www.youandaids.org/Asia%20Pacific%20at%20a%20Glance/SriLanka/index.asp>).

CEDAW Article 12:

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*
2. *Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

In the Women's Rights Watch Project,⁴⁵ the term right to health will be used, as it is broader than health care services and includes preventive measures such as nutrition, safe drinking water and occupational health. In its General Recommendations, the Committee on the Elimination of all Forms of Discrimination against Women also refers to the right to health. Apart from mentioning the above pre-conditions, the Committee draws attention to issues such as female circumcision, HIV/AIDS and violence in family relations. It also points out the different needs of specific groups of women, such as disabled women, refugee and migrant women, girl children and older women.

Women's health has often been viewed by policy makers as an instrument to limit the number of births, to produce healthier babies, to protect the health of the family and to enhance the economic contribution of women to society. The CEDAW Committee stresses the importance of health throughout a woman's life span as a right instead of an instrument for the benefit of society.⁴⁶

Education

The Social Watch Report, 2007, assesses that in regard to educational indicators, the evolution (since the 1990's or closest available year) for South Asian countries, has been variable. For Bangladesh, it suggests "slight progress" in children reaching fifth grade and secondary school

enrolment. For Bhutan, "slight progress" in children reaching fifth grade is noted. In India, it is "significant progress" both in literacy and children reaching fifth grade, but "slight progress" in primary school enrolment and tertiary enrolment is suggested. The Maldives are observed to have "significant regression" in primary school enrolment but "significant progress" in secondary school enrolment. Nepal is credited with "significant progress" in literacy and "slight progress" in children reaching fifth grade. Pakistan shows "significant progress" in literacy and in primary school enrolment. Little change is seen in Sri Lanka.⁴⁷

Bangladesh stands out as the country that has made the greatest progress over 1992–2005 relative to other SAARC countries. It increased girls' secondary school enrolment from 13 percent to 56 percent in ten years. However, more detailed analysis of the figures show that the progress is attributable to enrolment at primary and lower secondary levels, and that many other inequalities remain.⁴⁸ Moreover, gender parity of enrolment does not necessarily mean similar progress in other educational indicators.

Despite all intentions, disparities persist throughout the education systems in South Asia, and UNESCO estimates that as recently as 2006 nearly 24 million girls of primary school age are not receiving education in South Asia.⁴⁹

While the gender gap in educational achievement continues, in India and Nepal the good news is that there is significant improvement in narrowing the gender gap in enrolment at all levels. However, in Pakistan the disparities persist through 2001–04. Bangladesh, Sri Lanka and Maldives had already achieved parity in 2001 which continued in 2004 (Table 6). The fall in the level of enrolment in Sri Lanka and Maldives is probably an impact of the Tsunami in 2004 (Table 6).

Although net enrolment is 100 percent for both girls and boys in the Maldives,⁵⁰ there is a marked difference in the quality of education in urban and rural (atolls) areas and a greater negative impact of this disparity on girls due to lack of boarding facilities on islands other than their home island.⁵¹

⁴⁵ The Women's Rights Watch project is run by the Humanist Committee on Human Rights (HOM), Netherlands. The project explores the possibilities of using the United Nations Convention Against all Forms of Discrimination Against Women (CEDAW) in development relations. The aim is to develop a tool for impact assessment of the human rights of women in development co-operation. Women's right to health is the central theme in the project. The Humanist Committee on Human Rights (HOM) is an NGO working to improve human rights across the world. (website: www.hom.nl).

⁴⁶ Bakker, Saskia (2002) *CEDAW and Women's Health in International Relations*, Humanist Committee on Human Rights: Utrecht. Available at <http://www.humanrightsimpact.org/publications/item/pub7/> (accessed on November 14, 2007).

⁴⁷ http://www.socialwatch.org/en/informelmpreso/pdfs/education2007_eng.pdf

⁴⁸ *Girls' Education in South Asia*, Education and Gender Equality Series, Programme Insights, Oxfam GB, February 2006.

⁴⁹ *Global Monitoring Report 2006, Literacy for Life*, UNESCO: Paris.

⁵⁰ http://mdg.planning.gov.mv/fast_facts.php

⁵¹ Concluding Comments of CEDAW: Maldives, 37th Session, New York, and 15 January –2 February 2007.

Table 6: Combined Gross Enrolment Ratio for Primary, Secondary and Tertiary School (percent)

Year	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
2000-01 (F)	n.a.	54	n.a.	48	78	55	31	66
2000-01 (M)	n.a.	53	n.a.	62	78	67	43	64
2004 (F)	26	58	n.a.	58	69	52	32	64
2004 (M)	63	56	n.a.	66	68	62	44	63

Source: HDR 2004 and 2006

Table 7: Adult Literacy Rate (percent)

Countries	Female		Male	
	2002	2004	2002	2004
Afghanistan**	n.a.	11	n.a.	32
Bangladesh#	43.4	44.2 (2003)	55.5	56.3 (2003)
Bhutan*	33 (2003)	39	54 (2003)	65
India	46.4	47.8	69.0	73.4
Maldives	97.2	96.4	97.3	96.2
Nepal	26.4	34.9	61.6	62.7
Pakistan	28.5	36	53.4	63
Sri Lanka	89.6	89.1	94.7	92.3

Source: HDR 2004 and 2006

* Bhutan: Common Country Assessment 2006 and Population and Housing Census 2005. ** Men and Women in Afghanistan 2007. # BBS (2007) 2005 Statistical Yearbook of Bangladesh

In the case of Bhutan, India, Nepal and Pakistan literacy rates have improved for men as well as for women between 2002-03 and 2004. However, in the Maldives and Sri Lanka the rates have fallen for both men and women. (Table 7)

Public Spending on Education

In the case of each of these countries the respective government's emphasis on education is reflected in the budget it allocates to education annually.

Table 8: Distribution of Public Expenditure per level of Education (percent)

Countries	As percent of total Govt. expenditure		As percent of GDP		Distribution of public expenditure per level Education (percent)			
	1999–2001	2002–04	1999–2001	2002–04	Pre-Primary	Primary	Secondary	Tertiary
Bangladesh	15.8	15.5	2.3	2.2	-	39	50	11
Bhutan	12.9	-	5.2					
India	12.7	10.7	4.1	3.3	1	30	38	18
Maldives	-	11.2	-	8.1	-	-	-	-
Nepal	13.9	14.9	3.4	3.4	4	49	28	12
Pakistan	7.8	8.5	1.8	2.0	-	-	-	-
Sri Lanka	-	-	1.3	3.1	-	-	-	-

Source: UN HDR 2004; 2006 http://www.uis.unesco.org/profiles/EN/EDU/countryProfile_en.aspx

⁵² <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/FRA-321102557-JXB>

⁵³ <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/JUD-125155513-SJK>

Policy and Programme Initiatives

In Afghanistan, The Bangladesh Rural Advancement Committee (BRAC) in collaboration with the Afghan Ministry of Education has launched a project with a special focus on girls' primary education in March 2007. The project⁵² aims to set up around 4,000 community-based schools and after-school learning programmes and to train 9,000 school teachers, of which at least 4,000 will be women. About 120,000 school children (85 percent of them girls) are expected to benefit from this project. The project aims to promote gender equality in education by improving access to good quality basic education and through life skills education focused on girls. An existing literacy programme in Kandahar Province will be extended to include more community teachers and 4,600 participants (80 percent of whom will be women).⁵³ The project will have a 10-month course which provides training which combines reading and numeracy with basic life skills, health and nutrition education. Monthly food rations will be provided to participants by the World Food Programme to encourage regular attendance.

In Bangladesh improvements in the enrolment rates are due to an increase in the Government's budgetary allocation for girls' education, free primary education, and massive stipend programmes at the primary level, and the Food for Education Programme. Various data

sources⁵⁴ indicate that between 1994 and 2003, primary school net enrolment has been around 80 percent for 6-10 year old children. While enrolment has been slightly higher for women (83-84 percent) as compared to men (81-82 percent), female rates may have reached a plateau. The government replaced the Food for Education Programme with a five-year Primary Education Stipend Project to enhance access to primary education for underprivileged children. Under this project, parents of poor children receive a monthly stipend for two children attending primary school. The project is funded by the government, with support from donors, and it bears the full cost of primary education as well as covers 90 percent of basic salaries of non-government registered primary schools. Despite these initiatives, around 2.4 million 6–10 year old children are still not in primary school.⁵⁵

To reduce the gap between boys and girls in access to basic education (which encompasses literacy, numeracy, and life skills), the Bangladesh Government has implemented a project through the Canadian International Development Agency (CIDA).⁵⁶ It supports an initiative by the Unitarian Service Committee (USC) to provide adolescents, especially girls, with literacy, health, and income-earning skills that help raise their economic and social prospects for the future.

In Bangladesh thousands of adolescents across the country have been equipped with knowledge on social issues and life skills-based education through the “Kishori Abhijan” project initiated by UNICEF in 2001. The life-skill training consisted of enhancing self-esteem and leadership skills, education related to gender roles and discrimination health and nutrition, and legislation and legal rights, particularly early marriage and girls' and women's rights.

A school sanitation programme can have a strong bearing on attendance and demand for education. The UNICEF's school sanitation programme in Bangladesh has been instrumental in increasing the number of girls enrolling by 11 percent during 1990–2000.⁵⁷

The Bangladesh Rural Advancement Committee (BRAC) is implementing a project over the period 2005–08 to provide quality non-formal education to 1,300,000 (60–65

Kishori Abhijan project (Bangladesh) aims to:

- increase the median age at marriage of girls involved in the project; increase independent economic activity of girls aged 15–18 years by 30 percent;
- increase girls' enrolment and retention rates in primary and secondary school by 30 percent;
- increase the visibility of adolescent girls as a special interest group in the media and in national programmes and policies.

Source: http://www.popcouncil.org/pdfs/TA_Briefs/GFD_Brief-13_KISHORI.ABHIJAN.pdf [accessed on 30th October, 07].

percent girls) from poor areas who either dropped out of formal schooling or have never attended a school, including 50,000 children from ethnic minority groups and 50,000 children with disabilities.⁵⁸

Bhutan has successfully reduced the gender gap from 11 to 6 percentage points between 1998 and 2002,⁵⁹ far better than South Asia as a whole, for which the gap in 2000 was 12 percentage points.

In India the Right to Education Bill (2002) is still to be operationalised throughout the country. It aims at reducing disparities in educational attainment among scheduled castes, scheduled tribes and Muslim women and increase their access to higher education.⁶⁰ To combat the widespread stereotypes of male and female roles, a process to review and revise text books has been initiated at the national level. The concluding comments of CEDAW to India's Report⁶¹ has recommended that gender issues and gender sensitivity training should be made an integral and substantive component of all teacher training programmes.

The Government of India launched a scheme called Kasturba Gandhi Balika Vidyalaya (KGBV) in July 2004. The scheme is being implemented in 24 States and 1 Union territory. The aim of the scheme is to ensure access and quality education to the girls of disadvantaged groups of society by setting up residential schools with boarding

⁵⁴ GOB/PMED 2000; BBS/Unicef; NIPORT, Campe 2000, 2002.

⁵⁵ MDG Progress Report 2005: Bangladesh.

⁵⁶ <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/STE-320162113-T64>.

⁵⁷ Human Development Report 2006.

⁵⁸ <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/UD-3111059-LSQ#10> (accessed during September 07).

⁵⁹ Administrative Report, PPD, Ministry of Education.

⁶⁰ Concluding Comments of CEDAW : India, 37th Session, New York, 15 January –2 February 2007.

⁶¹ Ibid.

Kasturba Gandhi Balika Vidyalaya (KGBV)

KGBV scheme is applicable in the identified Educationally Backward Blocks (EBBs). In these blocks, residential schools are being set up in areas with:

- Concentration of tribal population, SC, OBC and minority populations, with low female literacy and/or a large number of girls out of schools;
- Areas where female literacy is below the national average and gender gap in literacy is above the national average;
- Areas with a large number of small-scattered habitations that do not qualify for a school.

Source: <http://indiabudget.nic.in/es2006-07/chapt2007/chapter10.pdf> [accessed on October 30, 2007].

facilities at upper primary level. Of the 1180 KGBVs sanctioned by Government of India by September 30, 2006, 782 KGBV schools had been operationalised with 52186 girls. Of these 13,779 are SCs and 14,637 are STs.

Efforts are being made to reduce the gap between males and females in the educational system at the tertiary level in the Maldives. The number of girls enrolling in traditionally male-dominated fields of study, in tourism and hospitality courses has increased, but there is still a persistence of gender segregation in educational fields and this has wide ranging consequences for women's professional opportunities.⁶² The CEDAW concluding comments to Maldives' Report recommends strengthening proactive measures for women's access to tertiary education.

The Government of Maldives initiated various policy interventions to address issues related to the subordinate role of women and girls within the family and deep-rooted traditional stereotypical attitudes reflected in the lack of women's professional and educational opportunities and choices and participation in public and political life. These include changing stereotypes through awareness-raising and sensitisation activities and inclusion of a gender equality provision in the national media policy. The concluding comments of CEDAW to Maldives's Report recommends that the content of the convention be

disseminated in the educational system, including in the rural (atoll) areas, school textbooks and teaching materials be reviewed and revised and human rights education have a gender perspective, to change stereotypical views on and attitudes towards gender roles in the family. The Ministry of Employment and Labour is conducting a project to provide vocational training for the school leavers for identified jobs in the job market. The project aims to provide at least 40 percent of the training opportunities for women.

A project⁶³ was been launched in Nepal in March 2002, to improve the living standards of marginalised girls through training, capacity-building, and provide policy advocacy in the fields of science, technology and vocational education. Pilot training programmes are being conducted in two communities in Nepal targeting poor, out-of-school girls from rural and urban communities aged 13 to 17 years, an age group which has a high degree of school drop-outs. Girls from poor backgrounds are particularly vulnerable and often forced by economic circumstances into early marriages, abuse and exploitation. Through their training the girls will acquire the knowledge and skills to meet their basic needs, improve their access to job opportunities and ultimately enhance their economic and social status. A second target group is community trainers, teachers, school managers and educational planners who will be trained to develop strategies and programmes on outreach and adaptation of Scientific Technical and Vocational Education for Girls (STVE-G) to meet the needs of the community as a whole and of poor girls in particular.

In Pakistan, the net primary enrolment rate for girls increased in Punjab, Sind and the NWFP between 2001–2005 by 12 percentage points, 8 percentage points and 7 percentage points, respectively. This could be the outcome of incentives such as free text books and uniforms combined with a monthly stipend of Rs. 200 for each girl under the Punjab Education Sector Reforms⁶⁴ launched in 2004.

In Sri Lanka, traditionally the participation of women in technical fields is very low. It has been increasing slowly in the past decade because of the Women in Technology Programme (WIT) in Sri Lanka.⁶⁵ This is a six month training course and to qualify for the training female scholars must have a minimum of 7th grade math skills. The programme helps participants acquire valuable IT networking skills and gain access to job and career opportunities. It also provides an opportunity to the trainees to mentor other women in

⁶² Concluding Comments of CEDAW: Maldives, 37th Session, New York, 15 January –2 February 2007.

⁶³ <http://www.unesco.org/kathmandu/education/STVE-G.ph>

⁶⁴ MDG Report 2005: Pakistan.

⁶⁵ http://www.dot-com-alliance.org/resourceptrdb/uploads/partnerfile/upload/418/WIT_SRI_Lanka_Summary-Report.pdf

the IT field and serve as role models to women and girls in their communities.

Challenges

Data collection with revised definitions and methods that make visible women's contributions (as paid workers or unpaid family workers) is essential to be able to provide social protection to women as workers. Support to women's care responsibilities is necessary to allow them to function well as workers. These need to be viewed as societal concerns and not those of women alone.

Improving the health status of women requires the recognition that, in addition to improving infrastructure and personnel (which improve general health) a special effort will be needed to help women to overcome hesitation and reluctance on their part or on the part of their families, in accessing and using health services

Efforts to improve girls' enrolment at all levels is a priority, however, life skills education to enhance their confidence in dealing with violence and confining social norms is needed on a much larger scale.

Violence Against Women

I. Background: Women's Human Rights Framework

The codification of human rights in 1947¹ offered a universal framework for a concept urgently required and relevant in post-World War II, a framework within which peoples across the world could assert their inherent and indivisible rights.² As a framework, it has since been widely accepted and used by both governments and non-government sectors across the world to deal with various issues. The Women's movement campaigned to make women's rights included in this framework. The women's rights-human rights framework has likewise been accepted and used by various stakeholders although only in more recent times.³

CEDAW, BPFA, MDGs

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW or Women's Convention),⁴ referred to as women's "bill of rights", holistically looks at civil, political, economic, social and cultural rights. It (re)emphasises equality between men and

women in all fields of development. It defines broadly the parameters of human rights to include culpability for violence against women (VAW),⁵ contains definition of discrimination and prescribes proactive measures for states to follow in order to eliminate the same. The Beijing Platform for Action (BPFA)⁶ is intended to support the goals of CEDAW. This document identifies twelve (12) critical areas of concern and strategic objectives under each critical area of concern and actions to be taken by various stakeholders including the Government, the United Nations, the international community, women's organisations/NGOs, etc. The Millennium Development Goals (MDG)⁷ reaffirms the thrusts on development, peace and equality. It identifies the need to "promote gender equality and empower women",⁸ highlighting a gender perspective across all time-bound goals.⁹

Given the multiple forms of discrimination that impact women negatively,¹⁰ the intersectionality of issues facing women necessarily require the range of responses promoted by CEDAW, BPFA and MDGs combined. Beyond laws and policies that can only prescribe equality, day-to-

¹ Vide Universal Declaration of Human Rights (UDHR), accordingly adopted by the General Assembly of the United Nations on December 10, 1948

² Human rights are characterized by their universality, inalienability and indivisibility.

³ Formally in 1993 at the World Conference on Human Rights in Vienna.

⁴ Adopted in 1979 and entered into force in 1981; as of October 20, 2004, it has 178 ratifications and 98 signatures.

www.un.org/womenwatch/daw/cedaw/sigop.htm

⁵ Defined as "any act of gender-based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." Resolution A/RES/48/104, dtd 23.2.94, UN Declaration on the Elimination of All Forms of Violence against Women; For the purpose of this chapter, shall primarily be referred to as gender-based violence or GBV applicable to the girl-child and to women.

⁶ Adopted by 189 United Nations member-States at the Fourth World Conference on Women in Beijing in 1995.

⁷ A set of eight (8) goals with 18 time-bound targets and 48 indicators, identified as "road map" towards implementing the United Nations Millennium Declaration signed by member-States in September 2000 at the United Nations' Millennium Summit; adopted by a consensus of experts from the United Nations Secretariat and IMF, OECD and the World Bank.

⁸ Goal 3.

⁹ 2005 World Summit.

¹⁰ Para 46, BPFA

day equality as experienced by girls and women using the life-cycle approach must be the guiding principle for the human rights agenda.

The South Asia Biennial Ministerial Meeting 2005

In 2005, governments through their representatives to the South Asia Biennial Ministerial Meeting¹¹ "recognise(d) the gaps and challenges in implementation (of international/regional commitments) in the following areas:

- a) Inadequate implementation of plans, policies and programmes relating to women;
- b) Lack of expeditious enactment of legislation and non-repeal and amendment of discriminatory laws;
- c) Inadequate progress in meeting the commitments under Article 9 of CEDAW on gender equality in citizenship laws;
- d) The feminisation of poverty and its further accentuation due to adverse effects of globalisation;
- e) Inadequate progress in giving equal access to economic opportunity, land and livelihoods with dignity and personal security;
- f) Continued prevalence of all forms of violence against women, including those in conflict situations;
- g) Inadequate commitment, awareness, measures and resources to combat violence against women;
- h) Inadequate attention to eliminating socio-cultural practices and mindsets that continue to discriminate and disadvantage women;
- i) The increasing prevalence of HIV/AIDS among women, particularly younger women;
- j) Inadequate progress in achieving women's equal representation in national legislatures;
- k) Lack of sufficient male involvement and participation in promoting women's rights and substantive equality;
- l) Inadequate reliable and relevant sex-disaggregated data and gender analysis at all levels;
- m) Insufficient resource allocations, authority status for national machineries on the advancement of women, and their marginalisation;
- n) The lack of regional cooperation and partnership initiatives to address problems of regional concerns

such as trafficking in women and children, HIV/AIDS and promoting and protection of the rights of migrant workers;

- o) The increasing vulnerability of women in marginalised groups;
- p) Inadequate initiatives to address the needs and concerns of women in remote areas and in disadvantaged communities;
- q) Inadequate progress in meeting and monitoring time-bound commitments."¹²

The list is long and the challenges formidable. The governments dissected not only the different issues of women's human rights requiring attention but likewise noted the institutional mechanisms needed to realise women's human rights. More importantly, such official recognition of the gaps and challenges has given an imprimatur for action, both by the state and private actors.

Realising Women's Human Rights: Persistent Challenges

While the over-arching framework for women's human rights serves the purpose of diverse groups, varied groups within the women's movements, children's rights groups, civil society groups, community-based groups, even political parties may assert women's human rights while offering opposite analysis on issues. For example, this happens commonly when dealing with issues of sexuality, prostitution and abortion. There may be conceptual acceptance of women's human rights as a framework but the dilemmas in genuinely understanding and operationalising those rights are innumerable.

2.a. *Universality vs. cultural, religious, national specificities*

While highlighting the *universality* of human rights, the fact remains that commitments to women's human rights have been qualified by "religious", "cultural", "national" reservations by States, political parties and in civil society by communities and others that clearly limit women's rights and autonomy. In South Asia,¹³ all countries except Afghanistan, Sri Lanka and Bhutan, have entered reservations, declarations or statements to CEDAW (see Table 1 below). States justify inaction relating to women's and gender issues including cases of gender-based violence (GBV) due to cultural and religious expediencies.

¹¹ Islamabad, Pakistan, May 2005.

¹² Islamabad Declaration: Review and Future Action, Fifth South Asia Regional Ministerial Conference – Celebrating Beijing Plus Ten 2005, Islamabad, Pakistan, 3–5 May 2005.

¹³ For the purpose of this paper, includes Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

Table 1: Convention on the Elimination of All Forms of Discrimination Against Women – *Declarations and Reservations*

Country	Reservation/s
Bangladesh	Reservation: Articles 2 & 16.1(c)
India	Reservation: 29 (1) Declarations: 16.1 & 16.2
Maldives	Reservation: Articles 7(a) and 16
Nepal	Statement: "If provisions of any Convention are inconsistent with national law, national law supercedes"
Pakistan	Reservation: Article 29(1) & Declaratory Statement

Source: www.un.org/womenwatch/daw/cedaw/sigop.htm

2.b. Indivisibility vs. sectoral, issue-based inroads

Over the many years of women's rights activism, numerous changes may be claimed, e.g. policies and laws formulated and/or adopted to advance women's rights, women are part of decision-making whether at the local or national levels, women have more information and knowledge now than before. Indeed, women have asserted their agency and they are at the forefront of the struggle for change. Yet, changes in women's situation seem compartmentalised and ridden with contradictions. There are more women in the work force but concentrated in low end work; the burden of care work has gone up with commercialisation of welfare services.

