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|  - Working Group On The Issue Of Discrimination Against Women In Law And In Practice |
| **STUDY RELATED TO DISCRIMINATION AGAINST WOMEN IN LAW AND IN PRACTICE IN POLITICAL AND PUBLIC LIFE, INCLUDING DURING TIMES OF POLITICAL TRANSITIONS** |
| In Asia Pacific |
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**STUDY RELATED TO DISCRIMINATION AGAINST WOMEN IN LAW AND IN PRACTICE IN POLITICAL AND PUBLIC LIFE, INCLUDING DURING TIMES OF POLITICAL TRANSITIONS**

 **In Asia Pacific**

**I INTRODUCTION**

The aim of this report is produce an analytical study on the status of women’s representation in political and public life in Asia Pacific. This study examines the political, socio-economic and the cultural contexts, within the geographical boundaries of Asia Pacific between 1980 and the present, from the viewpoint of legislation and its adoption, reform, and implementation since the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW). This study will examining the following key elements: important advances in the fulfillment of women’s right to equality in political and public life, good practices in the elimination of laws which discriminate, directly or indirectly, against women in this field, lessons learnt from the past as well as recent backlashes in the field and critical issues for the future in terms of eliminating discrimination against women.

This study examines in Section I Part A, the scope of the study and the general terms of reference. Part B deals with a political overview of forms of government, electoral systems and legal systems in the 48 states comprising the region. Part C establishes with the conceptual framework contained in the various international treaties and other human rights documents relevant to this report.

Part II examines the advances, best practices, and challenges in the participation of women in the political and public life in the region from the 1980’s onwards to date including dichotomies between the national and local level. Part II also includes the intersectional analysis of persistent forms of discrimination against women which impede the full guarantee of their right to equality in all aspects of political and public life as experienced by certain groups of women such as ethnic minorities, women in poverty, single woman headed households, LGBT women and migrant women workers.

Part III examines the adoption and implementation of laws relating to public and political life including legal frameworks to combat violence against women in public life. This study will address the elimination of discrimination against women in law and in practice in all fields and from the perspective of States’ obligations to respect, protect and fulfill women’s human rights. And will examine the achievements and challenges to full representation of women in public life.

Part IV focuses on political transitions, using case examples from Mongolia from East Asia, East Timor and Myanmar from South East Asia, Nepal and Afghanistan from South Asia, and Fiji from the Pacific.

1. **Setting The Context**

1. This paper focuses on substantive law as well as procedures, practices and cultural traditions which promote or impede women’s progress towards full representation in public life.

1. The paper will detail good practices that have been transformative in relation to eliminating discrimination against women in law and in practice in different contexts and in the light of the different realities that women face.
2. All of these issues will be examined from a human rights and gender equality perspective, referencing the applicable human rights network at the universal and regional levels outlining State obligations in the areas of discrimination, equality, and participation in public and political life. In examining these issues, this paper examines the policy documents of UN instrumentalities as well as the work of other special procedure mandate holders and the documents engendered by civil society organizations and human rights watchdog bodies.
3. This study examines discrimination against women in political and public life in the background of violence against women in public and private areas by state and non-state actors and the examination of the intersection of various grounds of discrimination as cross-cutting themes which seriously impede women’s progress in fulfillment of the right to representation in political and public life.
4. The study also includes an examination of the challenges faced by women who experience multiple discrimination including but not limited to women living in poverty, migrant women, women with disabilities, women belonging to minorities, rural and indigenous women, older women, girls, including adolescents, women in conflict and post-conflict situations, refugee women, internally displaced women and stateless women. In this context, the Working group also noted in the report[[1]](#footnote-2) that women human rights defenders were more at risk of certain forms of violence due to their challenging gendered societal norms. This view will also inform the study at every stage.
5. This paper not only assesses political participation on the basis of numerical indicators, in the executive, legislative and judicial branches and political parties but by the prominence and importance given to gender equality issues in the governance of the state and the amount of resources allocated to achieve them.
6. This section attempts a broad understanding of the concept of political transition through the lens of Asia and the Pacific and its history, including a) move from monarchy/ repressive regimes to democracy Nepal, Burma, and Mongolia b) peace-building and transitional justice after armed conflicts: Timor L’este and Afghanistan c) economic transitions from controlled to free-market economies in Mongolia; d) moments of constitutional reform : Nepal, and e) coup d’état and the aftermath, in Fiji.
7. **Scope of the Study**