Given the biases against women throughout the life cycle within the patriarchal systems that are in place in various contexts in the region, girls/women find themselves trapped in gendered roles. Formal equality does not fully transform into substantive equality.

2.c. Individual vs. community interests

Contradictions also play out when interests of the individual and of the community are considered. Women are, by and large, seen as "bearers" and "transmitters" of culture thus there is immense pressure on the girl child/women to tow the lines set by the "community" which could mean the family/extended family, the religious group and the social group she belongs to. Against the backdrop of rising fundamentalisms there are mounting social and cultural limitations imposed on girls and women.

Reckoning with Women's Human Rights

Women's rights are at different stages within South Asia. Afghanistan has been on the road for change and gender is deemed part of its reform agenda. In Bangladesh, "(w)hile some improvement in gender equality has been achieved in (certain sectors)... true empowerment is still a distant goal".¹⁴ "While Bhutan allows no overt gender discrimination – social, economic, political or legal, gender gaps, although steadily decreasing, do exist particularly in education/literacy, employment and decision-making."¹⁵ The Bhutan CEDAW Report of 2004 noted the "challenges to the full achievement of the goals of the Convention. They included the need to eradicate indirect forms of gender bias existing within the society or emerging as a consequence of change. Despite equal opportunities and entitlements, and equal legal status of women and men, differences remained in women's access to education, enterprise development and governance, also influenced by societal perceptions that women were weaker and more vulnerable. The process of modernisation, the subsequent shifts in traditional roles and responsibilities, changes in value systems and transformation of family patterns also necessitated continuing change in regard to women's rights and legal remedies."

India has taken big strides in women's human rights especially in the area of legal reform but it needs to "establish viable strategies to overcome the impediments to the practical realisation of women's rights."¹⁶

Maldives recognises that "(i)ncreasing the participation of women in the political development of (the country could) ensure (that) the legal, economic, and political rights of women are guaranteed".¹⁷ Nepal believes that "(t)here is no doubt that changes at home, in civil society, and in other spheres of life will come only when there is a shift in the pattern of decision-making".¹⁸

In Pakistan, "women have used various strategies to bring about human rights and equality for women... (Notably), (t)he most effective changes have occurred when women have not depended on government mechanisms alone. Although many breakthroughs for women have come through the court system, if they had depended only on the courts then they would not have been successful. There was a lot of campaigning from the ground up to support these cases".¹⁹

¹⁴ Millennium Development Goals, Bangladesh Progress Report 2005.

¹⁵ Gender Pilot Study: Bhutan, Planning Commission and Central Statistical Office (CSO), Royal Government of Bhutan and UN Agencies–UNDP, UNICEF, WFP (Bhutan Country Office) with Technical Support from UNIFEM, South Asia Regional Office, New Delhi, June 2001.

¹⁶ Concluding Comments of CEDAW: India, 37th Session, New York, 15 January – 2 February 2007.

¹⁷ Millennium Development Goals, Maldives Country Report, Ministry of Planning and National Development, September 2005.

¹⁸ Nepal Millennium Development Goals, Progress Report 2005.

¹⁹ Women's Human Rights in Pakistan–What has changed and how?, An interview with Asma Jehangir by Eman Ahmed, WHRnet, September 2005.

"Sri Lankan women have a relatively better status than women in many other developing countries but have yet to achieve gender equality and empowerment in consonance with international norms. The confluence of positive social policies, slow economic growth and consequent persistent poverty among segments of the population, armed conflict, and engendered social norms have contributed to uneven development that impinges on the quality of life of women."²⁰

II. Tackling Gender-Based Violence

Taking stock of the situation themselves, the Governments of South Asia resolved²¹ to prioritize some issues and focus on Gender Based Violence (GBV), among other urgent problems. GBV is a deep-rooted social malady that has inhibited women's growth through the ages and is a form of discrimination²² that has impacted generations of women. It happens to women of all ages, across nations and at all times, in peace and war. It happens in the private domain as well as in the public arena. "(Gender-Based) Violence persists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality"²³ – a recognition by the United Nations drawn from the experiences of women across the globe.

Reversing the situation of inequality and discrimination requires not only the conscious efforts and collective determination of women for change in their midst but a comprehensive social change, addressing the roots of the problems. Notably, boys and men are equally part of the process for change. They need as much reconditioning of mind-set in terms of gender issues, and a major part of the challenge is for boys and men to disabuse their minds of the false sense of power over girls and women. As women understand their roles and situation better, assert their agency and participate in decision-making at home, at work and in the community, boys and men have to take cognisance of girls'/women's rightful position in every sphere of life and respect them. There have been numerous experiences²⁴ in the region where boys and men are seen

KEY VAWC STATISTICS:

- 1 in 3 women worldwide will experience violence in her lifetime.
- 1 in 5 women worldwide will survive rape or attempted rape.
- As much as 30 percent of women are forced into their first sexual experience.
- In some places, as much as 30 percent of children are sexually abused.
- Nearly 50 percent of all sexual assaults are against girls aged 15 or younger.
- As much as 50 percent of school-children in some countries report having been physically or sexually assaulted while at school.
- Up to 30 percent of youth in certain locations feel that forced sex with someone known to you is not sexual violence.
- Women who have been forced into sex are less likely to use condoms consistently than women who have never been forced into sex.
- Women who have experienced violence may be up to 3 times more likely to acquire HIV than those who have not.

Source: ZERO TOLERANCE: Stop the Violence Against Women and children, August 2006; Produced by Stop HIV/AIDS, Global AIDS Alliance, 1413 K Street, NW, 4th Floor, Washington, DC, 2005. www.globalaidsalliance.org

alongside girls and women in the campaign for gender equality and playing equal, mutually supportive roles is the need of the hour.

There is increased awareness of GBV and an increase in reporting of cases but despite this GBV is persistent in South Asia. Aside from CEDAW, BPFA and MDGs, there are numerous international and regional instruments intended to promote gender equality. These are: The Convention on the Rights of the Child;²⁵ The International Convention on the Protection of the Rights of All Migrant Workers and

²⁰ *Achieving Millennium Development Goals in Sri Lanka, Millennium Development Goals Country Report 2005* – Sri Lanka

²¹ *Ibid.*

²² CEDAW (Art, Part 1) defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." Recommendation No. 19 was passed (CEDAW, 11th session, 1992) to reinforce the Women's Convention by categorically defining "gender-based violence (a)s a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men".

²³ In-Depth Study on All Forms of Violence Against Women, Report of the Secretary-General, 61st Session, General Assembly, United Nations, 6 July 2006.

²⁴ Example: "We Can...", a regional/international campaign by Oxfam, Coordinated HIV/AIDS Response through Capacity-Building and Awareness (CHARCA) in India by CHARCA, UNAIDS, UNIFEM and other partners, etc.

²⁵ adopted 1989; came into effect 1996.

Members of their Families;²⁶ Homework Convention;²⁷ Rome Statute of the International Criminal Court;²⁸ UN Convention against Organized Crime and its Protocols;²⁹ SAARC Convention on Preventing and Combating Trafficking in Women and Children.³⁰ International commitments arising from these conventions and agreements require implementation at the domestic level.

Table 2 below summarises the legislation that exists on VAW.

Table 2: Legislation on Violence Against Women by Country

Country	Domestic violence	Rape & sexual assault	Sexual harassment	Marital rape
Bangladesh	2	1	1	0
Bhutan	0	1	0	2
India	4 + specific law (2005)	2	2	0
Maldives	4	0	0	0
Nepal	4	2	0	2
Pakistan	2	2	0	0
Sri Lanka	4 + specific law (2005)	2	2	2

Key: 0=no provisions or unknown; 1=specific legislation; 2=non-specific legislation; 3=non-specific legislation, being planned, drafted or reviewed; 4=specific legislation, being planned, drafted or reviewed.

Source: Appendix 1, Legislation on violence against women by country, "not a minute more: Ending Violence Against Women", UNIFEM, New York, 2003, p90; additional information on India and Sri Lanka..³¹

GBV throughout the life cycle

The threat of multiple forms of gender-based violence lasts throughout the life cycle³² as outlined, here:

Pre-birth: Sex-selective abortion; effects of battering committed against the mother during pregnancy on birth outcomes; effects on the child of HIV/AIDS if afflicting pregnant women;

Infancy: Female infanticide; neglect of girl-child; poor nutrition; physical, sexual, psychological abuse of girls; girls are 'sold'/exchanged for money; girls are given for illegal adoption; absence of medical care for the girl-child;

Girlhood: Child marriage; neglect; poor nutrition; discrimination in family and education; illiteracy; battering; rape; physical, sexual and psychological abuse; incest; 'sold'/exchanged for money; illegal adoption; child labour, long hours of work in unhealthy conditions, with minimal pay or with no pay if child was 'bought' for the purpose; child prostitution and pornography; trafficking; burden of family care and earning income for family requirements; absence of medical care; homelessness;

Adolescence: Dating and courtship violence (e.g. acid throwing and date rape); economically coerced sex (e.g. school girls having sex with "sugar daddies" in return for school fees); incest; sexual abuse in the workplace; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner/domestic violence; marital rape; dowry abuse and murders;³³ honour killing;³⁴ partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy; absence of medical care; homelessness;

Adulthood: incest; sexual abuse; rape; sexual harassment at the workplace; forced prostitution and pornography; trafficking in women; marital rape; bias at the workplace regarding wages and terms of employment; domestic violence; dowry abuse and murders; honour killing; partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy; forced abortion; HIV/AIDS; maternal deaths; poor nutrition; anaemia; lack of access to health care and services; homelessness; abandonment; occupational segregation;³⁵

Elderly: Forced "suicide" or homicide of widows for economic reasons; sexual, physical and psychological abuse; lack of access to health care and services; homelessness; abandonment.

²⁶ adopted 1990; came into effect 2002.

²⁷ Adopted 1996; came into effect 2000.

²⁸ Adopted 1998; came into effect 2002.

²⁹ Adopted 2000; came into effect 2003.

³⁰ Adopted 2002.

³¹ In 2005, Both India and Sri Lanka enacted respective laws on Domestic Violence (Domestic Violence Act, 2005, Sri Lanka and The Protection of Women from Domestic Violence Act, 2005, India).

³² http://www.un.org.pk/gmc/Girl_Child_Symposium_Report.pdf, <http://www.un-instraw.org/revista/hypermail/alltickers/fr/0833.html>; also, Ganesh, M., "Gender, Violence and Sexuality", Web-Enabled Gender Training Series, Action Aid Asia, 2002 cited in *Progress of South Asian Women 2005, Accountability to the World's Women*, Institute of Social Studies Trust/UNIFEM, New Delhi, 2005.

³³ Dowry murder predominantly occurs in South Asia. In India, for example, there are close to 15,000 dowry deaths estimated per year. In Bangladesh, there have been many incidents of acid attacks due to dowry disputes, leading often to blindness, disfigurement, and death. In 2002, 315 women and girls in Bangladesh were victims of acid attack. <http://www.un-instraw.org/revista/hypermail/alltickers/fr/0833.html>

³⁴ In many societies, rape victims, women suspected of engaging in premarital sex and women accused of adultery have been murdered by their male relatives because the violation of a woman's chastity is viewed as an affront to the family's honour. According to a 2002 UN human rights report, more than 1000 women are killed in Pakistan in the name of honour every year. <http://www.un-instraw.org/revista/hypermail/alltickers/fr/0833.html>

³⁵ Concluding Comments of CEDAW: Maldives, 37th Session, New York, 15 January – 2 February 2007, para 29.

Using the "woman life-cycle" perspective and a "perpetrator of gender-based violence" perspective allows a comprehensive approach in responding to issues of VAW. In light thereof, the Office of the United Nations High Commissioner for Human Rights (OHCHR), attempts to identify some indicators in a Supporting Paper "Criteria for Identifying Indicators on VAW" presented at the Expert Group Meeting on Indicators to Measure Violence Against Women.³⁶

Possible physical and mental health costs or outcomes⁴¹ range from permanent disabilities, deformities and injuries (from lacerations to fractures to internal organ injury), poor reproductive health, gynaecological problems, pelvic inflammatory disease, chronic pelvic pain, contracting HIV/AIDS and other sexually-transmitted diseases, involuntary abortion, forced or unwanted pregnancy, headaches, post-traumatic stress syndrome, asthma, irritable bowel syndrome, loss of self-esteem and inability

Table 3: Forms of Violence Against Women

	Physical, sexual and psychological violence occurring in the family	Physical, sexual & psychological violence occurring within the general community	Physical, sexual and psychological violence perpetrated or condoned by the State
Sexual & reproductive health	e.g. incidence of foetal sex determination e.g. prevalence of physical or sexual violence perpetrated by intimate partner during pregnancy e.g. incidence of sexual abuse on female children	e.g. incidence of female genital mutilation e.g. prevalence of rape perpetrated by non-partners	e.g. incidence of forced sterilization
Education & empowerment	e.g. incidence of preference for sons' access to education	e.g. proportion of girls in the school-going-age group not enrolled in school	e.g. incidence of sexual harassment by teaching staff in education institution
Work opportunities & conditions of work	e.g. incidence of violence against domestic workers	e.g. incidence of sexual harassment in the workplace e.g. incidence of women trafficking	e.g. date of entry into force of legal framework for promoting and protecting equal treatment of women in work and inheritance
Participation & decision-making	e.g. proportion of women having "a say" in decision-making in the household e.g. incidence of dowry-related violence	e.g. proportion of forced marriages	e.g. incidence of physical or sexual violence perpetrated by state agents (e.g. police, custodial staff, immigration officials)

The costs of Gender-Based Violence

It has been shown time and again how GBV impacts women's physical and mental health, productivity, political participation and all other areas of life. The costs of GBV are extensive. Death of many women may be attributed to GBV in intimate relationships. The report of the UN Secretary General (2006)³⁷ cites studies confirming this: "A study of 400 villages and seven hospitals in rural western India found that 16 percent of all deaths during pregnancy were the result of partner violence";³⁸ "a similar trend is found in Bangladesh".³⁹ Acid attacks have traumatic consequences, scarring the victims physically, psychologically and socially for life.⁴⁰

to meaningfully participate in processes outside the home, psychological breakdowns, depression, fear, anxiety, suicide attempts, self-injurious behaviour (smoking, unprotected sex), sexual dysfunction, eating disorder, obsessive compulsive behaviour, homicide, maternal mortality, among others.

Of special note is the growing incidence of HIV/AIDS affecting the general population especially women in parts of the region. HIV/AIDS is not only a health problem but a gender and a human rights issue. Analysis points to the relation between GBV and HIV/AIDS and the need to tackle the root of the problem, e.g. unequal power dynamics between men and women. It is recognised that "(t)oday,

³⁶ Co-organized by UNDAW, UNECE and UNSD in collaboration with ECA/ ECLAC/ ESCAP/ ESCWA, Geneva, 8-10 October 2007.

³⁷ In Depth Study on All Forms of Violence Against Women, at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>.

³⁸ Ganatra, B., Coyaji, K. and Rao, V., "Too far, too little, too late: a community-based case-control study of maternal mortality in rural west Maharashtra, India", *Bulletin of the World Health Organization*, vol. 76, no. 6 (1998), pp 591-598 in In-Depth Study on All Forms of Violence Against Women, para 158, p 48.

³⁹ Fauveau, V. et al., "Causes of maternal mortality in rural Bangladesh, 1976-85", *Bulletin of the World Health Organization*, vol. 66, no. 5 (March-April 1988), pp 643-651 in In-Depth Study on All Forms of Violence Against Women, para 158, p48.

⁴⁰ Millennium Development Goals, Bangladesh Progress Report 2005.

⁴¹ Violence and Injury Prevention: Violence and Health; Violence Against Women: A Priority, cited in Shah, V with Sahdev, D, Strength in Action, *Breakthrough*, 2004, p.68

the face of the HIV/AIDS epidemic is typically that of the impoverished, undernourished woman from the third world".⁴²

The economic costs of GBV include costs for immediate and long-term medical and psychological attention required to deal with the effects of the acts of violence. Likewise, it means the loss of income due to the survivor's inability to come to work or undertake livelihood. Many women are forced to leave the hostility of their homes, even if temporarily, and shell out the amount required for shelter or temporary homes. Studies show that the economic toll due to GBV is not confined to the survivor alone but extends to the household, the employer and the social security system. In poor households, GBV further depletes meagre resources.

Link between GBV and property rights.

The importance of property/inheritance rights vis-à-vis eliminating/reducing violence against women, especially domestic violence, needs to be underscored in this connection. A research conducted by the International Center for Research on Women⁴³ in South Asia⁴⁴ reaffirmed that "property ownership enhances women's status in marital family... (allowing them) greater role in household decision-making".⁴⁵ "Property ownership influences a woman's ability to voice her opinion, gain respect and make decisions. In some cases, it also influences her workload".⁴⁶ Moreover, "property is a critical element of social status and economic protection".⁴⁷ In Kerala, the study found that while "domestic violence is influenced by individual, familial and community factors...women's property ownership is linked with a substantially lower risk of marital violence. Propertied women face less dowry harassment by marital family".⁴⁸ In West Bengal, "property is (found to be) protective from violence... (although) house ownership appears to be more protective than land".⁴⁹ In Sri Lanka, "Property ownership by women is high... (but) property ownership is apparently not protective".⁵⁰ Across contexts, however, the bottom line, as revealed by the various studies cited, is that "property

WE CAN end violence against women - THE BANGLADESH CAMPAIGN

The South Asia regional campaign on violence against women in Bangladesh will focus on the issue of domestic violence that affects half the homes in the country.

Ending domestic violence requires changes beyond individuals and families. The community as a whole needs to be motivated to work together. To make this possible, 148 organisations have joined together to highlight the silent crisis.

Over the next six years, through a series of public education and community mobilisation events they will work to raise awareness among all sections of the community to reject and end this practice.

The campaign will initially cover 12 districts of the country. These are: Dinajpur, Gaibandha, Pabna, Sirajgonj, Bagerhat, Barisal, Chittagong, Kurigram, Thakurgoan, Pirojpur, Jhinaidaha and Rajshahi.

Source: www.wecanendvaw.org

enables women to negotiate violence if it occurs" or that "women's ownership of property is an escape option from violence" or that "women with property are able to negotiate or exit the violent relationship".

Regional and National Initiatives

The governments of South Asian countries have signaled their determination to end violence against children, especially gender-based violence through a number of regional initiatives. SAARC has identified women, children and youth as a key area of cooperation. The 2002 SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia calls upon State Parties to

⁴² Kelkar and Nathan, 2003 www.unifem.org.in/PDF/GENDER_percent_20REPORT_%_final.pdf, cited in *The Gender Dimensions of HIV/AIDS Challenges in South Asia*, UNAIDS SAICT/UNIFEM, New Delhi, August 2004, p9.

⁴³ *Property Rights and Domestic Violence: The South Asia Experience*, ICRW, New Delhi, India/Washington, USA, September 2005.

⁴⁴ Specifically referred to here are the studies undertaken in Kerala and West Bengal, India and in Sri Lanka.

⁴⁵ Panda, Pradeep Kumar, "Domestic Violence and Women's Property Ownership: Delving Deeper into the Linkages in Kerala" in *Property Rights and Domestic Violence: The South Asia Experience*, ICRW, New Delhi, India/Washington, USA, September 2005.

⁴⁶ Gupta, Jayoti, "Property Ownership as Protection for Domestic Violence: The West Bengal Experience" in *Property Rights and Domestic Violence: The South Asia Experience*, ICRW, New Delhi, India/Washington, USA, September 2005.

⁴⁷ CENWOR, "Property Ownership and Domestic Violence: A Perspective from Sri Lanka" in *Property Rights and Domestic Violence: The South Asia Experience*, ICRW, New Delhi, India/Washington, USA, September 2005.

⁴⁸ Panda, *ibid.*

⁴⁹ Gupta, *ibid.*

⁵⁰ CENWOR, *ibid.*

"ensure that their national laws protect the child from any form of discrimination, abuse, neglect, exploitation, torture or degrading treatment, trafficking and violence". The Convention also includes provisions on child labour, birth registration and the minimum age of employment and marriage. SAARC has also adopted a Convention on Preventing and Combating Trafficking in Women and Children.

Although social development statistics suggest that in Sri Lanka and the Maldives girls and women are faring better than in the past, throughout the region indicators show that life expectancy for women and girls is lower than in other parts of the world. There are 50 million fewer women in South Asia today than there should be due to sex-selective abortions, violence and neglect.⁵¹ The sex ratio in South Asian countries, with the exception of Sri Lanka, favours men.

In the last few years South Asia has witnessed difficult circumstances which exacerbated girls'/women's vulnerability to GBV, e.g. in times of natural disasters like the tsunami and earthquake, incidence of trafficking, rape, forms of sexual assault on women and girls as well as illegal adoption were reported; in times of communal riots, women were molested to 'punish' opponent camps; in times of political protests, women were molested to deter agitating groups.

All the countries of South Asia except Afghanistan have adopted the 1996 Stockholm Declaration and Agenda for Action Against Commercial Sexual Exploitation of Children through which they commit themselves to preventing sexual violence against children and to helping those children who are sexually exploited. In a national consultation, Bangladesh recognised that one of the main areas to be addressed is the problem of child labour. Approximately 8 million children between the ages of 5 and 17 are working. The government has introduced programmes to tackle child labour as well as the related problems of children living on the streets and child trafficking. One important aim is to get children into school and ensure that they do not drop out.⁵²

The Royal Government of Bhutan reports that most incidents of violence in Bhutan occur among children in labour, disabled children and through corporal punishment and sexual abuse. There is increasing concern about reports

Partners for Prevention

Gender-based violence, which affects all ages, classes, castes and social groups, prevents the achievement of human rights, checks development, uses scarce public resources and devastates families. United Nations in the Asia region has been supporting a networking, consultation and programme formulation process for a regional initiative on gender-based violence prevention. As a result of this process, a joint UN regional programme is now being finalised for 2008 – 11 to support violence prevention in the region and to help ensure boys and men are part of the process.

Source: Partners for Prevention: Working with Boys and Men to Prevent Gender-based Violence: A United Nations Joint Regional Programme, Asia Pacific 2008 - 2011. At http://www.southasianmasculinities.org/partners_for_preventions.html

of commercial sexual exploitation and cross border trafficking of children.⁵³ In India, an estimated 30 million children belong to families living in conditions of acute distress and deprivation. An issue aptly highlighted by CEDAW is the "employment of children – the majority of whom are girls – as domestic help in private homes where children are exposed to all forms of abuse, including sexual abuse".⁵⁴

Bangladesh with 80 percent of its population in rural areas, its poverty, its frequent floods, cyclones and droughts pose challenges to processes of development.⁵⁵ UNDP has asserted that "sexual and gender based violence is a major problem in Sri Lanka's relief camps. Desperation, depression and alcoholism increased women's vulnerability to violence and sexual abuse. In many of the camps, the conditions that women face are more severe than those affecting men. Rape, trafficking and violence are not uncommon especially in the camps that are inadequately designed and where provisions of the women's needs are not fully incorporated."⁵⁶

GBV in Maldives, including domestic violence, seems "tolerated or even expected by society".⁵⁷ While there are inadequate statistical data disaggregated by sex, there are likewise legislative gaps to tackle domestic violence and

⁵¹ UNRISD, *GenderEquality: Striving for Justice in an Unequal World*, 2005. See p. 6.

⁵² www.unicef.org/india/South_asia_report_JK_v4_FINAL_23_Jan.doc.

⁵³ *Ibid.* p.9.

⁵⁴ Concluding Comments of CEDAW: India, 37th Session, New York, 15 January – 2 February 2007.

⁵⁵ UNRISD, 2002, *op.cit.* pp.5.

⁵⁶ Cited in, *Supporting Local Institutions for Tsunami Recovery in Sri Lanka*, UNIFEM, 2006. pp.4.

⁵⁷ Concluding Comments of CEDAW: Maldives, 37th Session, New York, 15 January – 2 February 2007, para 19.

also sexual harassment. The "issue of trafficking is a major concern, especially in the absence of information about its extent, both internally and transnationally"; CEDAW is concerned that "women and girls who have been exploited in prostitution could be re-victimised by the authorities because of the criminalisation of extramarital relations".⁵⁸ On a positive note, however, Maldives acceded⁵⁹ to the Optional Protocol⁶⁰ to CEDAW and accepted⁶¹ the amendment to article 20, paragraph 1 of the Convention concerning the meeting time of the Committee.⁶² A Database has been established to record individual cases of VAW reported to the Ministry since 2001. The first ever nationwide survey to gauge the level of violence against women in the country was conducted in 2006 by the Ministry of Gender and Family. The Women's Health and Life Experiences Survey found that 1 in 5 women aged 15-49 who have ever been in a relationship reported some sort of physical or sexual violence by an intimate partner and altogether 1 in 3 women aged 15-49 years reported suffering some sort of physical or sexual violence at least once in her lifetime. The findings of the study were released on the occasion of the International Day for the Elimination of Violence Against Women, 25th November 2006. The Ministry of Gender and Family has launched 16 days of activism campaign on violence against women in 2006, in which 27,000 hand prints were publicly displayed symbolising the pledge to help stop violence against women. In order to decentralise support services for women, children and families in need of protection, the Ministry of Gender and Family has established Family and Children Service Centres in 10 atolls of the country.⁶³

The nine-year conflict in Nepal has had an enormous impact on women and children. Its negative effect translates into a situation where girls are deprived of educational and other opportunities. Because of frequent kidnappings and raids, parents fear for their daughter's safety and are withdrawing them from school. It is only recently that violence against children has been recognized

as a problem in Nepal. The government is committed to addressing violence against children by implementing its National Plan of Action (NPA) for children which is based on the Convention on the Rights of the Child (CRC).⁶⁴ There have been some significant efforts to work together with civil society and development partners and to take a multi-sectoral approach to the complex problem of violence under the circumstances.

Nepal has criminalised all forms of sexual harassment and recognised marital rape as ground for divorce. The Gender Equality Act also secures women's land ownership rights by eliminating the requirement that daughters return parental property upon marriage.

In Pakistan, there is an extended legal framework to combat violence against children, but practices such as early marriage, trafficking, honour killings, child labour, sexual abuse and corporal punishment still exist. The government has established reporting mechanisms and reviewed legal frameworks. A National Child Protection Centre and Child Welfare and Protection Bureau have been created.⁶⁵ The media has a very critical role to play. To ensure "that more people believe in women's rights and human's rights (this has) to be cultivated in the press. Half the battle is being won or lost in the media".⁶⁶ The Protection of Women (Criminal Laws Amendment) Bill 2006 has brought about some significant changes by taking away the over riding nature of Zina and Qazf Ordinances.

The India shadow report on CEDAW observed "falling sex ratio, rising levels of poverty and unemployment, starvation deaths linked to the denial of right to life and livelihood, increased violence in all aspects... against the backdrop of globalisation and rising caste/religious intolerance".⁶⁷ The report collated issues across the country from various sources. CEDAW, in its Concluding Comments⁶⁸ to India's official report, notes "forms of violence against women rooted in customs (like witch-hunting) as an infringement of women's rights", "ongoing atrocities... on Dalit women

⁵⁸ Ibid, para 21.

⁵⁹ 13 March 2006.

⁶⁰ The Optional Protocol to the Women's Convention offers complaints mechanism for individuals about violations of any of the provisions of the Convention. It does not confer any substantive rights to State Parties but it aims to complement State commitments under the Convention by establishing communication and enquiry procedures for the CEDAW to monitor and review compliance by the governments with the Convention.

⁶¹ 7 February 2002.

⁶² Concluding Comments of CEDAW: Maldives, 37th Session, New York, 15 January – 2 February 2007, para 4.

⁶³ *Maldives Country Report 2007*.

⁶⁴ The United Nations Convention on the Rights of the Child (CRC, 1990) contains a general prohibition against all forms of violence against children (Article 19 [1]). The international and regional agreement are translated into National Plans of Action (NPAs), which very often involve bringing together different groups, setting priorities and allocating responsibilities, as well as mobilizing necessary funding.

⁶⁵ www.unicef.org/india/South_asia_report_JK_v4_FINAL_23_Jan.doc.p.9.

⁶⁶ Women's Human Rights in Pakistan-What has changed and how?, An interview with Asma Jehangir by Eman Ahmed, WHRnet, September 2005.

⁶⁷ India Second and Third Alternate Report on CEDAW 2006, Coordinated by NAWO (UNIFEM, IIE, IWRAW-Asia), New Delhi, 2006.

⁶⁸ 37th Session, New York, 15 January – 2 February 2007.

and continued practice of manual scavenging despite a law banning the same with grave implications for the dignity and health for those engaged in this activity", "privatisation of health care and its impact on the health of poor women", "continuing low representation of women in Parliament and State Legislatures and in government service, ... low numbers of women judges in the high courts and the total absence of women judges in the Supreme Court", "displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends", "(absence) of laws relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers", "continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education", among others.

Children in Sri Lanka, in the wake of the 2004 tsunami and ongoing conflict, have been caught up in military action, recruited for the armed forces, and have been exploited in prostitution and child labour. The international community has identified worst forms of child labour because of the immediate and severe risk to which they subject children. These worst forms include exploitation as child soldiers.⁶⁹ Children are forcibly conscripted into combat. Children are recruited as soldiers or to perform other tasks for armed groups (for example cooking or as messengers) and are often sexually assaulted and abused. For women, the impacts of conflict situations are extensive.

To address these challenges, there have been advocacy and media campaigns, legislative review, a deterrent approach to sex tourism and formation of the NCPA and District Child Protection Committees.⁷⁰ "Among the more creative methods used have been regular demonstrations in Colombo calling for an end to the conflict and a return to negotiations, in which special attention is drawn to the cases of violence against women in the context of conflict. In addition, several television programmes have been produced in collaboration with Young Asia television, focusing on issues and challenges facing women in the Sri Lankan conflict. These are used in a range of lobbying and advocacy initiatives, nationally and abroad. In addition, women's groups regularly issue press briefings, and extend support to women victims and survivors... The most critical and positive feature has been (the)... linkages and

connections across the ethnic and other divides in spite of the conflict. Sinhala, Tamil and Muslim women's groups continue to come together to work and act against the violations in whatever way possible. Mothers of soldiers come together with mothers of those 'disappeared' by soldiers to call for justice and for accountability. The friendships and solidarity sustain the women's movement which is also well connected to women's rights processes regionally and internationally".⁷¹

There are also emerging forms of GBV like email and cellphone stalking, and internet posting of morphed pornographic images of women. Media – and technology, continue to play crucial roles in "making or breaking" campaigns to contain GBV.

Laws for Women's Human Rights

Changes in the law to deal with women's human rights particularly GBV would have been occasioned mostly in the 1990s as a result of many international campaigns and actions for governments to align their policies and laws according to international conventions.

In its Concluding Comments to Bhutan's Report of 2004, the CEDAW highlighted areas of "concern and recommendations" including "the need for inclusion of the principle of equality between women and men as well as a definition of discrimination against women in the draft Constitution; likewise, that in drafting its Constitution, the State party also be guided by other international human rights instruments. The Committee calls on the State party to adopt its draft Constitution in an expeditious manner."

More steps need to be taken. "(i)n 2003, only 45 countries (around the world) had specific laws on domestic violence but that number has now increased to 60, and in total there are 89 nations with some form of legislative provisions that deal with domestic violence".⁷² India, after a sustained initiative by women's groups led by the Lawyers Collective, passed a legislation against domestic violence, the Protection of Women from Domestic Violence Act of 2005.

"The new law protects all members of a household, and it embraces the definition of violence adopted by the United Nations as being any form of abuse, whether emotional, physical, sexual or verbal. It also offers a wide range of new protection measures: injunctions, protection

⁶⁹ www.unicef.org/india/South_asia_report_JK_v4_FINAL_23_Jan.doc. (Ibid.p.15).

⁷⁰ www.unicef.org

⁷¹ Impunity for Women's Human Rights Violations in Sri Lanka, An Interview with Sunila Abeysekera, Executive Director, INFORM, Sri Lanka by Johanna Howes, AWID Intern, October 13, 2006.

⁷² www.unifem.org_story_dtd_22_November_2006.

One in every two women in South Asia faces violence in their daily life

In this region, violence begins long before birth and continues throughout women's lives. Unborn girls are killed through sex-selective abortions. Every sixth death of a female infant in India, Bangladesh and Pakistan is due to neglect and discrimination.

Many girls and women endure daily beatings, harassment for dowry, verbal abuse and acid attacks for refusing to comply with male demands. Other women become targets of extreme forms of violence like incest, rape, public humiliation, trafficking, honour killing and dowry deaths.

Girls and women also often have less to eat than boys and men, and are denied education and health care. They are forced into early marriage, have few avenues of employment and are under-represented in their governments.

All these practices seriously threaten women's lives, rights and ability to participate in all spheres of life. As a result of such severe neglect and violence, there are 50 million fewer women in South Asia today than there should be.

Even as there is growing realisation among the region's governments of the issue of violence against women, programmes, policy and laws remain biased and largely inaccessible.

Entrenched social attitudes define violence against women as 'normal' practice and not as a punishable offense. Underlying the social acceptance of violence against women is the deep-seated social belief that women are fundamentally of less value than men.

Only when this perception changes will violence against women be viewed as a shocking, unacceptable violation rather than an invisible norm.

Source: WE CAN end violence against women, South Asia Regional Campaign at www.wecanendvaw.org

orders, and maintenance and custody orders. The common practice of throwing a married woman out of her home is now illegal, and while there is still no law making marital rape a crime, the 2005 act opens the door to make it so".⁷³

The Concluding Comments of CEDAW to India's Report,⁷⁴ however, bemoans the absence of mechanisms to effectively enforce the Act especially in the various states of the country. A review of the Act within one year of its enactment was held in October 2007—an unprecedented act for a legislation.

Maldives, commended by CEDAW "for having become party to most international human rights instruments",⁷⁵ has maintained its reservation to CEDAW articles 7(a) and 16 despite a statement made five years ago when it submitted its Initial Report that it would withdraw the reservations,⁷⁶ neither has the convention been made part of the Maldivian Law nor the definition of discrimination contained in its Constitution and other domestic legislation.⁷⁷

Nepal had initiated a number of measures to facilitate equality between men and women but discriminatory practices and laws persist. As an example, although Amendments to the Country Code of 1963 were adopted in 2002 allowing daughters right to inherit property by birth, a restrictive provision remains for the return of property after her marriage.⁷⁸

"In Sri Lanka, women have equal rights in the General Law but discriminatory provisions exist in varying degrees in the family law of each community pertaining to areas such as marriage, divorce, property, and financial transactions. Women are denied equal rights to land in State-assisted settlements. Labour legislation conforms to international practice but enforcement is relatively weak, and workers in the informal sector, a substantial proportion of whom are women, are outside the ambit of labour laws. The amendments to the Penal Code in 1995 expanded the scope of legislation to counter gender-based violence but gaps exist due to the absence of domestic violence legislation" till date.⁷⁹

⁷³ Ibid.

⁷⁴ 37th Session, New York, 15 January – 2 February 2007.

⁷⁵ Concluding Comments of CEDAW: Maldives, 37th Session, New York, 15 January – 2 February 2007, para 9.

⁷⁶ Ibid, para 12.

⁷⁷ Ibid, para 13.

⁷⁸ Nepal Millennium Development Goals, Progress Report 2005.

⁷⁹ Achieving Millennium Development Goals in Sri Lanka, Millennium Development Goals Country Report 2005 – Sri Lanka

In contexts where there is absence of specific laws to tackle various forms of GBV, there are acts of violence which do not get reported as crime – or recorded as such by the law enforcement bureaus. Because of reservations entered into by the government on ratification of international conventions like CEDAW, there has been a very uneven application of international commitments, along with a very hesitant move at domestic levels to prosecute offenders in cases of GBV. After more than three decades since the First World Conference on Women,⁸⁰ many would still want to believe that domestic violence, marital rape, honour killing, dowry death, among others, are a "private matter" and beyond the ambit of the law, that rape is just about sex instead of power, that domestic violence is basically just a matter between intimate partners. Unfortunately, government officials, educational institutions, law/policy-makers, lawyers and judges, law enforcement agencies, educationists are hindered by their own prejudices concerning women and gender relations.

Challenges

Responding to the situation requires thought-out strategies in keeping with CEDAW, BPFA, MDGs and other international commitments. Parallel efforts not only in terms of policies and laws to remove structural barrier to equality but massive reorientation of the mind-set through unrelenting awareness-raising campaigns have been ongoing for decades now. But, more concerted action is required if the situation has to be radically improved. Sustained gender-sensitisation of all stakeholders is a must if we have to change mind-sets, reverse issues against women's human rights, especially GBV and secure substantive equality for all women. Mirjam van Reisen, author of the report and director of Europe External Policy Advisors (EPPA), in arguing for sustained efforts at gender equality, says: "As an analogy, we all use computers today, and the more we use them the more we need IT support, not less. The same applies to gender equality—the more we progress, the more capacity we need to build."⁸¹

Political will holds the key to change. Alongside, there is a need for parallel, multi-level, multi-stakeholder interventions. There is need for more resources, for more capacity on the ground.

Immediate action for governments to withdraw reservations and declarations against certain provisions of

CEDAW is required. Likewise, the Optional Protocol must be ratified without any further delay.

Some recommendations coming out of the UN "In-Depth Study on All Forms of Violence Against Women"⁸² highlight these points, further outlining actions to be taken at the national level, thus:

"Secure gender equality and protect women's human rights

- Ratify without reservations all human rights treaties, including in particular, the CEDAW and its Optional Protocol
- Ensure that women know their rights and are empowered to demand and exercise them
- Educate men and women, boys and girls about women's human rights and their responsibility to respect the rights of others
- Respond to different women's experiences of violence, as such experiences are shaped by the intersection of gender with other factors, such as race, ethnicity, class, age, HIV status, sexual orientation, disability, nationality, legal status, religion and culture."

"Exercise leadership to end VAW"

"Close the gaps between international standards and national laws, policies and practices

- Bring national laws, policies and practices into compliance with international commitments;
- Remove all laws that discriminate against women; review and revise all State policies and practices to ensure that they do not discriminate against women; and ensure that provisions of multiple legal systems, where they exist, comply with international human rights standards, including the principle of non-discrimination;
- Ensure that legislation is in place that adequately addresses all forms of violence against women;
- Act with due diligence to prevent VAW; to investigate such violence; to prosecute and punish perpetrators, whether they are State or non-State actors; and to provide access to redress for victims;
- Promote victims/survivors' knowledge of their rights and remedies available to demand their capacity to claim them through effective access to justice

⁸⁰ Mexico, 1975.

⁸¹ "Aid Effectiveness" Will Fall Short Unless Greater Attention Paid to Gender Equality, UNIFEM and EC Organize Conference on Gender Equality, National Development Strategies and New Trends in Development Cooperation, News Release, 10 November 2005.

⁸² Report of the Secretary-General, 61st Session, General Assembly, United Nations, 6 July 2006.

Table 4: UNODC proposed violence against women indicators

	Definition of indicator	Methodology
Qualitative Indicators		
Indicator 1	Attitudes and perceptions of violence	<ul style="list-style-type: none"> specialised household violence survey employing standardised questions. assignment of score representing a scale of permissive to restrictive environment for violence against women.
Indicator 2	Preventive measures	<ul style="list-style-type: none"> expert assessment of criminalisation of acts of violence against women and other preventative State programmes using a checklist employing standardised questions. assignment of score representing a scale of permissive to restrictive environment for violence against women.
Quantitative Indicators		
Indicator 3	<p>Number of women per 100,000 women experiencing at least one event during the last year of :</p> <ul style="list-style-type: none"> homicide (subset: honour killings) rape major assault assault sexual assault harassment female genital mutilation/cutting trafficking in persons <p>Disaggregation by:</p> <ul style="list-style-type: none"> whether event occurred once or more than once during the last year whether reported event to the police <ul style="list-style-type: none"> sub-indicator: percentage of reported cases resolved sub-indicator: percentage of women who experienced secondary victimisation 	<ul style="list-style-type: none"> Use of recorded crime data for homicide where available and public health or WHO data on death by violence. Estimate of other events based on crime victim surveys and specialised violence surveys. Triangulation using police reporting rates and crime data where available. Disaggregation data collected by crime victim surveys and specialised violence surveys.
Indicator 4	<p>Number of women per 100,000 women experiencing at least one violent event during the last year perpetrated by :</p> <ul style="list-style-type: none"> current intimate partner past intimate partner relative otherwise known person stranger 	<ul style="list-style-type: none"> use of crime victim surveys and specialised violence surveys.

- Promote the competence of all personnel in the legal and criminal justice, health, education systems to meet the needs and secure the rights of victims/survivors through professional education, training and other capacity-building programmes.”

“Strengthen the knowledge base on all forms of violence against women to inform policy and strategy development

- Take responsibility for the systematic collection and analysis of data. They should carry out this work

themselves or in partnership with other actors. This may include supporting and facilitating the work of NGOs, academics and others engaged in such activities

- Ensure that data is disaggregated, not only by sex, but also by other factors such as race, age and disability, as appropriate
- Ensure that national statistical offices and other bodies involved in the collection of data on VAW receive the necessary training for undertaking this work.”

“Build and sustain strong multisectoral strategies, coordinated nationally and locally

- Integrate efforts to prevent and reduce male violence against women into a wide range of programme areas

Afghanistan: Commission on the Elimination of Violence against Women (CEVAW)

VAW is now considered as a public concern that falls within the realm of public policy and action. The government has set up the CEVAW, composed of seven ministries, the Supreme Court and the attorney general's office, and tasked to reduce all kinds of violence against women, provide relevant laws, regulations, education and training programs, expedite actions on the cases of VAW survivors, and encourage volunteerism in responding to VAW issues. CEVAW was established in 2005 by a presidential decree with the aim to facilitate coordinated efforts by all relevant ministries and statutory bodies to eradicate violence against women. The different ministries are represented by deputy ministers or equivalent officials. The mechanism is led by MOWA with technical assistance and secretariat support from UNIFEM.

In 2006, MOWA drafted a "law concerning elimination of violence against women" that was sent out to the civil society and the national assembly for consultation and comments. The drafting process was completed in September 2007, and will be formally submitted to the Ministry of Justice for review and endorsement to the Parliament by 2008.

Source - Afghanistan Country report On the Implementation of the Islamabad Declaration: REVIEW AND FUTURE ACTION: Celebrating Beijing plus ten

such as HIV/AIDS, reproductive health, urban planning, immigration, poverty reduction, development. Conflict, post-conflict and refugee situations and humanitarian relief.”

“Allocate adequate resources and funding.”

Internationally, the study emphasized the need to strengthen accountability by intergovernmental bodies and reiterated the crucial role played by the United Nations system and institutional support.

Given the nature of gender-based violence, there is a need for indicator development that would go beyond the crime indicators as defined by national laws. Key issues in this regard include:⁸³

- 1) what basic elements should be measured; (i) whether outcomes for women themselves, (ii) societal attitudes and perceptions, (iii) policy responses or (iv) State justice and welfare system responses;
- 2) in respect of outcomes for women; (i) whether measurement should focus on prevalence (the proportion of women who have experienced violence) or incidence (the number of acts of violence experienced during a specific period), (ii) the range of actions that should be included as violence, (iii) how severity and impact should be measured, (iv) the time period to which data should relate and (v) which sub-populations should be reported, such as stratification by age, marital status or geographic location;
- 3) in respect of perpetrators of violence, how such persons should be defined; and
- 4) what elements of responses to violence should be included: (i) degree of criminalisation of violent acts; (ii) victim police reporting and secondary victimisation; (iii) availability or usage of victim-support (service-based data), (iv) policy or practice relating to prevention of violence.

⁸³ S. Walby, "Developing Indicators on Violence Against Women", Department of Sociology at Lancaster University cited in "Indicators, Crime and Violence Against Women", Supporting Paper by UNODC, Expert Group Meeting on Indicators to Measure Violence Against Women, Co-organized by UNDAW, UNECE and UNSD in collaboration with ECA/ECLAC/ESCAP/ESCWA, Geneva, 8 – 10 October 2007.

Women in Armed Conflict

In South Asia where patriarchal thinking dominates various spheres, women are inevitably caught in the emerging form of new warfare.¹ The changing nature of conflicts has attracted the attention of many scholars, peace activists, bureaucrats, international civil servants etc., across the globe. While a perspective of building and sustaining peace has been a common underlying theme, there is disagreement about the appropriate response to conflict prone zones.

Francisco A. Munoz writes that the main problem with conflict is not whether we accept it or not, but the approach we take in the face of it. Many scholars have tried to conceptualise conflict with respect to the positive and negative notion of peace. Negative peace simply denotes the absence of physical violence and is characterised by a condition in which no active, organised military violence is taking place. (Raymond Aron: 1966). On the other hand the notion of positive peace has been advanced by Johan Galtung, according to whom positive peace is more than the mere absence of war or inter-state violence. It refers to social conditions in which exploitation is minimised or eliminated, and in which there is neither overt violence nor structural violence.² (Johan Galtung: 1985). Elaborating on the notion of structural violence, a greed-grievance theory was propounded by Collier-Hoeffler in addressing the root causes of conflict. They argued that grievance begets conflicts which begets grievance which begets further conflicts and proposed

that with such a model, the only point at which to intervene is to reduce the level of objective grievance. (Collier and Hoeffler:2000).

Caprioli has tried to draw connections between gender inequality and norms of violence. She affirms that states characterised by gender inequality are more likely to experience intra-state conflict. Her contention is that grievance does not always lead to violence and those underlying cultural norms that legitimise violence need attention and should be explored further. She argues that, if norms for tolerance and respect have a pacifying impact on domestic and international behaviour, then norms of intolerance and inequality should have an incendiary impact on domestic and international behaviour by legitimising violence as a tool of conflict resolution. (M.Caprioli: 2005:164). Caprioli's definition of gender equality and norms of violence is in tune with the slogan raised by women human right activists, who declared in 1993, at the Vienna Conference that women's rights are human rights thus including women's rights (both in the public and private sphere) into the domain of human rights, where they had been invisible.