**1. Geographical Scope**

This study encompasses the geographical boundaries of Asia and Oceania. In identifying the limits of Asia and the list of countries contained within this geographical formulation, this paper uses the grouping ‘Asia Pacific’ in the UN system. This grouping comprises the states of: Afghanistan, Bahrain, Bangladesh, Bhutan, Cambodia, China, Brunei Darussalam,   Cyprus, Democratic People's Republic of Korea, [ North Korea] India, Indonesia, Fiji, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Marshall Islands, Federated States of Micronesia, Mongolia, Myanmar, Nauru, Nepal, Niue, Oman, Pakistan, Palau,  Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Sri Lanka, Syria, Singapore, Solomon Islands, Tajikistan, Thailand, Timor-Leste, Tonga, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen.

 For purposes of convenient reference, this paper also groups the states into sub-regional groupings using the UN standard classification of its member states –

* East Asia: People's Republic of China, Japan, North Korea, South Korea, Mongolia and Taiwan;
* Central Asia: Kyrgyzstan, Kazakhstan Uzbekistan, Tajikistan, and Turkmenistan.
* West Asia: Afghanistan, Bahrain,  Cyprus,  Iraq, Israel, Kuwait, Jordan,  Lebanon, Oman, Occupied Palestinian Territory, Qatar, Saudi Arabia, Syria, Turkey, Yemen, United Arab Emirates.
* Southeast Asia :Cambodia, Laos, Burma (Myanmar)Thailand, Vietnam, Malaysia, Brunei, Indonesia, Philippines, Singapore, East Timor
* South Asia: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka.
* Oceania: Australia, Cook Islands, Federated States of Micronesia, Niue, Kiribati, Nauru, New Zealand, Samoa, Solomon Islands, Palau, Papua New Guinea, Marshall Islands, Vanuatu, Tonga ,Tuvalu, American Samoa, Fiji, French Polynesia, Guam, New Caledonia, Northern Mariana Islands, Tokelau, Wallis and Futuna

1. **Overview Of Political History, Systems, Legal Context: Regional Trends, Gaps And Variations**

The Asia-Pacific region is currently at a critical juncture of its history, both politically and socially. The global economic downturn, climate change and persistent crises in many countries threaten to further marginalize the vulnerable. In this context, gauging the overall picture of gender inequality in the region presents a picture largely skewed to the disadvantage of women. However, women’s agency in public and political participation has been felt, since the 1980’s, more and more than it ever was in the previous decades.

The modern history of Asia and Pacific can be categorized as one of colonialism and imperialism. All of the countries had attained Independence from colonial domination by the 1970’s. Parts of Asia remained free from European control, although not influence, such as Persia, Thailand and most of China. The region has witnessed several inter-country conflicts[[2]](#footnote-3) and has been part of international wars.

The 1980’s onwards, the region has seen many internecine conflicts and wars[[3]](#footnote-4). There have been clashes and a lot of bloodshed over the question of ethnic self determination[[4]](#footnote-5). The Arab-Israeli conflict still dominates much of the recent events of the Middle East. This conflict has inflicted a high cost on women, leaving single- headed households, extensive loss of homes, economic and food shortages, lack of security, vulnerability to gender based violence and an increase in rigid fundamentalism[[5]](#footnote-6).Women have participated in large numbers in the armed insurgent movements for change in Asia[[6]](#footnote-7). All the conflicts mentioned above have a detrimental effect on their right to participation in political and public life.