Linked inextricably to state transformations and stimulated by socio-economic grievances often against the state structures, new wars, as Mary Kaldor argues, are generally organised around a charismatic leader, warlords who control particular areas, terrorist cells, fanatic volunteers like the mujahadeen, organised criminal groups, units of

¹ South Asia has been classified as the worst region in terms of indicators with the highest rates of different forms of violence against women. See Radhika Coomaraswamy, *The Varied Contours of Violence Against Women in South Asia*, UNIFEM and Govt. of Pakistan, Islamabad, 2005

² Structural violence refers to indirect forms of violence and is built into the very structure of social, cultural and economic institutions. It usually has the effect of denying people important rights, such as economic well-being, social, political and sexual equality, sense of self respect and self dignity etc. It is critical to pay particular attention to the socio-economic dimensions in conflict.

regular forces, mercenaries and private military companies.³ Such new wars can be seen across South Asia.

Women's Roles in Armed Conflict

One of the striking features of the armed conflict in South Asia is the role of women combatants.

The naxal cadre in India boasts of a women's brigade, trained in guerilla warfare. Trained to handle sophisticated weapons, women are emerging as major combatants. Poverty within the regions has constantly marginalised tribal people, and sympathy with the movement is a major driving force for women joining the movement. The Krantikari Adivasi Mahila Sangham, the women wing of the communist party of India (Maoist) has also led many mass struggles of tribal women against traditionally subservient roles.⁴

In Nepal, women form 30 to 40 percent of Maoist cadre. Research suggests that during the Maoist conflict in Nepal, many women joined Maoist cadres in order to experience gender equality. The Amnesty International Report cites Kamala Roka, District President of the Maoist Women's Wing, to support this argument. According to her, "The People's War has emboldened us women, it has given us confidence, and we are treated equally. However, once in, you do see male dominance in our movement."⁵ Many studies have termed the nature of women combatants as often resulting in double victimisation. The reason offered is that families and communities castigate women combatants for ignoring feminine duties such as chastity and motherhood during the conflict, while leaders responsible for designing post- conflict demobilization and reintegration programmes do not recognize women's contribution during the guerilla struggles and therefore do not design gender inclusive programmes.⁶ The All Nepal Women's Association (Revolutionary) ANWA(R) is the women's wing of CPN (M) and is known for mobilising women at the community level. However evidence shows that women's leadership is limited. While men continue to pursue military careers beyond the age of 40, women rarely do so after the age of twenty-five.

Similarly, in Sri Lanka there is a LTTE women's political wing office, which actively participates in combat

operations. With peripheral involvement in logistic activities till the 1980s, women entered Tamil militancy seven years after their male counterparts. Approximately 6,000 female cadres have been reportedly killed in combat; although according to the women's leader of their Political Wing, about 5,000 women have been killed out of an estimated 18,000+ LTTE cadres killed during the conflict.⁷ In the attack on the commander of the Sri Lanka armed forces inside the high security army headquarters complex on April 25, 2006, the thirty-four year old suicide bomber, Kanapathipillai Manjula Devi, was allegedly pregnant. Posing as the wife of a soldier on her way to the maternity clinic enabled her to gain relatively easy access into the high security complex where the army hospital is located.⁸

Impact of Armed Conflict on Women

Trafficking in persons, especially women and children, is to some extent the impact of armed conflict. Reports suggest that every year one to two million women, men and children are trafficked world wide and around 225,000 of them are from South Asia. Over the last thirty years trafficking for sexual exploitation alone has victimised some thirty million Asian women and children.⁹ Anti-trafficking efforts are hampered by the nexus between traffickers and law enforcement agencies.

Research conducted by the International Organisation for Migration reveals that in Afghanistan, armed conflict, lack of internal security, effects of droughts and socio economic pressures are the key responsible factors for trafficking. Under-reporting, inability of the women to access the judicial system and insecurity have been described as the prime obstacles to combat trafficking in the region. Though the South Asian governments signed the SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution in 2003, a regional taskforce is yet to be established and will need to take a multi-dimensional perspective on the problem.

An estimated 80 percent of internally displaced persons (IDPs) are women and children.¹⁰ Women in camps for IDPs have been found to suffer psycho-social problems often leading to emotional disorders. A study in Sri Lanka reported sexual harassment in welfare centres and

³ Mary Kaldor., *New and Old Wars: Organised Violence in a Global Era*, Cambridge: Polity Press, 1999.

⁴ Ibid.278

⁵ *The Impact of Guns on Women's Lives*, Amnesty International, 2005, at: <http://www.amnesty.org/resources/flash/svaw/womenunderfire/eng/ACT300012005nocaps.pdf>

⁶ J Pettigrew and Sara Shneiderman, "Women and Agency in Nepal's Maoist Movement", *The Himal*, January, 2004.

⁷ Yoram Schweitzer,83

⁸ Ibid

⁹ S Huda, *Sex Trafficking in South Asia*, 2006.

¹⁰ Coomaraswamy, 2005. op cit.

revealed that the appalling conditions most of these residents live in have resulted in particularly severe invasions of privacy especially for women. Further, it is apparent that the collapse of community and family structures, including the support provided by the extended family, has made displaced women even more vulnerable.¹¹

Another dimension of armed conflict is the fate of refugee women. Deprived of basic human rights like proper access to education, medical facilities, water etc., the fate of women refugees is influenced greatly by the systemic changes in international politics. The situation of Afghan women refugees merits some attention in this context. After the 9/11 episode, as the government of Pakistan sealed its border with Afghanistan, the Afghan refugees were sent back. Under the new government, which came to power in 2002 after the overthrow of Taliban rule, these refugees were given the status of Internally Displaced People thus making them ineligible for material support or protection through refugee rights.¹² IDPs do not enjoy full protection as most of them come under the sovereign concerns of the respective state, which is responsible for their basic needs.

By far the most pervasive cause of suffering for refugees, however, is the lack of basic economic, social and cultural rights. A report by Human Rights Watch on the situation of Bhutanese women refugees in UNHCR refugee camps in Nepal mentions that the UNHCR reported thirty-five refugee women and girls were missing from the camp between November 2002 and 2003. It was suspected that many of these women may be trafficking victims.¹³

Moreover, the presence of peacekeeping troops contributes to increasing incidence of sexual exploitation, in turn associated with increasing risks of HIV infection and forced pregnancies.

The impact of armed conflict has an impact on gender identities. Widows, in particular, face many problems as they have to take on full responsibility of their households and are often stigmatized by society. This has been seen clearly in the relocation projects for widows where they are often referred to as prostitutes.¹⁴ In welfare centers women are vulnerable to sexual harassment, abuse and

rape by security forces and paramilitary groups as well as by other men. These issues are often not addressed during or after the conflict. In Sri Lanka, around 58 percent of the female population is displaced. Since the declaration of a military solution to the conflict in Sri Lanka in mid-2006, the situation has further exacerbated.

In India, the Armed Forces Special Powers Act has been applied to parts of North-east India and has become a bone of contention between human rights activists and the security establishment. The AFSPA which grants armed forces personnel the power to shoot to kill, stands in clear violation of several Constitutional rights and is incompatible with both Indian and international law standards. The Act not only violates the Right to Life enshrined in Article 21 of the Constitution but also violates the International Covenant on Civil and Political Rights (ICCPR). In particular, the Act goes against Article 6 of the ICCPR guaranteeing the right to life, which is a non-derogable right.¹⁵

The Salwa Judum campaign in the Dantewara district of Chhattisgarh has also led to the militarisation of society. Official figures of April/May 2006 acknowledge that 45,958 persons from 644 villages were forced to live in relief camps run by the State Government. A standing committee set up by the Committee against Violence on Women found out that adivasi women are facing multiple traumas of forced dislocation and survival at the mercy of armed men.¹⁶

Forced displacement because of the repeated threats and attacks on local communities is also a gendered experience. Women find the process of displacement itself more traumatic than men; but they show greater flexibility in adapting to new environments and in developing survival strategies. Women have special medical needs in war and conflict situations, such as extra nutritional requirements and food during pregnancy and breast-feeding.¹⁷

International Agreements and State Policies

The human rights instruments and safeguards which international law provides for the safety of civilian and women combatants in armed conflict are as follows:

¹¹ Sri Lanka: *A Profile of Internal Displacement Situation*, IDMC, 2006, pp 77.

¹² Saba Gul Khattak, "Comparative Perspective Symposium: Women in Refugee Camps", *Signs: Journal of Women in Culture and Society*, 32, 3, 2007.

¹³ Human Rights Watch (2003): "Bhutan /Nepal: Trapped by inequality: Bhutanese Refugee women in Nepal". New York, pp. 45.

¹⁴ Sri Lanka: *A Profile of Internal Displacement Situation*, IDMC, 2006

¹⁵ India Joint Statement of Women's Groups Against Armed Forces (Special Powers) Act, 1958 (AFSPA), 2005, <http://www.sacw.net/Wmov/JointStatement20012005.html>

¹⁶ Jyoti Punwani, "Traumas of Adivasi: Women in Dantewada", *Economic and Political Weekly* January 27, 2007, pp276 – 78.

¹⁷ Ibid

CEDAW, the Bill of Rights for women and the Beijing Platform of Action, which intends to support the goals of CEDAW, delineates five areas of focus to enable women to be more pro-active partners in this respect.¹⁸ The conventions/treaties which provide legal standards to protect the bodily integrity and safety of women in armed conflict are:¹⁹

- General Recommendation No.19 of the UN Committee on the Elimination of All Forms of Discrimination (CEDAW) which asserts "gender-based violence (GBV)... is... violence that is directed against a woman because she is a woman or [because violence] affects women disproportionately..." Therefore, women who experience infringement of their human rights due to armed conflict are not under an equal protection of the law
- Article 27 of the 1949 Geneva Conventions, in response to the aggressive reprisals on women during World War II, states, "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault." It further denounces these actions based upon "nationality, race, religious beliefs, age, marital status or social condition"
- Common Article 3 of the 1949 Geneva Conventions, addressing cases of non-international armed conflicts, prohibits acts against non-combatants including "murder of all kinds," "violence to life and person," torture, the taking of hostages, and "outrages upon personal dignity, in particular humiliating and degrading treatment"
- Protocol I to the 1949 Geneva Conventions, addressing civilian and/or military authorities who involve themselves in cases of international armed conflicts, as well as colonial domination and racist regimes states that women "shall be protected in particular against rape, forced prostitution, and any other form of indecent assault"
- The Jurisprudence of the International Criminal Tribunal for Rwanda recognizes rape and other forms

of sexual violence by combatants in the conduct of armed conflict as war crimes. When rape and sexual violence are committed as part of a widespread or systematic attack directed against any civilian population, they are considered crimes against humanity and in some cases may constitute an element of genocide.

Rape as listed above is one of the oldest of war crimes and is clearly prohibited by the statute of International Criminal Court. Reflecting the spirit to strengthen people's power and to provide safeguards to the rights of women during situations of conflict, Article-7 and 8 of the Rome Statute strictly terms violence against women as Crimes against Humanity and War Crimes. However, it should be noted that none of the South Asian countries have become parties to the International Criminal Court.

A study on Afghanistan shows that though women whose fathers, husbands, sons and brothers died in the war were forced to assume the role of the bread-winner the government has not paid enough attention to their security needs.²⁰ According to a Shadow Report of Pakistan the Ombudsman Office registered a negligible 0.004 percent of the cases. It states that this clearly indicates that women do not approach the institution and therefore underlines the need for the government to find out the reasons for this lack of use/approach. It also comments on the limited mandate of the Ombudsman Office.²¹ A study by Wijayatilleke, in Sri Lanka found that hospitals, police stations, and courts do not record gender disaggregated data, and that incidents of violence are often subsumed in records of accidents as the victims are averse to reporting to public institutions and officials are insensitive to the issue of domestic violence.²⁴ Of particular concern to Sri Lanka is also the indiscriminate use of landmines. Not only do these cause death and maiming, they also endanger and make useless large areas of agricultural and grazing lands, which means that women and girls going to their fields to work or to collect fuel or water are put at risk.²⁵ Afghanistan which has the highest rates of mines and unexploded ordinance has also posed particular threats to

¹⁸ (a) Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation (b) Reduce excessive military expenditures and control the availability of armaments (c) Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations (d) Promote women's contribution in fostering a culture of peace (e) Provide protection assistance and training to refugee women, other displaced women in need of international protection and internally displaced women (f) Provide assistance to the women of colonies, and non-self governing territories.

¹⁹ Stop Violence Against Women, Amnesty International, at: <http://www.amnestyusa.org/women/armedconflict.html>

²⁰ Sadiqa Basiri, Gender and Security Issues: Women in Afghanistan, in *Confronting Afghanistan: Security dilemma in Reforming the Security Sector*, BICC, 2003, pp 57.

²¹ *Shadow Report on CEDAW, Pakistan 1996 – 2006* .pp 4.

²⁴ Wijayatilleke, Kamalini. 2002. *Domestic Violence in Selected Locations in Sri Lanka*. Colombo, Centre for Women's Research, cited in Country gender Assessment, Sri Lanka, ADB, 2004.

²⁵ *Gender, Armed Conflict and Search for Peace*, pp 212.

girls, who farm, tend animals and collect water in areas where these munitions are often found.²⁶

Defence Expenditures

The high defence expenditure of South Asian states is an area of concern. India raised its defence budget by nearly 8 percent to \$22 billion in 2007 while Pakistan increased it by nearly 4 percent to \$4.2 billion in 2006. Similarly Nepal spent \$260 million on defence in 2006 compared to about \$29,000 on agriculture despite the fact that around 80 percent of the population depended on farming for their livelihood.²⁷ South Asian countries need to take notice of the social costs involved especially in relation to achieving millennium development goals.

The table below shows the defence expenditure of the South Asian states as percentage of GDP:

Women Peace Keeping Force

The war-ravaged West African state of Liberia is the first country in the world where an all-woman UN peace keeping force has been sent. The Commander of the Indian UN Formed Police Unit (FPU) leads a 125 - strong force, comprising 103 women officers and 22 male logistics staff. FPUs are to bridge the gap between regular and lightly armed police and fully armed blue-helmets. Armed less than the regular security unit, an FPU is tasked with providing general support to UN policing in Liberia where they protect UN officials and civilian police while they perform their duties.

Source: <http://www.afrol.com/articles/23965> 23 January 2007

Table: Defence Expenditure as a Percentage of Central Government Expenditure, South Asia

Countries	As percent of Central Government Expenditure			As percent of GDP		
	1994	1999	2003	1994	1999	2003
Bangladesh	17.6	11	n.a.	1	1	1.2
India	15	15	14.2	2	2	2.3
Nepal	7	6	n.a.	1	1	1.5
Pakistan	27	23	23.9	5	5	4.1
Sri Lanka	12	15	13.6	3	4	2.5
South Asia	16.32	15.24	13.557	2.21	2.22	2.359

Source: Mahbub ul Haq Human Development Centre, 2006.²⁸

Women in Post Conflict Reconstruction

Women have been active in peace negotiations especially in areas of post-war conflict. The greatest landmark towards the formal inclusion of women, the UN Security Council Resolution 1325 passed on 31st October 2000, recognised that women world-wide are playing an active and positive role in conflict resolution and peace building. It acknowledged that peace cannot be sustained unless women have an equal and active role in formulating political, economic and social policy and that without women's full participation in peace processes, there can be no justice or sustainable development in the reconstruction of societies. Also women's participation in peace negotiations has been termed as an active approach to conflict prevention, as incorporating women's views during peace negotiations can become a building bridge to bring opposing parties to the table.

Some examples of situations where women have been successful in bringing negotiators to the table include peace processes in India and Pakistan. Emphasising people to people diplomacy, women have been prominent in the peace building process and have been active in building bridges that contribute to greater understanding. Post the Kargil conflict, a "Women's Peace Bus" involving several women's groups under the umbrella of the newly formed Women's Initiatives for Peace in South Asia (WIPSA) came to Pakistan. A number of resources, links and networks have emerged such as South Asian Network of Gender Activists and Trainers (SANGAT) which concerns itself with globalisation, militarisation, and old and new forms of patriarchies which impact women of the region. The Pakistan India Forum for Peace and Democracy (PIFPD) is an innovative effort that involves activists, women's groups, Trade Unions, artists, journalists, intellectuals etc.

²⁶ Susan McKay, *Women, Human Security and Peace Building: A Feminist Analysis*, Conflict and Human Security, 2004, pp.162.

²⁷ Reuters, 2 April 2007, at: <http://www.alertnet.org/thenews/newsdesk/SP180824.htm>

²⁸ Adopted from Abul Barkat, "Dynamics of Rising Economics of South Asia", Paper presented in IDSA ICRIER, Joint International Seminar on Economic Cooperation for Security and Development in South Asia, New Delhi, 2007.

Organisations like SAFAR, AMAN, INSAF, Fishworkers Forum in India, Pakistan, their umbrella organisation like World Fishworkers Forum, South Asia Labour Forum have taken up the issue of arrest, detention and killing of Indian and Pakistani fishworkers.²⁹

In the present political context of Nepal, the UNSCR 1325 is a crucial instrument. However the key stakeholders including the government, the legislature, and the policy makers are eager to have a clearer understanding of the instrument. UNIFEM has been carrying out initiatives to publicize the document. Collaboration with the Ministry for Peace and Reconstruction has begun to create awareness about UNSCR 1325 among the ministries and to facilitate development of the National Plan of Action on the resolution. Transitional justice in the peace process in Nepal is being promoted and the Truth and Reconciliation Bill is being reviewed from a gender perspective. Initiatives in order to sensitize people about resolution at the grassroots level are underway.

The challenges of post-war reconstruction are huge. Women as victims of rape are prone to sexually transmitted diseases. The incidence of these diseases is likely to increase during armed conflicts. Efforts are, however, being made to help women in conflict torn societies. For instance in Nepal after the termination of civil war, medical teams from the Adventist Development and Relief Agency (ADRA Nepal) have been setting up camps in remote towns and villages. UNIFEM and UNFPA are working to ensure that women will be part of the post-conflict political process and reconstruction efforts, as called for by UN Security Council Resolution 1325.³⁰

In the State of Assam in India, Project Prahari, which is an acronym for People's in Progress is a police initiative. The project is based on the concept of community policing and aims at addressing the root causes of social problems, which lead to criminal activity. Operational in over forty villages, the project aims to cover one village under each police station. Another project called Aashwas has been initiated to check insurgency in the North-east region. Under the project a baseline study has been undertaken to determine the general trends of the impact of violence on children and to identify measures which can lead to an improvement in the situation.³¹

An area of concern is the Disarmament, Demobilisation and Reintegration of women (DDR). A recent UN report states that there is a need to gather gender-disaggregated data to develop a more accurate understanding of the roles and experiences of women and girls associated with fighting forces during the conflict so as to better inform peace negotiations and DDR policies and programmes.³² A major flaw which the report perceives in the DDR processes is the absence of women during the peace negotiations when the parameters are set. Based on interviews with women cadres it points-out that many demobilisation camps fail to meet the needs of the women and girls associated with fighting forces. Physical security and the ability to take care of children while in a camp or centre is a paramount incentive/disincentive for women and girls entering the camp. As per the norms laid down for encouraging reintegration it states that equitable economic, political and justice systems and a psychological healing of individuals and communities is also needed so that the combatants can get naturally absorbed into their respective communities.

The concerned governments have not given adequate attention to the gender balance in the setting up and

Mobilising Mothers for Peace, Sri Lanka

Women have continued to work relentlessly on peace activities in Sri Lanka. One woman worked tirelessly to convey messages from the LTTE to the Government of Sri Lanka during peace talks, at a time when the LTTE refused to speak directly with government officials. Her efforts resulted in initiating dialogues amongst community leaders from different sides of the conflict. As a consequence of her efforts a group called Mobilising Mothers for Peace was formed in Sri Lanka. A Subcommittee on Gender Issues (SGI) was agreed upon by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam during the third session of negotiations in Oslo 2–5 December 2002. The committee set up to facilitate negotiations, comprises of ten members, five appointed by the GOSL and five from the LTTE.

(Women and Conflict, USAID, 2007)

²⁹ Satbeer Chhabra, *Gender Perspective In Peace Initiatives: Opportunities And Challenges*, September 2005. NIPCCD, New Delhi.

³⁰ <http://www.unfpa.org/news/news.cfm?ID=953&Language=1>

³¹ *India's Second Shadow Report on CEDAW*, NAWO, 2006, pp. 180.

³² Dyan Maruzan. pp. 9

staffing of peace operations. In the thirty-two years between 1957 and 1989, only one percent of the field based military personnel in UN peace keeping missions were female.³³

Challenges

Reforms to the Security Sector, which is traditionally a male domain, are needed if the conditions of Resolution 1325 are to be met. There is need for further strengthening of women's role in peace building and encouraging informal processes for peace by incorporating these into official peace negotiations between and within countries. Gender concerns should figure prominently when discussing issues of war and peace. Social costs need to be highlighted with respect to counter insurgency operations and the militant stand of armed groups. Mine warfare needs to stop and governments and armed groups should be brought into the purview of the Anti-Personnel Mine-Ban treaty signed in 1997, International Human Rights and Humanitarian law.

Reconciliation and Reflection

In Kashmir, Athwaas, a group comprising Kashmiri Muslim, Sikh and Hindu women is a unique example where women's initiative has led to personal and social change. Initiated by a Delhi based NGO, WISCOMP, the initiative grew out of a need to search for non-violent, creative and inclusive approaches for conflict transformation in Kashmir in India. Samanbals, which means spaces for reconciliation represents one of the most significant initiatives taken up by Athwaas where learning and sharing centres in different parts of Jammu and Kashmir have been set up. Through activities like income generation, capacity building, trauma counseling and literacy campaigns in these centres a physical space for reconciliation and reflection is being created.

³³ Rehn and Sirleaf, *Women War and Peace*, UNIFEM, 2002. PP 66.

Participation and Leadership: Politics, Policies, and the Media

The promotion of women's participation and agency in politics and public life is a central part of the effort to promote gender equality. This chapter starts by briefly reviewing the progress in women's political participation. It goes on to identify recent developments in the 'national machinery' intended to strengthen policies and programmes for women in all areas of concern. Finally, the role of the media in furthering gender equality is discussed.

1. Enhancing Political Participation

The Beijing Platform of Action in (BPFA) outlined two strategic objectives to this end.¹ Article-21² of the Universal Declaration of Human Rights and Articles 1³, 7⁴ and 8⁵ of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have been the

main building blocks for advancing women's political rights agenda. It is expected that with more women in the public sphere, the policy making process would acquire a gender lens.⁶ Synergies between development goals are now recognised, and the exercise of political power is considered essential to achieving them. In recognition of the link between political and economic empowerment, recent definitions of poverty include lack of power over decision-making in public life in addition to income poverty.⁷

Cultural and societal factors have been seen as barriers to the exercise of power by women's movements across the globe. Thus, the Platform for Action states, "the low proportion of women among economic and political decision-makers at the local, national, regional and international levels reflects structural and attitudinal

¹ Adopted in 1995 by 189 United Nations member states at the Fourth World Conference on Women in Beijing, 1995. The two strategic objectives relating to the participation of women in politics were to (a) ensure women's equal access to, and full participation in power structures and (b) to increase women's capacity to participate in leadership and decision-making processes and bodies. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article4>

² (a) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(b) Everyone has the right of equal access to public service in his country.

(c) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. <http://www.un.org/Overview/rights.html>

³ For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article4>

⁴ States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c) To participate in non-governmental organizations and associations concerned with the public and political life of the country. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article>

⁵ States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article4>

⁶ <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm>

⁷ Charlie Sever, The Gender, Poverty, Governance Nexus: Key issues and current debates, BRIDGE, 2005. At: <http://www.dci.gov.ie/uploads/gender-poverty-governance.doc>

barriers that need to be addressed through positive measures".⁸ Similarly, Goal 3 of the MGDs suggests that:

- 'Ensuring gender equity and equality, and the empowerment of women depends in part on overcoming cultural, social and economic constraints that limit women's access to education, as well as providing universal access to reproductive health education and services that allow them to protect their health, control their fertility and develop their full potential in all aspects of public and private life.
- 'Removing social and family barriers to women's equal social, economic and political participation, and combating violence against women are essential.
- 'Reproductive health and rights – such as the right to decide on the number, timing and spacing of children, free from coercion and violence – are central to women's empowerment and gender equality, and to women's enjoyment of other human rights, including the right to education, health and full participation in political, economic, social and cultural life'.

Affirmative action taken by countries with the help of special provisions such as quota/ reservations seeks to ensure progress towards substantive equality.

Women in Formal Governance Institutions

Table 1 briefly shows the progress made toward enhancing women's presence in formal governance institutions.

As shown in Table 1, Bangladesh, Nepal and Pakistan have reservations for women both in the local level institutions as well as in national parliaments. In Bangladesh Article 28(2) entitles woman with "equal rights with men in all spheres of the State and public life" and Clause 29(1) states that, "There shall be equality of opportunity of office in the service of the Republic. In Nepal Article-114, makes it mandatory to nominate 5 percent of women to the Lower House and 3 women to the Upper House. In Pakistan, Article 25 ensures equality between men and women irrespective of sex. Also, Article 34 states that steps shall be taken to ensure the full participation of women in national affairs.

India has reservations at the local level, in the panchayats, (73rd and 74th amendment in the Constitution reserves

seats for women), but not at the national level. In Bhutan, Maldives and Sri Lanka, there are no quotas or reservations at either local or national level. In Maldives women are allowed to vote, but are barred from holding the office of President and Prime Minister. In Sri Lanka, Article 12(2) (1978 Constitution) states "no citizen shall be discriminated against on grounds of sex." Article 12(4) ensures provision made for women.

In Bangladesh, in 2004, the Jatiyo Sanshad (National Parliament) passed the 14th Constitutional Amendment to reintroduce the quota for women. The number of seats in Parliament is to be raised to 345, 45 (15 percent) of which are reserved. The seats will be allocated to the parties in proportion to their overall share of the vote. According to the Bangladesh Shadow Report, there has not been enough consultation on this bill with the concerned groups.⁹ Further, each Union Council is composed of 13 elected representatives including a chair, nine members (one from each ward) and three women elected to reserved seats based on one female representative for every three wards. Standing committees also undertake and execute the various functions of each Union Parishad. There are thirteen committees in all and women head one-third of them, including being mandated to head a committee on Women and Children's Welfare, Culture and Sports. In urban local bodies one-third of seats are reserved.¹⁰ Though the Union Parishad election in 1997 was a milestone in the history of women's empowerment it has been observed that one woman (representing three wards) has to negotiate with three men in accessing Union Parishad funds for development schemes.¹¹ Women commissioners have been restricted from performing four major duties: the registration of births and deaths and the issuing of various certificates, examining the designs of buildings; assisting in census and all other demographic surveys; and monitoring law and order. Women commissioners of city corporations and municipalities have been entrusted with responsibilities relating only to the prevention of women and child repression, while the male commissioners play the leading role in performing all other duties. In addition, the governments are yet to finalise the remuneration for the women commissioners.¹²

Bhutan is set to embrace a parliamentary democracy in 2008. In 2003, 14 out of 99 elected representatives were

⁸ Shirin M. Rai, *Equal Participation of Women and Men in Decision-Making Processes, with particular Emphasis on Political Participation and Leadership*, United Nations, October 2005.

⁹ *Government of Bangladesh, Shadow Report*, CEDAW, 2004.

¹⁰ *Women in Local Government in Asia and Pacific A Comparative Analysis of Thirteen Countries*, 2001., at: http://www.unescap.org/huset/women/reports/comparative_report.pdf

¹¹ Ibid

¹² Shirin Rai, "Women in Parliament: Beyond Numbers". *IDEA*, 2005, pp. 179

Table 1: Women in Formal Governance Institutions

Country	National Parliament			
	Nature of Decentralisation	Quotas for Women at the Local Level	Quotas for Women at National Level	Percent of Women in Parliament (Single or Lower Chamber)*
Afghanistan				27
Bangladesh	Three tier structure (District, Sub-District and Union Council). Union is divided into wards and each ward is composed of villages. There is no formal representative body below the Union Council.	Article 9 stipulates representation of women at the local level. 1993 direct election (Union Parishad) provided by the Parliament. Pourshava and City Corporation Ordinance reserves 1/3 of total seats for women.	Reserves 15 percent seats for women in Parliament	15
Bhutan	Two-tier government consisting of districts and blocks of villages.	No quota for women.	No quota for women	3
India	A three-tier system of panchayats: district panchayats, panchayat samitis and gram panchayats.	33 percent of seats in local bodies are reserved for women	No quota for women	8
Maldives	N.A	No quota for women	No quota for women	12
Nepal	A two tier system, consisting of district, at the highest level and municipality and village panchayats at the local level.	Local Self Governance Act reserves 20 percent of seats for women in local bodies	Reserves 5 percent in the lower house and 3 seats in the Upper house	17
Pakistan	A three tiered structure at zila (district), tehsil (town) and village (union)councils.	Devolution of power plan, devolves 33 percent of reserved seats to women	33 percent of seats reserved for women; (National Assembly) – 36 out of 342 seats, (Senate) – 17 out of 100 seats.	21
Sri Lanka	Three-tier government, consisting of municipal councils, urban councils and pradeshiya sabhas	No quota	No quota for women	5

*(Source: <http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>)

women and only one of the six advisory councilors was a women. In 2000, the percentage of women in parliament was 2.0 percent, which increased to 9.3 percent (Lower House) in 2004, reflecting the high priority given to gender in the current Ninth Five-year Plan. Decentralisation in Bhutan has been moving steadily from deconcentration,¹³ in which centrally defined tasks are carried out by a local manager, to a more significant devolution of power and responsibility.¹⁴ A 2001 baseline study finds that extensive demand for household work and farm work tend to restrict women's mobility so that they are under-represented in block and district development committees. However,

women do participate in the elections of the villages and attend public village meetings. In fact their participation in the public village meetings stands at 70 percent according to the latest available data. Decisions concerning the community are taken at these meetings and matters of national importance are routed through Geog Development Committees (GYTs) and Dezhongkhag Development Committees (DYTS) and finally in the national assembly.¹⁵

In India, representation of women in parliament is very low. According to the global data base of quotas for

¹³ Deconcentration means administrative decentralization--transfer to lower level central government authorities or to other local level authorities who are upwardly accountable to central government. Available at: http://www.cifor.cgiar.org/publications/pdf_files/interlaken/Compilation.pdf

¹⁴ *Bhutan's Common Country Assessment*, United Nations, Bhutan, 2006.

¹⁵ *Government of Bhutan: Forward Moving Strategies, 2003*.

women, the number of women in the Lower House (Election Year, 2004) was 8.1 percent and in the Upper House (Election Year, 2004) was 11.6 percent.¹⁶ Some political parties have a quota for women candidates, for example the Indian National Congress (15 percent quota for women candidates) and Assam People Council (Asom Gana Parishad) with a 35 percent quota for women but there is no election law quota or regulation in the National Parliament. As a federal system, representation of women varies across states. Statistics from the Shadow Report, India, show that Delhi (12.86 percent) has the highest proportion of women members followed by Andhra Pradesh (9.52 percent) and Kerala (9.29 percent). Mizoram and Nagaland have no representation of woman while it is negligible in Manipur, Arunachal Pradesh, Gujarat, Jammu and Kashmir and Karnataka.¹⁷ Women's groups have been engaged in creating public opinion and mobilising women and supportive men to campaign for reservations for women in Parliament and State Assemblies. The National Alliance of Women (NAWO) spearheaded the campaign for the reservation bill and also prepared a manifesto which has been presented to political parties.¹⁸

CEDAW, in its concluding comments, has called upon India to forge consensus on a constitutional amendment reserving one-third of seats in Parliament and State Legislatures for women and to increase the number of women in government service including higher political, administrative and judicial posts.¹⁹ The Indian Supreme Court has no sitting woman judge. The number of women in the Indian Foreign Service is the highest, with 11 percent in 1999, followed by the Indian Administrative Service 10.42 percent and the Indian Police Service at 3.83 percent.²⁰

In India at the village level over a million women leaders have emerged since reservations were introduced into Panchayati Raj Institutions in 1993. In some places the number of women exceeds the reserved quotas. Several decisive women leaders have emerged; at the same time in other places decisions are taken by men in the family with the '*sarpanch pati*' or '*pati pradhan*' being accepted as the authority, albeit informally. In addition, there are real limitations to the extent of actual devolution of resources

and authority which limits the ability of elected men or women to influence decisions at the local level. As the Panchayati Raj Minister noted, "In every village, there are always a large number of women ready to enter a political system but their effectiveness in running the government depends upon the powers they get, not on their capacity as *panchayat* leaders...it is this process of getting these powers and responsibilities that becomes the single most important capacity building exercise."²¹ A study by the Ministry of Panchayati Raj in India identified priority areas for action as the devolution of functions, finances and functionaries. The first implies active measures to synchronise development works with *panchayat* bodies. The second is to have a budget head for each department, so that it could be linked to the Panchayati Raj Institutions and the third is a greater stress on district level planning in each state.²²

Women Power Connect (WPC) is a national body formed in India in June 5, 2004 to lobby parliament and the government on women's issues. This is a major coalition of women's groups, academic institutions, women leaders and concerned individuals. The ultimate goal of WPC is to dialogue with the Members of Parliament (MPs) and policy makers at the national level, and raising issues at state level and at regional and international forums to promote and support legislation or amendment of existing laws to enhance the constitutional rights of women and the girl child. WPC has prioritised issues to work on and these include Tabling and Passage of the Women's Reservation Bill, Implementation of the Protection of Women Against Domestic Violence Act, Gender -Just Budgeting, Tabling and Passage of the Protection of Women against Sexual Harassment Bill, Declining Child Sex Ratio and the Implementation of the Pre-Conception and the Pre-natal Diagnostic Techniques (PCPNDT) Act²³.

¹⁶ <http://www.quotaproject.org/displayCountry.cfm?CountryCode=IN>

¹⁷ *India's Second Shadow Report on CEDAW*, NAWO, 2006.,pp.61

¹⁸ *Ibid*

¹⁹ Concluding Comments of the CEDAW, India,2007.

²⁰ *Ibid*, pp 61.

²¹ Madhu Gurung, "Reality Check on Panchayati Raj", October 9, 2005, Available at: <http://www.boloji.com/wfs4/wfs465.htm>.

²² *The State of Panchayats: Mid Term Review and Appraisal*, 22 November 2006.

²³ www.womenpowerconnect.org

In Maldives, women have the right to vote in all elections and are eligible for candidature to elected bodies and all public bodies except for the head of the state.²⁴ Women are not represented in the Maldives Chamber of Commerce, or the Maldives Traders Association for tourism industries. Though in the Fifth National Development Plan (1997-1999) emphasis has been placed on broadening the role of women in society and ensuring their full participation in the development process, much needs to be done. Although women are entitled to stand as candidates for the citizens *majlis* (parliament), the percentage of women candidates is small. There is no special quota for women in the Parliament. In the absence of constitutional barriers to women's participation in top management, the main constraint of women's access to this position is seen as being the attitude of women themselves, with a deeply rooted culture of female subordination.²⁵ At present women's participation in parliament is 6 percent. In 1990 the total seats by women held in *Majlis* was 6 percent, and in 2004, the number still remains the same.²⁶

CEDAW has urged Maldives to repeal legislation limiting women's political participation in public life. In November 2006, Constitutional Assembly members voted against a proposal to reserve seats for women in Parliament. The concluding comments of the Shadow Report, Maldives, notes:

*"Given the prevalent attitudes towards women, and strong views against women in political and public life expressed by a number of members of the Constitutional Assembly, it is of concern that the actual outcome of having seats reserved for women, may be negative. It may be anticipated that, were reserved seats set aside for women, women would get the reserved seats alone and would not win a single seat outside of those reserved; translating non-reserved seats to men only seats. This would reinforce the stereotypes and prejudices and the widely held notion of women being subordinate to men."*²⁷

A Gender Management System was set up in 2001, to effectively address gender issues. Though there is not much participation of women at the local level, the Island Women Committees (IWC) that work at the level of the

local community are being strengthened and promoted to encourage women's participation in the development process. The existing gender gap is most serious in leadership positions in 'local government' or rural areas.²⁸ A Local Governance Bill on establishing elected local councils in all islands has been formulated. The Bill has reservations for women in atoll and island councils.

In Nepal, the Local Self Government Act, 1999, proved to be a milestone for women's representation in local bodies by both nomination and election. Where the District Development Committee is the executive body, the second tier, which comprises of villages and municipalities, is the governing body. There are nine wards in each village and each village has a committee composed of five members, where one member is a chair and at least one member is a woman. Although women are included in the legislative bodies of the local government, they are excluded from the executive bodies. The legislative body meets only once or twice a year to approve the budget. The executive bodies i.e. the Village Development Committees have control over development activities and the budget. Though the Act states that women representatives should be nominated this is not always possible because if the constituency does not elect women, they cannot be nominated.²⁹ Also in matters related to development planning—decentralisation, implementation and monitoring committee, accounts committee, arbitration board and coordination committees, there is no provision for including women, which means that women oriented projects often get sidelined.³⁰ In May 2006 the House of Representatives passed a resolution calling for 33 percent reservation for women in all state mechanisms, ending all forms of VAW, issuance of citizenship through mothers, and elimination of all discriminatory provisions.

In Pakistan, though the devolution of power plan was again a substantive move, analysis shows that most of the women are unfamiliar with the duties and responsibilities of an elected official. Lack of public experience and education is the major reason contributing to this. Also the feeling that women should only deal with social welfare and women issues persists. One of the main reasons for this is that as part of the general definition of obligations and responsibilities, no particular mention has been made

²⁴ Reservation is on the basis of the 1998 constitutions. Maldives has also had reservations to Article – 7 of the CEDAW, particularly due to this clause.

²⁵ Durga Ghimire, *Empowerment of Women CAPWIP*, 2006. <http://www.capwip.org/paperscongress/southasiansituationdurga.doc>

²⁶ HDR, UNDP, 2004, pp.235.

²⁷ See, fn 14, NGO Shadow Report on CEDAW, Maldives, 2006.

²⁸ NGO Shadow Report on CEDAW, Maldives, 2006.

²⁹ *Gender and Governance Issues in Local Government*, ADB, 2004, Chapter five, at <http://www.adb.org/Documents/Reports/Gender/Gender-Governance/>

³⁰ *Ibid*, pp22.

of the rights and responsibilities of the women councillors at any tier of the local government. It has been pointed out that much like in India male family members of the elected female officials may attend council meetings on their behalf.³¹ In the NWFP areas of Pakistan provincially administered tribal areas have been excluded, which naturally excluded women from the purview of the Act.

Sri Lanka is the only country in the region where women's political representation has decreased, from 5.5 percent in 1989 to 4.9 percent (Lower House) in 2004, even as human development has improved in the country. Sri Lanka has a relatively high ranking on the UNDP Human Development Index (96 of 177 countries) but no quotas exist for women. At the recent elections in April, 2004 there were 337 women candidates of whom only nine were elected to Parliament, in contrast to the 2001 general elections when eleven out of a total 55 female candidates were elected. A study by South Asia Partnership Sri Lanka shows that, while the numbers of female candidates have increased between 2001 and 2004, fewer women were actually elected to Parliament in 2004. There are no nominated women members in Parliament. Although an All Women Political Party was formed to represent women's interest, it was not successful in winning seats in parliament. The response from existing political parties to increase the representation of women continues to be extremely low.³²

At lower levels, there are provincial and urban councils and the *pradeshiya sabhas* at the village level. Elections are on a proportional representation system and there is a requirement that 40 percent of the candidates are between 18–35 years. There is little representation of women at the local level.

In Sri Lanka, gender analysis of the budget 2003-04 was used to disseminate information to women in local governance. By emphasising the connection between political empowerment of women and gender budgets, UNIFEM is facilitating women's empowerment both politically and economically. UNIFEM is promoting transformatory leadership of women by continuing the process of building capacity of women parliamentarians in South Asia and assisting information sharing through the UNIFEM supported South Asia Committee for the Political Empowerment of Women (SACPEW). SACPEW works

closely with the Alliance for Women's Political Empowerment, a consortium of women NGOs, women activists, political activists, academicians and journalists.³³

The Asian Development Bank in partnership with the respective governments has encouraged multi-stakeholder engagement in order to facilitate a better interface between local constituency, elected officials and NGOs in some South Asian countries. Through the training in Bangladesh, women's forums are held regularly at the village or local level and elected women officials have brought together government line officers and the poorest constituents to discuss village needs and ways to mobilise government resources. This has resulted in more efficient and coordinated planning at the district and local levels. Also gender-sensitivity training for male chairs and officials has altered their perceptions about women leaders. Through these trainings women are being encouraged to attend meetings, and are also made aware of the workings of the local councils. This has resulted in active participation as by December 2004, women local council members through the cooperation of government officers and NGOs, provided 9,755 poor women and young people with access to training in skills development and agriculture, livestock, and fishery extension programmes. Some 15,211 poor women gained access to income-generating activities in various poverty programmes. Women representatives have mediated in 1,677 dowry disputes; 1,881 early marriage cases; 2,207 cases of polygamy; 5,027 land disputes; 8,604 family disputes; 3,093 instances of repression of women and children; 2,204 divorces; and 2,993 instances of theft.³⁴ In Nepal, women's forums mobilised funds from VDCs for 199 projects, ranging from small infrastructure, construction of a VDC building, income generation, human resource development, to forest and environmental management. Twenty-eight women's forums are engaged in facilitating work of VDC citizenship certificates and the registration of births, deaths, and marriages. They also mediated more than 72 social disputes related to domestic violence against women, polygamy, and witchcraft, and were active in campaigns against alcoholism, drugs, gambling, and trafficking.³⁵ Similarly women representatives in Pakistan have implemented 190 development schemes, including water supply, road pavement, sewerage and sanitation, street lights, school renovation, a telephone exchange, and

³¹ Ibid, pp. 23.

³² Durga Ghimire, *Empowerment of Women CAPWIP*, 2006. <http://www.capwip.org/paperscongress/southasiansituationdurga.doc>

³³ What UNIFEM is doing in Sri Lanka, http://www.womenwarpeace.org/sri_lanka/sri_lanka.htm

³⁴ Training elected female leaders to be more effective is helping change perceptions and the lives of the poor in Bangladesh, Nepal, and Pakistan, ADB Review, 2005. http://www.adb.org/Documents/Periodicals/ADB_Review/2005/vol37-4/leading-edge.asp

³⁵ Ibid

The Hunger Project in India has underlined the theme of sustainable development by engaging people as the main actors in the implementation of projects. Its main goal has been to mobilize civil society with the aim of creating active pressure groups. Overall a people-centered approach as a core strategy is employed. In 2005, Aagaz Academy in Bangalore was launched by the Hunger Project. The emphasis is on encouraging leadership which is transformative in the personal and public sphere of grassroots women leaders. The focus is on valuing the self and the need for every woman to be comfortable with herself, her family and her community. Issues of fear and other inhibitions were also the focus so that the elected women can then effectively deal with important obstacles during their five year tenure. This training is enabling women to use the Right to Information so that elected women representatives can employ the Act to access the information they are entitled to.³⁷

a vocational training centre for girls. Poor women gained access to microcredit and employment opportunities. A total of 3,686 poor women were referred to a *zakat* (charity) and Baitulmal committee. Sixty-seven percent of women representatives are now involved in resolution of disputes in domestic violence and divorce cases and have mediated 464 cases of family disputes, violence, divorce, and others.³⁶

2. National Machinery for Women's Advancement

At the fifth South Asia Regional Ministerial Conference Celebrating Beijing Plus Ten held in Islamabad in 2005, the conference reckoned with the challenges of implementing the BPGA and other international commitments.³⁸ It was agreed that governments of South Asia would:

- a) "Develop and strengthen institutional mechanisms for gender equity and equality
 - i) Ensure sufficient resource allocations, authority and status for national machineries for women

- including women's ministries and national commissions;
- ii) Ensure that mainstream institutions integrate women's human rights and gender concerns into their policies and programmes and, establish appropriate gender management systems;
- iii) Repeal/amend discriminatory laws against women and initiate integrated efforts to implement laws;
- iv) Ensure gender analysis of budgets and identification of allocations and expenditures at all levels needed to support women's advancement;
- v) Promote men's and boys' participation in creating a gender just society;
- vi) Enhance and encourage corporate social responsibility;
- vii) Further strengthen partnerships with women's groups and civil society organisations;
- viii) Promote and strengthen gender sensitive media;
- ix) Acknowledge and appreciate the positive contribution of UNIFEM in sustaining and carrying forward the Beijing process, advocating for women's rights in the region and lobbying for sufficient resource allocations for the organisation and appropriate status for it within the UN system."

- b) "Ensure linkages between the Beijing Platform for Action, CEDAW and MDGS as mutually complementary processes
 - i) Recommend to integrate the "Islamabad Declaration: Review and Future Action" at appropriate multilateral fora and through these, emphasise integration of gender perspectives in the high level plenary meeting to review the Millennium Development Goals;
 - ii) Recommend that CEDAW and the Beijing Platform for Action are integrated into national indicators and all other processes and the medium term development framework (MTDF) to monitor achievements of the Millennium Development Goals."

³⁶ Ibid

³⁷ The Hunger Project, Building Partnerships in Karnataka, at <http://www.thp.org/india/ka/index.html>

³⁸ Jointly organized by the Government of Pakistan and UNIFEM, Islamabad, Pakistan, May, 2005.