The women of the region have experienced, to a great extent the negative impact of religious fundamentalism: impunity and violence in India[[7]](#footnote-8), on a large scale in 2002, but in smaller scale, in the whole of West, a large part of South and parts of South-East Asia such as Malaysia, Indonesia, and the Philippines. Religious fundamentalism has also led to insurgency and terrorism in other parts of Asia including in Afghanistan, The violence unleashed by these political conflicts has directly impacted the exercise of a range of rights by women: thus affecting their full enjoyment and representation in public and political life[[8]](#footnote-9).

 Women have participated in mass protests and demonstrations for political reform in Asia and less often in the Pacific[[9]](#footnote-10). More recently, in Malaysia, women participated and led the Bersih 2.0 protests for free and fair elections[[10]](#footnote-11). Despite repression, women were prominent in the demonstrations in Yemen[[11]](#footnote-12), which was part of the spontaneous uprisings termed ‘the Arab Spring’ by the media, in 2011(Bakri & Goodman, 2011). The Syrian conflict has led to violence, mobs, armed clashes and all the resultant damage to lives, property and harm to women by-standers[[12]](#footnote-13).

Another trend in the region has been coups d’etat by military rulers and others[[13]](#footnote-14), which, where successful, have resulted in an erosion of democratic institutions,[[14]](#footnote-15) shrinking already slim avenues for women’s political participation. They also lead to several human rights violations by the state, and impunity, generally, which further restricts women’s political participation. However, sometimes, as in Nepal, they catalyzed greater women’s political participation in the movement for change.

Women’s political growth has been impeded by consolidation and retention of power by strong male leaders in the Central Asian republics[[15]](#footnote-16) in Cambodia[[16]](#footnote-17), Indonesia,[[17]](#footnote-18) and in Malaysia[[18]](#footnote-19). The disadvantage of such consolidation of power in an individual is that democratic institutions get eroded, the state gets more paternalistic[[19]](#footnote-20) and protectionist[[20]](#footnote-21), which impedes and hence restricts women’s enjoyment of political and public life[[21]](#footnote-22).

 Regime changes in Asia have sometimes resulted in nullification of rights for women: for example in Iran, cultural and religious norms restrict women’s employment[[22]](#footnote-23). In Central Asia and Mongolia, many of the rights that women gained during socialism have been lost since democratization[[23]](#footnote-24).

Natural disasters like the tsunami of 2004[[24]](#footnote-25), the earthquakes of 2008 ( Pakistan) 2001 and 1993 ( India) famine from 1994 to 1998 ( North Korea) in Asia and environmental damage due to global warming in the Pacific[[25]](#footnote-26) has led to feminization of poverty[[26]](#footnote-27). Poverty leaves women vulnerable to a range of human rights violations and at an intersection of multiple forms of discrimination[[27]](#footnote-28).

Asia has largely recovered from financial crisis in 1997 and was less affected than the rest of the world 2008[[28]](#footnote-29).It had also led to economic disparity[[29]](#footnote-30) and therefore greater discrimination against some classes of women, which have been reflected in their public and political participation. However, women in the region are also more vulnerable to poverty than men, not simply because they have lower incomes, but also because their ability to access economic opportunities is constrained by discriminatory attitudes that restrict their mobility, limit employment choices and hinder control over assets[[30]](#footnote-31).

Development in general is beneficial to women’s leadership, but the relationship between human development and women’s leadership is not directly proportional. Some economies in Asia with the highest human development rankings (e.g., Japan and South Korea) also perform most poorly in some measures of women’s leadership (e.g., women in senior management, women on boards, wage equality, remuneration and political empowerment). Others, such as Singapore and Hong Kong SAR, China,

continue to have significant gender leadership gaps despite their high human development. (Tuminez, 2012) Despite overall progress in women’s attainments, significant variation remains among Asian countries and territories. Of 22 Asia-Pacific countries ranked in the World Economic Forum’s Global Gender Gap Report 2011, the top five performers are New Zealand, the Philippines, Australia, Sri Lanka, and Mongolia. The bottom five are Pakistan (at the very bottom), Nepal, India, Republic of Korea, and Cambodia. (Tuminez, 2012)

Unlike Asia, in the Pacific group, there is not much disparity, either in terms of GDP or in terms of politics. Politics, mirroring the systems of the colonial structures that most of them gained independence from, is stable, except for the upheavals described above in Fiji, which has had 4 coups in 20 years, Tonga, with its movement for political change and Solomon islands and Bougainville, with its prolonged ethnic conflict, politics have remained stable for the last half of the 20th and the early part of the 21st centuries.