Table 2: National Machinery for Women

Country	National Machinery
Afghanistan	Ministry of Women's Affairs
Bangladesh	Ministry of Women's and Children's Affairs
Bhutan	National Commission on Women & Children
	Planning Commission
India	National Commission for Women
	Ministry of Women and Child Development
Maldives	Ministry of Gender and Family
Nepal	Ministry of Women, Children and Social Welfare; National Women's Commission
Pakistan	Federal Ministry for Women Development; National Commission on Status of Women
Sri Lanka	Ministry of Child Development and Women's Empowerment; National Committee of Women

*preceded by other institutional arrangements

Table 2 shows the nodal agency for women's empowerment in each country.

Bhutan established its National Commission for Women and Children (NCWC) in 2004. The NCWC will spearhead the fulfillment of the Royal Government of Bhutan's obligations towards meeting the CEDAW and CRC and other related conventions and is currently working on a national gender strategy.³⁹ The National Women's Association of Bhutan has been designated as the public entity to improve women's socio-economic conditions and encourage their participation in development activities.⁴⁰

In Bangladesh, the Ministry of Women and Children Affairs (MoWCA) consists of three implementing agencies: the Department of Women's Affairs (DWA), Jatiya Mohila Sangstha (National Women's Council), and Shishu (Children's) Academy.⁴¹ The MoWCA in collaboration with the UNFPA has implemented an awareness and advocacy based project, Advocacy to end Gender-based Violence, as a result of which registration of under age marriages has gone down. In many districts where the project was implemented, there is a fear that the community will challenge the registration of false documents and the judge responsible for registration could be prosecuted for violation of the Child Marriage Restraint Act.⁴²

In India, a recent government order has called all departments to have a gender budget cell comprising six

members and headed by the Joint Secretary of the department.⁴³ As per the order each cell will have to choose and view three to six schemes of the department or ministry from a gender perspective. The results of the monitoring will be factored in the outgoing budget that the Finance Minister presents at the end of each financial year.

While the concluding comments of CEDAW commend India on the institutional initiatives of the National Policy on the Empowerment of Women, Women Component Plan and National Policy on Persons with Disabilities, it nevertheless has cautioned that there is need to 'ensure that rural women benefit de facto from the National Rural Employment Guarantee Act, 2005' and that the State 'provide data disaggregated by sex, caste, minority status and ethnicity of the beneficiaries under this Act.' It has also raised concerns on the absence of mechanisms to regulate financial institutions and protect the interest of poor women. The committee has recommended that India create formal links between the National Commission for Women and the various State Commissions for Women.⁴⁴

In Nepal disability specific laws and policies are being implemented by the Ministry of Women, Children and Social Welfare along with the concerned organisations.⁴⁵ The programme is conducted by the Ministry of Women, Children and Social Welfare, which forms the centre and co-ordinates with the Planning Commission for the planning on disabilities. The Ministry of Finance allocates

³⁹ *Bhutan Common Country Assessment 2006*, United Nations, Bhutan, 2006.

⁴⁰ Press release, CEDAW, 2004, at <http://www.un.org/News/Press/docs/2004/wom1426.doc.htm>

⁴¹ Gender Thematic Review, United Nations Population Fund, Dhaka, Bangladesh, June 2004. available at: http://dap.unfpa-bangladesh.org/pdf/gender_thematic_review.pdf

⁴² Lisa Batiwalla, *Enter victims' reality to combat violence against women: UNFPA*, <http://www.infochangeindia.org/bookandreportsst117.jsp#bangladesh>

⁴³ Special cells to monitor gender quota in government schemes, http://www.infochangeindia.org/Women/top.jsp?recordno=4863§ion_idv=1#4863.

⁴⁴ Concluding Comments of CEDAW, India, 2007.

⁴⁵ Sudha Neupane, Nepal Country Report, 2005, available at: <http://www.worldenable.net/bmf2005/papernepal.htm>

the budget to the concerned ministry as per programme. The Ministry of Women, Children and Social Welfare (MWCSW) co-ordinates with the Ministry of Finance and other organisations such as concerned GOs, NGOs, INGOs, UN for budgetary support.⁴⁶ Similarly, regarding trafficking, the Government of Nepal has designated the Ministry of Women, Children and Social Welfare as the focal point for coordination of anti-trafficking initiatives. It has formed a National Task Force and 26 District Task Forces to implement its National Plan of Action against trafficking in partnership with USAID.⁴⁷ In Nepal, the Ministry of Finance has adopted a Gender Responsive Budget System. As per the Ministry of Local Development all VDCs have to earmark some part of the budget (out of their yearly block grant) for women empowerment. Major ministries have also formulated gender mainstreaming strategies.⁴⁸

In Maldives, The National Gender Policy, formulated by the Ministry of Gender and Family has been endorsed by the cabinet and widely circulated. The Child and Family Protection Authority was established in 2006 to monitor, advocate and advise on problems and issues in regard to rights of women, children and families. All processes involved in Census 2006 were engendered to account for all economic activity of women both formal and informal.⁴⁹

The effectiveness of the institutional machinery in most South Asian Countries is contingent on their respective political environments. The entire South Asian region has been a witness to a number of political uncertainties in the recent past and all these events have posed structural impediments to the effective implementation of gender oriented policies. For example, religious fundamentalism can be a threat to the rights and freedoms that women currently have, and may succeed in excluding and marginalising them even further.

3. Women and Media

The trends in South Asia show that though the presence of women professionals in media have increased, gender sensitive media still has to find its place. According to the Country Report, Government of Bangladesh, 2002, women's involvement in the electronic media, especially in reporting, has grown. At present, 33 percent of working journalists are women.

In Bhutan, the Draft Constitution provides for freedom of the press, radio, TV and other forms of dissemination of information (Article 7.4). To raise awareness on CEDAW and gender issues the Bhutan government has published the CEDAW Handbook and periodic CEDAW reports in the national language. Also several television broadcasts on gender issues and the CEDAW have been aired.⁵⁰

In India, post-1995, women journalists' organised themselves into media groups. The emergence of the Women's Feature Service (WFS), Centre for Advocacy and Research (CFAR) and the Network for Women in Media (NWMI) are cases in point. Leading journalists in India are being urged to lead a new campaign to reinforce rights of women journalists. Unions are being invited to set up special gender councils to press for improved conditions for women working in media, access to leadership positions, to encourage transparency and fairness in media houses when promoting staff, to combat sexual harassment and bullying at work, to promote fair gender portrayal in media and to campaign for facilities to enable both men and women to reconcile family and work. Media employers are being urged to introduce equal opportunity policies and to eliminate the contract system of hiring people and ensuring that women and men journalists both enjoy the provisions of India's Industrial Employment (Standing Orders) Act which applies to journalists.⁵¹

In 2003, the Government of Maldives, announced the National Vision for the year 2020, which underlines the active participation of both women and men in all political, social and economic activities on an equal footing. In order to highlight the growing menace of violence against women, the Government of Maldives is trying to expose the extent of the problem and to use the influence of mass media to make people aware of the problem. There has been marked improvement in the portrayal of women. Wider coverage is being given to gender issues, and media has contributed positively to educating the public on the adversities of gender based violence. One positive result of the Ministry of Gender and Family initiatives on VAW has been an increase in public awareness and the willingness by the media, victims themselves, and the general public, to discuss issues which were once taboo.⁵²

⁴⁶ Ibid.

⁴⁷ "Trafficking of Women and Children", November 15, 2003, USAID/Nepal Fact Sheet, Available At: http://www.usaid.gov/np/programs/fs_111503.html

⁴⁸ Implementation Status of the Concluding Comments of CEDAW, Secretary, Ministry of Women, Children and Social Welfare, Nepal

⁴⁹ General Assembly, WOM/1597, Experts Of Anti-Discrimination Committee Criticize Maldives Over Prohibition on Women Holding Top Political, Judicial Office, CEDAW, 2007. <http://www.un.org/News/Press/docs/2007/wom1597.doc.htm>

⁵⁰ *Bhutan Common Country Assessment 2006*, United Nations, Bhutan, 2006

⁵¹ "Women In Indian Media: Time To Ban Discrimination, Say Unions", News Watch, 2006. <http://www.newswatch.in/?p=4409>

⁵² NGO Shadow Report on CEDAW, Maldives, 2006

Two women's groups are operating audio towers in Ilam and Jhumka, two remote areas in Eastern Nepal. Mahila Samuha, Jhumka (Women's Group from Jhumka), and Mahila Samuha, Fikkal, Ilam (Women's Group from Fikkal, Ilam) have both been formed under the Women Development Programme, a division of the government's Women's Welfare Agency.⁵³

In Nepal the media is playing an important role in bringing issues to the public domain and creating awareness. Women's participation in the workforce in state media organisations from 1997 to 2002 rose from 9.16 to 20 per cent. This marked change is attributed to the workforce composition in the form of common FM radio stations, where women comprise 43 percent of the staff. For the first time in media history women were appointed to Radio Nepal's Board of Directors in May 2003 and to the Press Council in 2004.

In Pakistan, Internews has built a state-of-the-art independent radio production facility at the Uks Foundation, where women journalists are being trained to produce radio programmes. As only 3 per cent of journalists in Pakistan are women, under this project, Pakistan's first generation of women radio journalists, have received intensive training in radio reporting and technical production at the Uks Foundation.⁵⁴ Internews is also working (2005-07) to raise the profile of women in

Pakistani media by supporting production of Meri Awaz Suno (Hear My Voice) in the Urdu language and Hawa Aur Doonya (Women and the World) in the Pashto language. These are women's syndicated radio programmes designed to promote dialogue on women's issues.⁵⁵

In Sri Lanka, several television programmes have been produced in collaboration with Young Asia television, focusing on issues and challenges facing women in the Sri Lankan conflict. These are used in a range of lobbying and advocacy initiatives, nationally and abroad. In addition, women's groups regularly issue press briefings, and extend support to women victims and survivors.

Challenges

While reservations for women are a good tool to enhance their political participation, it has also become clear that by itself this is insufficient for women's effective participation. Strengthening women's participation in politics requires affirmative action at many levels: national, state (where there is a federal system) and local. Political will has to be created at each level. Affirmative action is needed beyond quotas and reservations to strengthen women in power and decision-making. Apart from training and access to information that would help them to participate with greater confidence and independence, it is also necessary to strengthen support structures for care of the elderly and children to enable women's effective participation. While the numbers of women in Parliament are increasing, the challenge to mainstream women's issues into national politics and policy-making continues.

⁵³ While both groups were formed to conduct credit programmes for women's economic empowerment, these two groups are also handling audio towers with the help of the District Women Development Programme and UNICEF Nepal in the past four years. They broadcast items they themselves report/compose-news, plays, stories, jokes, tips, essays and poems, with low-cost technical equipment.

⁵⁴ Uks (an Urdu word that means Reflection) is a research, resource and publication centre working on women and media. Primarily, a brain-child of its Director, Ms. Tasneem Ahmar, it was started in December 1997, in Islamabad, strongly supported by a group of like-minded women. Uks is a national organization. It has conducted media workshops in many cities in Pakistan. The project is funded by USAID.

⁵⁵ "Women in media", internews Pakistan. <http://www.internews.org.pk/projects/womeninmedia.php>

⁵⁶ "Impunity for Women's Human Rights Violations in Sri Lanka", at <http://www.whrnet.org/docs/interview-abeysekera-0610.html>

Beyond Borders: Threats and Opportunities

Introduction

The notion of human security in South Asia offers the opportunity to make trans-national concerns more central to policy-making. Traditionally, the understanding of security in policy-making bodies has taken the state as the basic referent point for security. For security establishments, issues such as Migration, Trafficking, HIV/AIDS, Environment and Disaster Management continue to be seen as 'low politics'. At the same time, there is evidence that greater attention and commitment is being shown towards these concerns by other departments of the government. Overall, the attitude of governments is forward looking. The role of non traditional civil society actors like the media in drawing attention to these concerns is emerging as a significant one.

Revisiting Security through the Lens of Human Security

A review of the literature shows that the concept of security has been the lynchpin of international politics, attracting the attention of scholars, policy-makers, and academicians who have endeavoured in their own way to establish a meaningful understanding of the term. Two broad schools can be delineated with respect to the

construction of the word security—the traditionalists, for whom the term has a clear meaning focusing on the military dimension and linking it to state / national security and the non-traditionalists, who argue for a broader understanding, going beyond the state-centered dimension of security. This redefinition of security includes concerns relating to Economic security,¹ Food security,² Health security,³ Environment security,⁴ Personal security,⁵ Community security,⁶ and Political security.⁷ The UNDP Report 1994 and the report by the Commission on Human Security (2003) are the primary sources for the redefinition of the concept of security in these terms, thus, human security is threatened not just by external aggression. Any rethinking of the concept of security leads to questioning of policy processes which are more oriented towards privileging the military sector thus diverting money away from measures to protect citizens from chronic insecurities of hunger, disease, environmental hazards and crime.

The human security debate is a focus on the ways in which security issues affect human conditions, thus shifting the focus from the state to the people and at the same time attempting to broaden (through issues) and deepen (through levels—international, national and local) the meaning of security.

¹ An assured basic income, minimum job security, while the threats to economic security include rampant uncontrolled inflation, economic depression and financial crises.

² Questions of access often are in fact more important than simply "having enough to go around", the threats come therefore from unequal distribution, while obviously famine and starvation due to real food shortages are the worst case threats.

³ Death and illness linked to poverty, unsafe and unclean environments, access to healthcare, and the problem of pandemics such as HIV/AIDS and infectious diseases.

⁴ Degradations of local and global ecosystems, one of the major challenges being access and cleanliness of water.

⁵ Against threats of sudden physical violence exercised by the state, by other states in war, or from other individuals from other groups due to ethnic tensions, also encompassing specific personal security of women against violence and exploitation, or of children against all forms of child abuse.

⁶ To tackle the threats that intra-community strife and tensions or hurtful practices for certain members of the community, such as women.

⁷ Against torture, political repression, ill treatments and disappearances.

Osler Hampson delineates certain necessary conditions to achieve human security. These are restructuring of the legal and the political institutions, the reconstruction of the economic basis of livelihood and the redefinition of prevailing social norms.⁸ Hampson's contribution to the understanding of human security is important because it provides a framework wherein a norm change is necessary but also suggests the need to re-examine development strategies. Following a similar line of argument which underlines the urgency of human security issues, Don Hubert, emphasizes on triggering factors which demand a focus on policy change. The driving forces, therefore, according to him are globalization and the changing nature of armed conflict, which are creating new vulnerabilities and therefore should come under the ambit of human security. Thus the main challenge according to some scholars is to bridge the gap between freedom from want and freedom from fear.⁹ Edward Newmann on the other hand draws attention to three important points regarding human security. First, the human security approach reverses the equation of the state being the sovereign and puts a condition of responsibility on the state, which underlines the fact that it should serve and support the people from whom it draws legitimacy. Second, it can help in exploring the relationship between the human agency and the structure, since much of security emerges from structural factors and the distribution of power which is generally beyond the reach of individuals, and third that human security should be understood as a revisionist concept, challenging established and controversial debates regarding state sovereignty and fundamentally questioning existing structures and institutions of power, gender and distribution in relation to economic and political organisation. He notes that unless these questions are dealt with in a rigorous manner, human security will just remain a conceptual abstract.¹⁰

Transnational Challenges and Human Security

In the South Asian context issues like Migration, Trafficking, HIV/AIDS, Environmental Management and Disaster Management pose a particular challenge to human security and affect men and women in different ways. The distinctive nature of these threats is that they are

intertwined and cut across issue areas and territorial boundaries. The main factors behind the escalating nature of these problems are poverty, structural discrimination, lack of employment opportunities, rapid economic transition, open borders, weak laws and lack of political commitment for seeking solutions.

Threats to human security from these transnational challenges come both from their immediate impact on economics, health, environment and personal safety, as well as the longer run ramifications in the form of permanent life long and inter generational scars. Existing problems often get compounded. For example, trafficking and HIV/AIDS often nurture each other and take place in a climate of denial and silence at all levels.¹¹ In fact trafficking is considered the third largest trade in the world after drugs and weapons. Potential victims are often lured by promises of lucrative jobs, or marriage opportunities abroad. In South Asia, major trafficking routes are known to exist between countries. As per UNICEF estimates as many as 200,000 Bangladeshi women have been trafficked and up to 200,000 Nepali women and girls are missing.¹² According to the Karachi based Lawyers for Human Rights and Legal Aid, there are about 1,500 Bengali women in prisons, who are vulnerable to exploitation.¹³ Interventions on trafficking is not limited to just addressing root causes, but also addressing prevention, demand, prosecution, minimum standards of care and support and rehabilitation and reintegration.

Similarly, a little over two and a half million people in South Asia are estimated to be living with HIV/AIDS, and four of every five of those infected live in India. Even though there may be low prevalence among the general population, the numbers engaged in high risk behaviours such as injecting drugs with contaminated needles and engaged in the selling and buying of sex is large enough to cause concern.¹⁴ According to a World Bank report halting the spread of the epidemic requires a two pronged approach: *first* establishing effective prevention programmes for groups at increased risk of HIV infection such as sex workers and their clients, injectable drug users, mobile populations (including migrant workers and their families) and men who have sex with men and *second* is the resolution of social and economic drivers of the epidemic

⁸ Fen Osler Hampson, "A Concept in Need of a Global Policy Response", *Security Dialogue*, Vol. 35, no. 3, September 2004. pp. 350.

⁹ Don Hubert, "An Idea that Works in Practice", *Security Dialogue*, Vol. 35, no. 3, September 2004. pp. 352.

¹⁰ Edward Newmann, "A Normatively Attractive but Analytically Weak Concept", *Security Dialogue*, Vol. 35, no. 3, September 2004. pp. 359.

¹¹ Shah, Brar and Rana, *Layers of Silence: Links Between Women's Vulnerability, Trafficking and HIV/AIDS in Bangladesh, India and Nepal*, UNRISD, 2002.

¹² http://www.unicef.org/media/media_23464.html

¹³ Shafqat Munir, "Trafficking, South Asia and Pakistan", *Himal*, September 2003.

¹⁴ *HIV/AIDS in South Asia*, World Bank, 2005.

such as poverty, stigma and sex trafficking of women.¹⁵ Trafficked women are particularly susceptible to the HIV epidemic. Women's vulnerability is enhanced by poverty and the refusal of clients to use condoms. Because of poverty millions of girls are forced into child labour and are often subjected to sexual abuse and exploitation. Migration to cities often leads to practicing unsafe sex which is exacerbated by lack of clean sanitary facilities which encourages the easy spread of diseases including Sexually Transmitted Diseases and HIV. Lack of access to information and health care services are the primary reasons for the spread of the epidemic.¹⁶ Women are subject to discrimination and violence once they are diagnosed as HIV positive. There is limited understanding of the rights of the HIV positive women and the problem of mother child transmissions.¹⁷

The contribution of women migrants to the domestic economy has been mentioned in Chapter 1. It is estimated that Asia has large numbers of migrants with irregular status with up to 20 million being in India alone.¹⁸ Women migrants who move in an irregular manner often find themselves exposed to the danger of trafficking. As women are often confronted with gender-based discrimination, including restricted access to regular migration opportunities, female migrants with irregular status are often obliged to accept the most menial informal sector jobs. The majority of migrant domestic workers and migrants employed in the sex industry are women and are at particular risk of abuse. The latter, in particular, also face specific health-related risks, including exposure to HIV/AIDS.¹⁹

Environmental Management and Disaster Management pose other human security threats to the South Asian region. Over the last 25 years, disasters have killed nearly half a million people in South Asia besides inflicting colossal financial damages worth US \$59,000 million. Over 60,000 people were killed by the tsunami in India, Sri Lanka and Maldives. The October 2005 earthquake killed at least 73,000 people and severely injured or disabled another 70,000 and rendered another 2.8 million

homeless in northern parts of Pakistan. The rehabilitation cost of the 2004 tsunami disaster for India, Sri Lanka and Maldives was US \$ 3 billion. The overall cost associated with the October 2005 earthquake was approximately US \$ 5.2 billion.²⁰ At the regional level, security is threatened as a result of the unsustainable use of shared resources and trans-boundary pollution. Characterised by extremely high environmental stress resulting from scarcity of water, high urban population density, energy shortages, deforestation, air pollution and natural disasters, in the South Asian context, disaster management would mean tackling the challenges posed by unseen developments. As the Human Development Report 2007/8 with its focus on climate change points out, 'Whatever the future risks facing cities in the rich world, today the real climate change vulnerabilities linked to storms and floods are to be found in rural communities in the great river deltas of the Ganges, the Mekong and the Nile and in sprawling urban slums across the developing world'.²¹

Women are the primary stakeholders in the area of environment and disaster management and their role in sustainable development is highlighted by their knowledge base in environmental related issues which can contribute significantly to decision-making processes. They are the most vulnerable and the first to be affected by any change in environmental related policies and by natural disasters as they are primarily involved in fuel wood and water collection, or basic livelihood needs. For instance in Sri Lanka, the tsunami in 2004 affected shelter, access to schools, public health services and transport. The Report of the Women's Division: Disaster Relief Monitoring Unit of Sri Lanka brings to notice the cultural and societal constraints which often dictate women's access to goods.²² Self-employed women in Sri Lanka were badly affected by the tsunami. A UNIFEM report states that women who were involved in productive activity as home-based workers prior to the tsunami were not recognised as workers and therefore denied compensation for their loss of livelihood.²³ Loss of work has also had a detrimental effect on the mental health of women and has further limited their access to resources.²⁴

¹⁵ AIDS in South Asia: Understanding and Responding to a Heterogeneous Epidemic, World Bank 2006. At: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:21019386~pagePK:146736~piPK:146830~theSitePK:223547,00.html>

¹⁶ Coomaraswamy, opcit., pp.15.

¹⁷ Kamla Bhasin, Brinda Thapar, *Turning Dangers into Opportunities-Young People and HIV/AIDS in South Asia*, Jagori, New Delhi, 2003 in Coomaraswamy, pp.15.

¹⁸ *Migration in an Interconnected World: New Directions for Action*, Global Commission On international Migration, 2005. pp. 42

¹⁹ Shah, Brar and Rana, *Layers Of Silence: Links Between Women's Vulnerability, Trafficking and HIV/AIDS in Bangladesh India and Nepal*, UNRISD, 2002.pp.34.

²⁰ Syed Rifaat Hussain, Non-Traditional Security Challenges In South Asia, At: <http://www.rsis-ntsasia.org/publications/inauguralmeetingpolicybriefs/rcss.doc>

²¹ UNDP, *Human Development Report 2007/8*, p.3

²² *Report of the Women's Division: Disaster Relief Monitoring Unit*, Human Rights Commission of Sri Lanka, 2007, pp15, 19.

²³ *After The Big Wave: Mothers Fathers and Children*, Social and Human Resource Development Consultants, UNIFEM, 2006.pp.33..

²⁴ *Supporting Local Institutions for Tsunami Recovery in Sri Lanka*, UNIFEM, 2006.