The Asia-Pacific region as a whole, especially South Asia, ranks near the worst in the world—often lower than sub-Saharan Africa—on basic issues such as protecting women from violence or upholding their rights to property, as well as on indicators in such key areas as nutrition, health, education, employment and political participation. Sub-regional disparities are striking. Overall, East Asia is pulling ahead of South Asia on progress toward gender equality. In the Pacific, a complex brew of customary laws, practices and constitutional provisions represents a key factor behind the subordinate status of women[[31]](#footnote-32). Logistical and technical gaps in infrastructure and civic amenities plague the entire region[[32]](#footnote-33), even the developed countries, especially in the rural areas, which make participation of women in public life, difficult, even hazardous. Where development takes place, several women get affected, especially in large projects[[33]](#footnote-34).

In Asia-Pacific, fundamentalism, Globalization and Militarization have intersected with patriarchy to impact women multi-dimensionally[[34]](#footnote-35). In a study by AWID, over two-thirds of women’s rights activists surveyed, regard religious fundamentalism as obstructing women’s rights more than other political forces[[35]](#footnote-36).

**Legal Context**

The political systems of the region are diverse: overall, a quarter of the countries have presidential governments, and most have embraced parliamentary democracies. The rest are constitutional monarchies or one-party States.

The republics range from single party republics[[36]](#footnote-37) to parliamentary republics.[[37]](#footnote-38) The political systems of the region extend to several monarchical forms of government including ceremonial and constitutional forms[[38]](#footnote-39) through constitutional executive monarchies[[39]](#footnote-40) and absolute monarchies[[40]](#footnote-41).There are also different forms of Presidential republics from executive presidencies[[41]](#footnote-42) to those subject to the legislature.[[42]](#footnote-43)

In Fiji, currently there is no constitution, which has been suspended. There is a constitutional crisis in Nepal. Despite the difference in structures, there is not much difference in women’s political representation, which remains lower than that of men. Generally, more democratic systems seem more open to inclusion of women and their concerns than patronage and closed systems[[43]](#footnote-44)

Most of the countries of East and Central Asia have adopted civil law systems, with minor differences: Chinese, North Korean and Mongolian systems have been , influenced by Soviet and continental European civil law systems; South Korea has a mixed legal system combining European civil law, Anglo-American law, and Chinese classical thought. However, in all systems, patent and latent discrimination against women is prevalent. Coupled with this, is the problem of legal pluralism in several states and several states follow religious laws in personal matters. This places women’s personal status in considerable jeopardy as often, highly discriminatory orders are handed down by judges, against women and there is much discrimination enshrined in the laws governing personal status, family, property and gender based violence[[44]](#footnote-45).

The region has states using all the different types of electoral systems[[45]](#footnote-46) with hardly any exceptions. However, while the countries using the List PR systems, which give incentives for women to be nominated and thereby increase the likelihood of women being elected through a variety of different ways[[46]](#footnote-47), got a fair number of women candidates elected[[47]](#footnote-48), the clear winner is Nepal standing 20th in the world list [ May 2012] and using parallel voting system. Almost all the countries in the region have some kind of Election monitoring mechanism; however corrupt practices abound in almost all countries.

There are also moves towards greater co-operation and communication within the region with Association of Southeast Asian Nations (ASEAN) and the Arab Charter, The Commonwealth of nations, OPEC and SAARC as notable examples. Cross country cooperation on a range of issues has become the key to not only better understanding, but to reach regional development goals[[48]](#footnote-49).

In this particular study, a range of political transitions in Asia and the Pacific will be examined from the perspective of women, discrimination, and their participation and political life. The region of Asia and the Pacific is still reverberating from the political, social, and economic impacts of these transitions, which increases their import and heritage.