CEDAW, Beijing and MDGs: The Interlinkages

The Covenant on Elimination of Discrimination Against Women, CEDAW, document links these issues to the human rights domain spelling out the meaning of equality and human rights, The Beijing Platform of Action, BPGA, (Health, Poverty, Environment, Violence and Human Rights) is instrumental in focusing on these issues through a set of strategic objectives. The Millennium Development Goals lay down a roadmap for halving poverty, halting the spread of HIV/AIDS,²⁵ improving maternal health²⁶ and integrating the principles of sustainable development into the country's policies and programmes by 2015.²⁷ Some of the major impediments in translating the spirit of these documents into substantive equality are political, economic and social factors.

Political and Legal Factors: Throughout South Asia women are not only trafficked within their own countries but across borders. Political will has not been strong enough for substantive solutions. The forces behind the supply and demand side of international labour and lack of legal distinction between lawful labour, migration, irregular migration, smuggling and trafficking has left many legal issues unresolved.²⁸ The current international law on trafficking in human beings is shaped by the UN Convention Against Transnational Organized Crime and a supplementary "Palermo" Protocol to prevent and punish trafficking in persons especially women and children. The Protocol was adopted by a resolution of the UNGA in November 2000 and came into force in December 2003. However apart from India and Sri Lanka who have signed the Protocol; no South Asian Countries have ratified the "Palermo Protocol".²⁹ In 2002 the South Asian Governments agreed on a convention on Preventing and Combating Trafficking in Women and Children for Prostitution³⁰ and defined trafficking as enforced movement of women and children for the purpose of commercial sexual exploitation. Though the South Asian governments are signatories to the convention there has been no move for bilateral discussions to combat trafficking. Similarly the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families that was adopted by the UN General Assembly in 1990 clearly stipulates many protections for non-citizen migrant workers. However, it has been ratified by only sixteen States to date.

The failure to gain widespread support for this convention is indicative of the difficulties in securing rights for non-citizens. There are several laws in the region that regulate the movement of migrant workers. These include the Emigration Act 1983 in India, under which the authorities can prohibit the emigration of any person to a specified country on the grounds of preventing an outbreak of disease, and the Emigration Ordinance 1982 and the Foreigners Act 1946 in Bangladesh. Migrant workers have few legal rights in these circumstances.

In South Asian countries constitutional rights generally apply only to citizens. Migrant workers are therefore left extremely vulnerable to discriminatory practices. It should be noted in this context that the United Nations Convention for the Protection of the Rights of Migrant Workers, currently only ratified by Bangladesh within South Asia, requires States to provide migrant workers with the same access to education, housing and health services as is available to nationals.³¹

Economic, Social and Environmental Factors: The root causes for trafficking, as already mentioned above, include extreme disparities of wealth, increased awareness of job opportunities abroad, increased mobility resulting from globalisation, influence of media to find jobs in the entertainment industry, continuing and pervasive inequality due to caste, class and gender bias, lack of transparency in regulations governing labour migration (both domestic and cross-border), poor enforcement of internationally agreed-upon human rights standards, and the enormous profitability for traffickers. In contrast the main driving force for migration is its nexus with development and the upsurge of forced migration following an armed insurgency or internal armed conflict. The primary occupations available to women migrants are domestic work, nursing and personal care services, cleaning, entertainment and the sex trade, as well as retailing and labour-intensive manufacturing.³² Economic deprivation is also responsible for exacerbating the HIV epidemic in India. In South Asia

²⁵ Goal 6

²⁶ Goal 5

²⁷ Goal 7

²⁸ Dale Huntington, Anti-Trafficking Programs in South Asia: Appropriate Activities, Indicators and Evaluation Methodologies, Summary Report of a Technical Consultative Meeting, Kathmandu, Nepal, 2001.pp.3

²⁹ <http://www.ohchr.org/english/law/protocoltraffic.htm>

³⁰ SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002. at: <http://www.saarc-sec.org/old/freepubs/conv-trafficking.pdf>

³¹ Law, Ethics and HIV/AIDS in South Asia, UNDP, 2005.

³² Migration in an Interconnected World, opcit, pp. 14.

most of the women are disproportionately represented among the poor and typically have less access to resources and services including health care, making the impact of HIV infection on them much more severe. In the case of women living in poverty, their struggle for daily survival takes precedence over concerns about HIV, often limiting their capacity to take measures to protect themselves against the risk of HIV. Also sex workers are one of the social groups least protected by law, most harassed by law enforcement agencies and most seriously discriminated against within their communities because of the social stigma associated with the epidemic.³³ Natural calamities also give rise to disaster induced displacement and adversely affect livelihood issues, which are inextricably linked with the lives of women in South Asia. These not only threaten the general rights of women but also their immediate security needs which encompass facets of economic and social security.

Multi-Stakeholder Engagement

Despite the structural- socio-economic, and political constraints efforts have been made to stop forced migration by civil society in cooperation with international donor agencies and respective governments. For instance, the National Domestic Workers Movement has been in the forefront to combat trafficking in India. Another example is Shakti Samuha, an organisation that assists young women trafficked from Nepal in various ways including providing shelter. The Durbar Mahila Samanwaya Committee (DMSC) in Calcutta works to stop forced prostitution and entry of children into prostitution and runs health, education and cultural programmes. Durjoy Nari Sangha in Bangladesh also runs similar schemes and like other NGOs, challenges simplistic understandings of 'exploitation' and protests human rights violations.³⁴ The Maiti Nepal programme, which is on similar lines, helps women who have been trafficked to India return to their home country, with re-entry centres at the border where they can prepare to reintegrate into life in their former villages or elsewhere. The programme also provides viable occupational alternatives and conducts awareness campaigns in the villages throughout Nepal's central plains (Terai) region to counter the information provided by traffickers and agents.³⁵

In Nepal, UNIFEM has been able to make a remarkable achievement to negotiate and secure a place for women migrant workers (WMWs) in the development discourse on migration while underlining and encouraging the government's accountability towards protecting the rights of WMWs. It has been able to initiate policy and legislative changes and contributed in developing the New Foreign Employment Act as well as engender the draft Migration Policy where the concerns of migrant workers (and specifically for WMWs) from the rights-based perspectives has been addressed. UNIFEM was able to facilitate the process of uniting the WMWs to establish Pourakhi, Nepal's first organisation of returnee WMWs, building them as leaders who can proactively advocate for the issues and concerns of WMWs. UNIFEM's collaboration and partnership in this issue has facilitated the process of institution development of different stakeholders and in building up a rights-based approach towards the issues of WMWs. A strong link has been established with the media

Combatting Trafficking

The forward looking trend in the approach of governments' in the region towards trafficking, and recognition by civil society of the value of partnerships and networks, is evident in the existence of successful networks like ATSEC (Action against Trafficking and Sexual Exploitation of Children) and CBATN (Cross Border Anti Trafficking Network).³⁶ The UN GIFT initiative (United Nations Global Initiative to Fight Human Trafficking)³⁷ has created a platform for engagement of regional governments and civil society, multilateral and bilateral donors on trafficking, as witnessed at the South Asia Regional Conference held in October 2007 in Delhi. The Central Advisory Committee to combat Child Prostitution and Trafficking is a major intervention by the Government of India, which engages with major civil society actors, UN agencies, law enforcement and line ministries.³⁸

³³ UNDP, 2005 Opcit, pp. 24

³⁴ Bandana Pattanaik, "Perceptions, Responses and Challenges in South Asia", *Forced Migration Review*, May 2006. At: <http://www.fmreview.org/FMRpdfs/FMR25/FMR25full.pdf>

³⁵ "Preventing Trafficking in Women and Children in Asia: Issues and Options", *Family Health International*, 2007. at: http://www.fhi.org/en/hiv/aids/pub/archive/articles/loh/loh12/prevent_trafficking_women_children_asia_options-and_issues.htm

³⁶ <http://www.cbata.net/#>

³⁷ http://www.giftasia.in/index.php?option=com_content&task=view&id=156&Itemid=317

³⁸ http://www.mha.nic.in/press-release/2007/pr_trafficking201107.pdf

with a significant shift from welfare to rights-based reporting on the issues of migrant workers. Non-traditional partners like the Nepal Association of Foreign Employment Agencies (NAFEA), banks and financial institutions and the economic journalists of Nepal have been strategic in promoting the rights of migrant workers. NAFEA has developed a code of conduct that ensures its commitments to promote the rights of migrants. Similarly, banks and financial institutions are developing schemes to facilitate low interest loans and various investment packages for migrant workers. The National Network on Safe Migration is expected to give more voice and visibility to migrant's rights and concerns including that of WMWs. The thematic linkages have been established in the ongoing programme to promote safe migration and to reduce trafficking and smuggling. The Nepal UNDAF framework has also been able to include a response strategy to migrants' population.

As far as control and management of the HIV/AIDS epidemic is concerned, in India the National AIDS Control Organization (NACO) is supporting 835 targeted interventions; Andhra Pradesh has the highest number of such interventions (96) among all states. Currently, almost half of all targeted interventions (48 percent) focus on migrant workers and truckers, presuming that male populations constitute important bridge populations. The Sonagachi Project in West Bengal has inspired many sex worker programmes within India and globally. The project promotes a comprehensive approach to HIV prevention, encompassing contextual reform through improved policing practices, solidarity and community empowerment, improved sexual and reproductive health care, child care, peer education and outreach, and condom promotion.³⁹ In Nepal an Institutional Task Force was set up in May 2005 to assess the institutional mechanisms in place in order to address HIV and AIDS in Nepal and to recommend improvements. Among the institutional options suggested is the establishment of a semi autonomous entity—with its own board and an operational and funding unit. Another option being considered is the use of an existing autonomous entity, such as the Poverty Alleviation Fund, to channelise them specifically to community groups.⁴⁰ Also for the first time, the National HIV and AIDS Strategy includes a component

on HIV and migration. In Afghanistan, the Ministry of Public Health (MOPH) has developed a National Strategic Plan for the period 2003 to 2007. The plan is being revised through a broad-based participatory process. The 2006 national development strategy includes a five-year benchmark for HIV/AIDS: to maintain a low prevalence of HIV positive cases (less than 0.5 percent) in the population to reduce mortality and morbidity associated with HIV/AIDS. The MOPH leadership views HIV/AIDS as a development issue, and the ministry increasingly plays a leading role in steering, policy, and guidance, when working with other sectors and ministries to enhance a multisectoral response and with NGOs to reach out to high-risk populations.⁴¹

Land rights are one of the important elements for ensuring gender equality through sustainable development. The Millennium Taskforce on Environment noted "when women lack the knowledge, means or authority to manage the natural resources on which they are directly dependent, degradation of these resources is likely to occur."⁴² Seen

Duryog Nivaran has developed a network of individuals and organizations from South Asia who are committed to promoting an 'alternative perspective' on disasters and vulnerability as a basis for disaster mitigation in the region.⁴³ Various studies by the network suggest that women have been the missing element in disaster management policies and institutions.⁴⁴ The reports also bring to the fore the overlapping concerns of disasters and their impact on livelihood needs which affect women adversely.

from this perspective, entitlement of rights to access livelihood resources can be an effective tool to manage disaster risks. Land rights are also important because across South Asia, women, on an average, account for about 39 percent of the agricultural workforce. A serious constraint for women farmers is their lack of access to security of tenure or ownership of land.

³⁹ *AIDS in South Asia, 2005*, opcit.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Millennium Project Task Force on Environmental Sustainability, 2004, in *Pathway to Gender Equality*, CEDAW, Beijing and MDG, UNIFEM 2004.

⁴³ http://www.duryognivaran.org/duryog/detail_alerts.php?id=3&alerts=1

⁴⁴ Tsunami, Gender and Recovery; Special Issue for International Day for Disaster Risk Reduction, At: <http://www.duryognivaran.org/duryog/images/newsindex/06%20Tsunami.%20%20%20%20Gender%20and%20recovery.pdf> and Hearing their Voices: The women and Children in the Earthquake Affected Areas of Pakistan At: <http://www.duryognivaran.org/duryog/images/newsindex/Rport%20on%20women%20&%20Children%20by%20IUCN.pdf>

Though strategies addressing disaster risks have not really focused on risk reduction measures, the Hyogo Framework of Action 2005-15, adopted by the United Nations/International Strategy for Disaster Reduction aims at substantial reduction of disaster losses, in lives and in the social, economic and environmental assets of communities and countries.⁴⁵ A Tsunami Special Provision Act was passed in 2005, in Sri Lanka, with a view to enable special legal provisions to be made in respect of the affected people. The Act contains six sections dealing with death certificates, custody of children and young persons, prescription, actions under Section 66 of the Primary Court Procedures Act, tenancy rights and offences in respect to Tsunami Relief Property. The Act defines disaster as a "natural or manmade event which endangers safety or health of the population or destroys or threatens to destroy property." This Act covers civil strife and natural disasters and therefore relates to both the tsunami and internal conflict situations. A UNIFEM report notes that though the Act provides for payments of compensation or omission of the police or armed forces or state authorities in the performance of duties that cause property damages, this provision itself does not provide relief to low income persons, specially women, unless they know how to access these fora or can obtain assistance in doing so.⁴⁶ It suggests therefore that access to legal aid and counseling is an effective pointer to the implementation of the Act.

At the regional level, the Islamabad Declaration (2006) drew attention to the need for engendering disaster management.⁴⁷ This was particularly in context to earthquakes in India and Pakistan and the tsunami in Sri Lanka. The declaration committed to:

1. Incorporating a right-based approach in disaster management, including the concept of addressing women's entitlements to assets, ownership and compensation benefits.
2. Integrating a gender perspective into national and regional policies, plans, resource allocation and budgeting for disaster risk reduction and management.

3. Issuing identity cards to all woman adolescents and ensuring that women have easy and equitable access to resources including relief and service as individuals.
4. Issuing individual social security cards to all men, women and children affected by the disaster.
5. Making birth and marriage registration compulsory and accessible.

These points are important as most women suffer from a lack of identity, entitlements and access to support structures in the disaster prone areas.

The issue of shelter in reconstruction efforts received priority as the Sri Lankan Government started a 'getting everyone back home' programme, through which grants and loans were given to reconstruct homes.⁴⁸ The National Housing Development Authority with donor assistance from Germany has launched a programme to build houses for 1000 tsunami affected families in Batticaola, with the participation of householders. The government has also initiated a Rs 301 million programme to provide alternative houses for those affected.⁴⁹ One of the institutional responses taken up by the Government of Sri Lanka is the establishment of the Disaster Management Center under the National Council for Disaster Management. The institution focuses on the dissemination of information through media and other means in order to educate the people. The institution also attempts to make cross sectoral/institutional linkages across different levels of governments for effective governance.⁵⁰ One other initiative from local women organisations is the Sarvodaya Women's Movement, which has been involved in providing spiritual assistance. The organisation has been involved in giving women material and financial resources in order to assist them in conducting *dhanya*, the religious distribution of funds after a death or tragedy. With regards to environment the organization concentrated on planting coconut palms and mangroves that were an important economic asset, while also providing employment benefits to women.⁵¹ A special focus is needed to assist single mothers to rebuild their lives by giving them physical health, psycho-social and livelihood support.

⁴⁵ The Hyogo framework of Action has three strategic objectives: the integration of disaster risk reduction into sustainable development policies and planning; development and strengthening of institutions, mechanisms and capacities to build resilience to hazards; the systematic incorporation of risk reduction approaches into the implementation of response and recovery programmes.

⁴⁶ S. Goonesekere, *A Gender Analysis of Tsunami Impact: Relief Recovery and Reconstruction in Some Districts in Sri Lanka*, UNIFEM, 2006, pp.54.

⁴⁷ 23 – 28 Nov 2006 Pakistan, Islamabad: Regional Consultation on Engendering Disaster Management (23 – 24 November). UNIFEM and the Government of Pakistan, Ministry of Social Welfare and Special Education jointly organized a consultation in the context of the tsunami and earthquake in Pakistan, Sri Lanka and India.

⁴⁸ S. Goonesekere, *A Gender Analysis of Tsunami Impact: Relief Recovery and Reconstruction in Some Districts in Sri Lanka*, UNIFEM, 2006.

⁴⁹ *Ibid*, pp. 49 – 51.

⁵⁰ *Local Institutions for Tsunami Recovery in Sri Lanka*, UNIFEM, 2006 pp 12-13.

⁵¹ *Ibid*, pp. 16. Also see www.sarvodaya.org

Challenges

Transnational issues in South Asia call for united response by governments, and while such efforts have been started it is important to sustain and enhance their momentum.

A cross sectoral approach in protecting and recognising disadvantaged groups needs to be taken and to get reflected in the design of development strategies. For example, women have a legitimate right to migrate in search of better economic or social opportunity, and the challenge is to find ways of enabling safe migration rather

than curtailing movement. For this, both the country of employment and the country of origin have to develop policies to protect the rights of documented and undocumented migrants. Gender sensitive rights-based bilateral and multilateral agreements/ collaborations between countries of employment and origin need to be formulated. The blurring of boundaries between illegal migration and trafficking on one hand and legal migration on the other requires sensitive interventions. This chapter has argued that human security needs to inform development choices.

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Annexure 1

Status of CEDAW Reports and Ratifications

Table 1: Status of Some Treaty Ratifications

Country	Women's Convention 1979	CRC 1989	CCPR 1966	CESCR 1966	Optional Protocol to CCPR
Afghanistan	*	*	*	*	
Bangladesh	*	*			
Bhutan	*	*			
India	*	*	*	*	
Maldives	*	*			
Nepal	*	*	*	*	*
Pakistan	*	*			
Sri Lanka	*	*	*	*	

Women's Convention: Convention on the Elimination of All Forms of Discrimination Against Women; **CRC:** Convention on the Rights of the Child; **CCPR:** International Covenant on Civil and Political Rights; **CESCR:** International Covenant on Economic, Social and Cultural Rights

Table 2: Convention on the Elimination of All Forms of Discrimination Against Women – *Ratifications*

Country	Date of Signature ¹	Date of Receipt of Instrument of Ratification, Accession and Succession
Afghanistan	14 April 1980	05 March 2003 a/
Bangladesh		06 November 1984 a/ b/
Bhutan	17 July 1980	31 August 1981
India	30 July 1980 b/	09 July 1993 b/
Maldives		01 July 1993 a/ b/
Nepal	05 February 1991	22 April 1991
Pakistan		12 March 1996 a/ b/
Sri Lanka	17 July 1980	05 October 1981

a/ - accession; b/ - declarations or reservations; c/ - reservation subsequently withdrawn; d/ - succession

Source: www.un.org/womenwatch/daw/cedaw/sigop.htm

Table 3: Convention on the Elimination of All Forms of Discrimination Against Women – *Declarations and Reservations*

Country	Reservation/s
Afghanistan	-
Bangladesh	Reservation: Articles 2 & 16.1(c)
Bhutan	-
India	Reservation: 29 (1) Declarations: 16.1 & 16.2
Maldives	Reservation: Articles 7(a) and 16
Nepal	Statement: "If provisions of any Convention are inconsistent with national law, national law supercedes"
Pakistan	Reservation: Article 29(1) & Declaratory Statement
Sri Lanka	-

Source: www.un.org/womenwatch/daw/cedaw/sigop.htm

¹ Signature does not bind the State to the Convention or Treaty but commits the State in principle.

² When a State Party accepts to be bound by the instrument; has the same legal binding effect as ratification but unlike ratification, may be entered without prior signature

Table 4: Optional Protocol*

Country	Signature	Ratification, Accession (a)
Afghanistan		
Bangladesh	06 September 2000	06 September 2000
Bhutan		
India		
Maldives		13 March 2006 (a)
Nepal	18 December 2001	15 June 2007
Pakistan		
Sri Lanka		15 October 2002 (a)

* (adopted on October 6, 1999 & entered into force on Dec. 22, 2000)

Source: www.un.org/womenwatch/daw/cedaw/sigop.htm

Table 5: Reports Submitted to and Examined by the CEDAW

Country	Government Reports	
	Reports Submitted	Examined At
Afghanistan	None to date	
Bangladesh	Initial report	6th session (1987)
	2nd report	12th session (1993)
	Combined 3rd and 4th periodic reports	17th session (1997)
	5th periodic report	31st session (2004)
Bhutan	Combined initial, 2nd, 3rd, 4th, 5th, 6th periodic reports	30th session (2004)
India	Initial report	22nd session (2000)
	Combined 2nd & 3rd reports	37th session, 15 Jan – 2 Feb 2007
Maldives	Initial report	24th session (2001)
	Combined 2nd & 3rd reports	37th session, 15 Jan – 2 Feb 2007
Nepal	Initial report	21st session (1999)
	combined 2nd and 3rd periodic reports	30th session (2004)
Pakistan	Combined initial, 2nd & 3rd reports	Yet to be examined, 38th session, 14 May – 1 Jun 2007
Sri Lanka	Initial report	6th session (1987)
	2nd report	11th session (1992)
	Combined 3rd and 4th periodic reports	26th session (2002)

Source: data on Government Reports – www.un.org/womenwatch/daw/cedaw/sigop.htm; <http://daccessdds.un.org/doc/UNDOC/GEN/>; Also, data on Alternative Reports, Progress of South Asian Women 2003, UNIFEM, 2003, p42.

Annexure 2

CEDAW Concluding Comments: A Snapshot

Bangladesh¹

- Concern expressed that despite the adoption of the Prevention of Women and Children Repression Act, 2000, the Acid Control Act, 2002, and the Acid Crime Control Act, 2002, violence against women, including domestic violence, rape, acid throwing, dowry -related violence, fatwa-instigated violence, and sexual harassment in the workplace, continues to exist.
- Also concerned that some women victims of, or threatened by, such violence are placed in "safe custody" in shelter homes without their consent.
- Recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health services providers.
- Further encourages the State Party to take effective measures to protect women against fatwa -instigated violence.
- Welcomes the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, however remains concerned about the continuing prevalence of trafficking in women and girls in the country.
- Urges measures to design and implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles and responsibilities of women and men in the family and society, and take measures to discourage polygamy.
- Urges adoption of a uniform Family Code that fully complies with the provisions of the Convention.
- Acknowledges the amendment of the 1951 Citizenship Act, however concerned that women are still unable to transmit their nationality to their foreign husbands and children.
- Welcomes the lifting of the ban on overseas employment of women domestic workers which had

been imposed in 1998, however concerned about the vulnerability of Bangladeshi women migrant workers.

- Recommends a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.
- Recommends adoption of proactive policies for women's increased participation at all levels and, when necessary, adopting temporary special measures to increase women's political participation.
- Urges measures for ensuring that safe drinking water is available to all and particularly to affected rural women and their families.
- Recommends the development of a comprehensive data compilation methodology and urges the State party to include relevant sex – disaggregated statistics so as to be able to assess the trends and the impact of programmes on the country's female population.

Bhutan²

- Recommends strengthening the existing national machinery, clarifying its mandate and providing it with adequate decision making power and human and financial resources to work effectively for the promotion of women's human rights at all levels.
- Mainstream gender perspectives when formulating and implementing policies and programmes, as well as in monitoring and assessing progress achieved. Suggests specifically addressed programmes and policies for women and girls in next five -year plan for women, 2006-2010, in order to accelerate achievement of substantive equality.
- Recommends temporary special measures to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration.

¹ Committee on the Elimination of Discrimination against Women Thirty-first session, 6-23 July 2004, Concluding comments: Bangladesh at <http://www.un.org/womenwatch/daw/cedaw/31sess.htm>

² Committee on the Elimination of Discrimination against Women, Thirtieth session, 12-30 January 2004, Concluding comments: Bhutan at <http://www.un.org/womenwatch/daw/cedaw/30sess.htm>

- Provide targeted training programmes for women, and conduct on a regular basis, awareness-raising campaigns to encourage women to participate in decision-making positions in public life.
- Ensure that the draft Labour Act also takes into account the right to "equal pay for work of equal value" and contains provisions to facilitate women's access to justice in instances of discrimination.
- Continue efforts to close the gender gap in primary education and to take all necessary measures to increase the number of women in secondary and tertiary education in the country, including in technology- and science-related courses.
- Acknowledging that several traditional perceptions and practices in Bhutan favour women, including with regard to inheritance, the committee expressed concern that some traditions in the country may be discriminatory of women and girls, and perpetuate sex-specific roles and responsibilities in some spheres of life. The Committee expresses concern at the continued existence of polygamy in Bhutan.
- Urges greater attention and visibility be given to rural women, and that they participate fully in the formulation and implementation of all sectoral policies and programmes.
- Concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment at the workplace, and that there is a lack of systematic data collection on violence against women, in particular domestic violence.
- Accelerate the adoption of the draft Bhutan Penal Code, which recognizes marital rape as a crime.
- Appreciates the ratification of the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in 2003, It urges data collection on the extent of trafficking in women and girls, as well as measures to prevent and combat trafficking, in its next report.
- Concerned about the practice of common-law marriages, this allows girls to be married at 15 years of age, while the statutory age of marriage is 18. Urges elimination of the practice of common-law marriages and ensure that marriages are contracted under the 1980 Marriage Act, amended in 1996, which raised the legal age for marriage to 18 years for both sexes.
- Take all appropriate measures to end the practice of forced marriages.
- Recommends that the State Party amend its citizenship and nationality laws to bring them into conformity with article 9 of the Convention.

India³

- Expressed concerns over insufficient action pertaining to the comments made in 2000 relating to Sex discrimination Acts, developing a national plan to fight gender based violence, enforcing laws preventing discrimination against *Dalit* women and ensuring affirmative action to increase women's participation in the judiciary.
- Asks for information on steps taken to abolish or reform the Armed Forces Special Powers Act and ensuring investigations and prosecution of acts of violence against women by military in disturbed areas.
- Concern over reluctance to review stance of non-interference in personal laws. The committee suggests the need to encourage debate within relevant communities so as to modify social and cultural patterns to achieve greater equality.
- Needs more statistical data disaggregated by gender, caste, minority status and ethnicity to monitor the fulfillment of provisions of the convention with respect to STs/SCs/OBCs and minority women.
- Recommends impact assessment of legislative reforms.
- Create formal links between National Commission for Women and various state level commissions. The government must ensure standard coordination and monitoring mechanisms for effective harmonisation and implementation of gender equality programmes and policies alongside effective implementation at the national, state and union territory level.
- Urges government to provide free legal services to poor and marginalized women.
- Create a comprehensive plan to fight violence against women. While the committee appreciates the enactment of the Domestic Violence Act 2005, there is need to put mechanisms in place to ensure effective enforcement.
- Sensitise judiciary, public health professionals and public officials towards all forms of violence against women.

³ Committee on the Elimination of Discrimination against Women, Thirty-seventh session 15 January–2 February 2007 at <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>

- Asks for sex disaggregated data on domestic violence cases reported to police and other relevant authorities.
- Expand narrow definitions of rape to include marital rape and criminalise child sex abuse.
- Suggests inclusion of mass crimes against women perpetrated during communal violence in the proposed Communal Violence Bill 2005.
- Enact legislation to operationalise the constitutional right to education. Asks the state and national governments to strengthen efforts to narrow education gap between men and women and more so for minority and backward communities.
- Meet commitment of allocating 6 percent of GDP to education.
- Ensure rural women benefit from National Rural Employment Guarantee Act 2005.
- Take proactive steps with credit and financial institutions to empower women financially through micro credit initiatives.
- Create regulation for the functioning of micro credit organizations in consultation with women's groups.
- Ensure adequate mechanisms and procedures for effective implementation and monitoring of the Preconception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act 2003 and prevent criminalisation of women who are pressurized into seeking sex selective abortions.
- Speed up efforts to reserve one third seats in Parliament and state legislatures for women.
- Speedy enactment of Unorganized Sector Workers Social Security Bill 2003.
- Study impact of mega projects on tribal and rural women and institute safeguards against displacement.
- Ensure action against child labour and child marriage.
- Awareness generation programmes and training for parliamentarians on the provisions of the Convention focusing and elaborating upon the temporary special measures.
- Enact law against domestic violence.
- Enact law preventing trafficking of women and to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crimes.
- Take action increase the number of women in decision making positions.
- The recent "Political Parties Bill" should also specify a certain percentage of female representation within legislative candidates. Further, Judicial Service Commission to be directed to appoint women as judges and magistrates.
- Concern over teenage pregnancies and need to create support mechanism for such girls and also create more awareness in schools about pregnancy prevention.
- Pay attention to the societal attitudes and expectations on women's opportunities to seek employment in tourism and fishing sectors.
- Ensure reform of family law to ensure spouses have same responsibilities post-marriage dissolution.

Maldives⁴

- Express concerns over the Convention not being part of Maldivian law.
- Urge government to reform constitutional provisions which bar women from country's Presidency or Vice Presidency.
- Expresses need for temporary special measures to ensure equality such as reservations in legislature (which was a recent move which failed).

Nepal⁵

- Amend discriminatory laws without further delay in order to comply with its obligation under the Convention.
- The Committee urges the State party to repeal or amend article in the constitution, which permits discrimination against women in the area of citizenship.
- Recommends strengthening the existing national machinery for the advancement of women by providing it with adequate financial and human resources.
- The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. The Committee asks the government to ensure full and equal participation of women in the process of conflict resolution and peace-building. There is need to allocate sufficient resources to meet the needs of

⁴ Committee on the Elimination of Discrimination against Women, Thirty-seventh session 15 January–2 February 2007 at <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>

⁵ Committee on the Elimination of Discrimination against Women, Thirtieth session 12–30 January 2004, Concluding comments: Nepal at <http://www.un.org/womenwatch/daw/cedaw/30sess.htm>

women who have suffered damage as a result of the conflict and to ensure their security and protection from violence.

- The Committee urges the intensification of efforts to address the literacy gap between men and women to meet goals laid out in the National Plan of Action on Education, particularly in rural areas and among disadvantaged castes and ethnic groups. There is need to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.
- Awareness raising programmes for men and women to encourage men to share family responsibilities.
- Adopt measures to ensure that widows are able to enjoy their human rights and to improve their situation, through job training, loan opportunities and counselling services and sensitisation programmes aimed at ending stigmatisation of widows within the family and in the community.
- The Committee recommends action without delay by the State Party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy.
- Concerned that the enactment of the draft bill on domestic violence has been delayed.
- Recommends further measures to improve women's access, particularly rural women, to health-related services and information, including in regard to sexual and reproductive health.
- Recommends greater efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets.

Pakistan⁶

- Ensure effective implementation of legal reforms made and study impact of the reform pertaining to the *Hudood* ordinances, Pakistani Citizenship Act 1951, Prevention and Control of Human Trafficking Ordinance 2002 and the Criminal Law Amendment Act to facilitate prosecution of "honour killings"
- Take further steps to change certain existing legal frameworks – citizenship Act, Hudood etc.
- Recommends carrying out of education and training programmes, in particular for judges, lawyers and law

enforcement personal on the legislative reforms.

- Awareness generation campaigns for women so that they become aware of their rights and avail themselves of redress mechanisms.
- Strengthen institutional machinery by providing it with adequate human and financial resources so as to make it more effective in carrying out its mandate.
- Training and capacity-building measures on gender issues be implemented for public officials at the national, regional and local levels.
- Ensure that the *Qisas* and *Diyat* law has no application in cases of violence against women, especially crimes committed in the name of honour, and to adopt the Bill on Domestic Violence, within a clear time frame.
- The Committee also calls on the State party to include, in its next report, data on all forms of violence, employment and labour market discrimination against women disaggregated by rural and urban areas.
- Ratify ILO Convention 177 on Homework
- Ensure improved access to public health and education.
- Analysis of content of school text books to remove gender stereotypes.

Sri Lanka⁷

- Muslim personal laws discriminate against women and there is a need to review all existing laws and amend such discriminatory provisions. Need to obtain information on comparative jurisprudence which interprets Islamic law in line with the Convention.
- Expedite the creation of the National Commission for women.
- Ensure enough human and financial resources for the National plan of Action.
- Increase women's participation in politics.
- Suggests laws ensure that abortion is allowed in cases of rape, incest and congenital abnormalities.
- Monitor and punish poor behaviour towards women from ethnic minorities by police and security forces.
- Revise labour laws so they apply to all workers even those working in EPZs.
- Amend Land Development Ordinance.

⁶ Committee on the Elimination of Discrimination against Women, Thirty-eighth session, 14 May-1 June 2007, Concluding Comments, Pakistan at <http://www.un.org/womenwatch/daw/cedaw/38sess.htm>

⁷ Committee on the Elimination of Discrimination against Women, Thirtieth session 12-30 January 2004, Concluding comments: Nepal at <http://www.un.org/womenwatch/daw/cedaw/30sess.htm>

Annexure 3

Islamabad Declaration: Review And Future Action Celebrating Beijing Plus Ten, 2005

Fifth South Asia Ministerial Conference 3–5 May 2005, Islamabad, Pakistan

1. We, Ministers, Secretaries and Senior Officers of the Governments and SAARC Secretariat, women's groups, NGOs, and researchers from – Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka, and Afghanistan invited as an observer state, gathered at Islamabad on 3–5 May 2005 at the Fifth South Asia Ministerial Conference "Celebrating Beijing Plus Ten" jointly organised by the Government of Pakistan and UNIFEM South Asia Regional Office.
2. This conference acquires a special significance, since the year 2005, marks the tenth anniversary of the historic Fourth World Conference on Women held at Beijing in 1995 as well as the five-year review of the Millennium Declaration. We have all gathered in Pakistan after the 49th session of the Commission on the Status of Women to celebrate a ten year journey of regional cooperation and learning, reviewing our progress and identifying current challenges and road map for future action.
3. While recalling and reaffirming the commitments for the realisation of women's human rights and gender equality made in the Beijing Platform for Action 1995, the outcome document of the Beijing + 5 and the resolutions of B+10 review at the 49th session of the Commission on the Status of Women and the substantive framework provided by the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified by all countries of the region, Security Council resolution 1325 and all other relevant follow-up documents adopted.
4. **We acknowledge developments in the following areas:**
 - a) The formulation of national policies and action plans to promote gender equality and the empowerment of women.
 - b) Increased access to education for women and girls.
 - c) Establishment of national machineries on women and institutional mechanisms towards effective realization of women's human rights.
 - d) Drafting new legislations and/or amending laws especially on violence against women, sexual exploitation and trafficking of women and children.
 - e) Emerging jurisprudence on women's rights.
 - f) Forging partnerships between Governments, women's groups, civil society and interest groups, elected representatives, the media and the private sector.
 - g) Increase in women's access to economic opportunity, credit, and employment.
 - h) Enhanced affirmative actions towards increasing women's representation in political decision making at different levels.
 - i) The adoption of policies on HIV/AIDS prevention, treatment and care.
 - j) Adoption of regional instruments such as SAARC Social Charter and the SAARC Convention on Trafficking.
5. We recognise the **gaps and challenges** in implementation in the following areas:
 - a) Inadequate implementation of plans, policies and programmes relating to women.
 - b) Lack of expeditious enactment of legislation and non-repeal and amendment of discriminatory laws.
 - c) Inadequate progress in meeting the commitments under Article 9 of CEDAW on gender equality in citizenship laws.
 - d) The feminisation of poverty and its further accentuation due to adverse effects of globalisation.
 - e) Inadequate progress in giving equal access to economic opportunity, land and livelihoods with dignity and personal security.

¹ http://www.unifem.org/news_events/currents/documents/IslamabadDeclaration.pdf, November 2007

- f) Continued prevalence of all forms of violence against women, including in conflict situations
- g) Inadequate commitment, awareness, measures and resources to combat violence against women.
- h) Inadequate attention to eliminating socio-cultural practices and mindsets that continue to discriminate and disadvantage women
- i) The increasing prevalence of HIV/AIDS among women, particularly younger women.
- j) Lack of gender sensitive policies and interventions to combat communicable diseases, anaemia, TB, malaria etc.
- k) Inadequate progress in achieving women's equal representation in national legislatures
- l) Inadequate, and lack of gender sensitive reproductive and sexual health information and services and care to women
- m) Lack of sufficient male involvement and participation in promoting women's rights and substantive equality
- n) Continued lack of gender perspectives in macro-economic policies, trade negotiations, national budgets and investment decisions
- o) Inadequate, reliable and relevant sex disaggregated data and gender analysis at all levels
- p) Insufficient resource allocations, authority status for national machineries on the advancement of women, and their marginalization
- q) The lack of regional cooperation and partnership initiatives to address problems of regional concerns such as trafficking in women and children, HIV/AIDS and promoting and protection of the rights of migrant workers
- r) The increasing vulnerability of women in marginalized groups
- s) The negative portrayal of women in the media.
- t) Inadequate initiatives to address the needs and concerns of women in remote areas and in disadvantaged communities.
- u) Inadequate progress in meeting and monitoring time bound commitments

6. In light of the above, we agree to prioritize our efforts and actions on a two-year plan on the following areas:

- a) Violence against women

- b) Economic empowerment of women
- c) Political empowerment of women
- d) Disaster preparedness and management
- e) Health and Education

7. In pursuit of the above priorities we will:

- a) *Develop and strengthen institutional mechanisms for gender equity and equality*
- i) Ensure sufficient resource allocations, authority and status for national machineries for women including women's ministries and national commissions.
- ii) Ensure that mainstream institutions integrate women's human rights and gender concerns into their policies and programmes, and establish appropriate gender management systems
- iii) Repeal/amend discriminatory laws against women and initiate integrated efforts to implement laws
- iv) Ensure gender analysis of budgets and identification of allocations and expenditures at all levels needed to support women's advancement
- v) Promote men's' and boys' participation in creating a gender just society
- vi) Enhance and encourage corporate social responsibility
- vii) Further strengthen partnerships with women's groups and civil society organizations,
- viii) Promote and strengthen gender sensitive media
- ix) Acknowledge and appreciate the positive contribution of the UNIFEM in sustaining and carrying forward the Beijing process and advocating women's rights in the region and lobby for sufficient resource allocations for the organization and appropriate status for it within the UN system.
- b) *Ensure linkages between Beijing Platform for Action, CEDAW and MDGS as mutually complementary processes*
- i) Recommend to integrate the "Islamabad Declaration: Review and Future Action" at appropriate multilateral forums and through these emphasize integration of gender perspectives in the high level plenary meeting to review the Millennium Declaration and Goals
- ii) Recommend that CEDAW and Beijing Platform for Action are integrated into national indicators and all other processes, and the medium term development framework (MTDF) to monitor achievement of the Millennium Development Goals.

8. Eliminate violence against women (VAW) and girls

- a) Ensure that international commitments under CEDAW and Beijing Platform for Action and the outcome document of the Beijing +5 meeting are fulfilled in regard to elimination of violence against women.
- b) Prioritize the following:
 - i) Law and administrative reforms and actions to address violence against women, through health and other relevant initiatives
 - ii) Ratification of the SAARC Convention on Trafficking by all member countries.
 - iii) Use existing research in law reforms, policy formulation and programmes and encourage further research.
 - iv) Reform of the criminal justice system to make it more responsive to violence against women and sensitization of the judiciary, the administrative and law enforcement machinery particularly the police and health professionals to violence against women.
 - v) Consider ratification of the Optional Protocol to CEDAW
- c) Promote concrete actions - safety net, support systems and leadership development to address the reality of violence in women's lives which exposes which inter alia women to HIV/AIDS
- d) Promote and strengthen gender sensitive community based interventions to address VAW
- e) Check negative forces and strengthen civil society to promote zero tolerance against VAW

9. Economic Empowerment of Women

- a) Provide adequate infrastructure to support women's economic opportunity, independence and livelihood that ensures dignity and personal security
- b) Provide and strengthen adequate social security systems.
- c) Ensure that women's contribution is visible in the national accounting system
- d) Protect the rights of women workers in both the formal and informal sectors and home-based work.
- e) Support women's right to own property and land, to inheritance, to equal access to credit, to be fully employed and to receive equal remuneration for work.

- f) Ensure the participation and voice of women in the formulation of macro-and micro-economic policies
- g) Address the need to promote shared responsibility in care-giving roles in the family and prevent women from being overburdened by multiple tasks and responsibilities.
- h) Support and facilitate processes to engender global and regional trade agreements and treaties

10. Political empowerment of women

- a) Secure political will of the States, political parties and other actors along with mechanisms for implementation of gender sensitive electoral codes and legislation for affirmative actions for women in the legislatures and to prevent any reversal or dilution of affirmative actions already taken.
- b) Work towards ensuring that women are directly rather than indirectly elected.
- c) Create an enabling environment to allow women legislators to participate in and contribute to the deliberations and decisions of the elected bodies of which they are members
- d) Ensure greater representation of women as office bearers and candidates.
- e) Ensure gender analysis of budgets and identification of allocations and expenditures at all levels needed to support women's advancement in the political arena

11. Emergency situations and disaster preparedness

- a) Ensure women are at the center of the rescue, relief and recovery efforts, and at all levels of decision making and planning in all types of natural disasters and conflict situations
- b) Support and promote regional women's networks and ensure that the needs of women and realities of women's lives are reflected in national policies and actions through the phases of relief and recovery and post conflict reconstruction
- c) Work towards capacity building of women and to ensure appropriate allocation of resources to deal with emergency situations.

12. Concrete Immediate Actions

- a) Propose that in the next two years the SAARC gender database housed at the SAARC Secretariat is organized, resourced and equipped to address the full range of challenges on sex disaggregated data and is able to share best practices from the region on gender equality

- b) Incorporate SAARC and country level indicators for the MDGs that reflect commitments made under Beijing Platform for Action and CEDAW.
- c) Agree to meet, discuss and review progress on the Islamabad Declaration: Review and Future Action at the annual session of the UN Commission on the Status of Women with the assistance of UNIFEM.
- d) Agree to hold six monthly meetings of secretaries of national machineries of the member states and to address the issues of trafficking of women and children and review of the “Islamabad Declaration: Review and Future Action” to be sponsored by the UNIFEM.
- e) Agree that civil society groups of the region will participate in the public hearings being organized by the UNSG on MDGs to give their inputs in the formulation and expansion of indicators relating to MDGs.
- f) Each government will develop a plan based on this document with time bound goals and targets within the two year frame and shared it within the region
- g) A website to be created to share information.

5 May 2005

Annexure 4

Beijing Platform for Action, 1995¹

Women and Poverty

Strategic objective A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.

Strategic objective A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources.

Strategic objective A.3. Provide women with access to savings and credit mechanisms and institutions.

Strategic objective A.4. Develop gender-based methodologies and conduct research to address the feminization of poverty.

Education and Training of Women

Strategic objective B.1. Ensure equal access to education.

Strategic objective B.2. Eradicate illiteracy among women.

Strategic objective B.3. Improve women's access to vocational training, science and technology, and continuing education.

Strategic objective B.4. Develop non-discriminatory education and training.

Strategic objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms.

Strategic objective B.6. Promote lifelong education and training for girls and women.

Women and Health

Strategic objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.

Strategic objective C.2. Strengthen preventive programmes that promote women's health.

Strategic objective C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues.

Strategic objective C.4. Promote research and disseminate information on women's health.

Strategic objective C.5. Increase resources and monitor follow-up for women's health.

Violence against Women

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women.

Strategic objective D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures.

Strategic objective D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

Women and Armed Conflict

Strategic objective E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.

Strategic objective E.2. Reduce excessive military expenditures and control the availability of armaments.

Strategic objective E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.

Strategic objective E.4. Promote women's contribution to fostering a culture of peace.

Strategic objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.

Strategic objective E.6. Provide assistance to the women of the colonies and non-self-governing territories.

Women and the Economy

Strategic objective F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.

Strategic objective F.2. Facilitate women's equal access to resources, employment, markets and trade.

Strategic objective F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women.

¹ Extracted from <http://www.un.org/womenwatch/daw/beijing/platform/index.html>, October 2007.

Strategic objective F.4. Strengthen women's economic capacity and commercial networks.

Strategic objective F.5. Eliminate occupational segregation and all forms of employment discrimination.

Strategic objective F.6. Promote harmonization of work and family responsibilities for women and men.

Women in Power and Decision-making

Strategic objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making.

Strategic objective G.2. Increase women's capacity to participate in decision-making and leadership.

Institutional Mechanisms for the Advancement of Women

Strategic objective H.1. Create or strengthen national machineries and other governmental bodies.

Strategic objective H.2. Integrate gender perspectives in legislation, public policies, programmes and projects.

Strategic objective H.3. Generate and disseminate gender-disaggregated data and information for planning and evaluation

Human Rights of Women

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.

Strategic objective I.2. Ensure equality and non-discrimination under the law and in practice.

Strategic objective I.3. Achieve legal literacy.

Women and the Media

Strategic objective J.1. Increase the participation and access of women to expression and decision-making in

and through the media and new technologies of communication.

Strategic objective J.2. Promote a balanced and non-stereotyped portrayal of women in the media.

Women and the Environment

Strategic objective K.1. Involve women actively in environmental decision-making at all levels.

Strategic objective K.2. Integrate gender concerns and perspectives in policies and programmes for sustainable development.

Strategic objective K.3. Strengthen or establish mechanisms at the national, regional, and international levels to assess the impact of development and environmental policies on women.

The Girl-Child

Strategic objective L.1. Eliminate all forms of discrimination against the girl-child.

Strategic objective L.2. Eliminate negative cultural attitudes and practices against girls.

Strategic objective L.3. Promote and protect the rights of the girl-child and increase awareness of her needs and potential.

Strategic objective L.4. Eliminate discrimination against girls in education, skills development and training.

Strategic objective L.5. Eliminate discrimination against girls in health and nutrition.

Strategic objective L.6. Eliminate the economic exploitation of child labour and protect young girls at work.

Strategic objective L.7. Eradicate violence against the girl-child.

Strategic objective L.8. Promote the girl-child's awareness of and participation in social, economic and political life.

Strategic objective L.9. Strengthen the role of the family in improving the status of the girl-child.

The Institute of Social Studies Trust (ISST) is a non-profit non-governmental organization registered as a Trust in 1980, with its head office in New Delhi, a field office in East Delhi and a branch office in Bangalore. It has Special Consultative Status with the UN ECOSOC. ISST attempts to bridge the gaps between research, action and policy debate through action research, with special focus on women's work and well being concerns.



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