A Number of countries in the region have undergone the change from repressive regimes/monarchy to democracy/constitutional monarchy such as Nepal, Mongolia, Burma, Cambodia, Middle East and Central Asian countries. This paper will use as case studies for transition from monarchy/ repressive regimes to democracy Nepal, Burma, and Mongolia and show how women were involved in the overthrow of these regimes and in the democracy-building process. There are also a number of examples of countries recovering from armed conflict in Timor L’este, Sri Lanka, Afghanistan, Iraq and Syria and the Solomon Isles. The paper will examine the transition from armed conflicts, and peace-building in Timor L’este and Afghanistan and how women’s interests and needs were incorporated in the post-conflict period, in the work of Truth Commissions, and in the peace-building processes. There have been coups d’etat in many states. This paper will also review briefly the more recent coup d’état in Fiji, as an example of the fragility of the democracies in the region, and as an illustration of the risks that women and the organizations which represent them still face in times of political crisis.

One of the most encouraging trends in the region from a gender-perspective has been the election of first-time female presidents and prime ministers, (i.e., New Zealand, India, Philippines, Bangladesh, Indonesia) and some of these leaders have become international figures. The paper will study how these women rose to power, and whether their election has opened opportunities for women to participate in public and political life. Lastly, another key transition that the paper will study are recent moments of constitutional and legislative reform in Nepal and Afghanistan, which have culminated with key text relevant to women’s rights issues.

This paper will also attempt to examine all the regional trends and gaps detailed in this overview, in the following sections.

1. **Analysis and interpretation of the applicable human rights framework in the region to understand discrimination in the areas of political participation and public life**

There are two interrelated sets of human rights obligations which are relevant to women’s participation in public and political life. One is the content of the obligations not to discriminate and to guarantee equality contained in paramount international and regional human rights treaties which have been widely ratified by the countries of Latin America and the Caribbean. The second are the standards these treaties set in regards to the content of the duties to respect, protect, and fulfill the right of women to participate in public and political life.

*The right to equality and the prohibition of discrimination*

This principle is enshrined in the founding document of the UN, The UN Charter[[49]](#footnote-50) The Universal Declaration of Human Rights (UDHR) which followed and which forms the basis of bills of rights of many national constitutions was equally clear in speaks of the entitlement of all persons to non-discrimination including on the basis of sex[[50]](#footnote-51) The two instruments coming out of the UDHR, the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the International Covenant on Economic Social and Cultural Rights, 1966 (ICESCR) also so provide. This International Bill of Rights guarantees equal protection before the law to all.

Instruments tackling specific elements of discrimination include the 1967 Declaration on the Elimination of All Forms of Discrimination against Women, which predated to the Women’s Convention otherwise known as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Other international instruments including, the Convention on the Rights of the Child, 1989, the Migrant Workers Convention, 1990 and the Convention on the Rights of Persons with Disabilities, 2006 (Disabilities Rights Convention) provide for non-discrimination and equality before the law. The latter goes further making special provision for the rights of disabled women.

CEDAW is the key instrument for women in the region, as most states have signed or ratified it and participate in the reporting process. CEDAw defines discrimination against women, the only instrument to do so, on the basis of sex and gender defining, systemic, past and present discrimination, direct and indirect, de jure and defacto, examines key actions which discriminate, the causes and effects[[51]](#footnote-52). Therefore, CEDAW adds the implications of substantive equality, to the legal framework[[52]](#footnote-53). CEDAW also talks of enabling conditions for women’s advancement[[53]](#footnote-54), temporary special measures[[54]](#footnote-55), and change social and cultural patterns of behavior or stereotypes discriminatory to women[[55]](#footnote-56).

The rule of law requires not only that laws are passed, but that they are equally enforced and independently adjudicated, free from bias or discrimination[[56]](#footnote-57). This obligates State parties to adopt measures to respect, protect, and fulfill all the rights contained in CEDAW at the national level.[[57]](#footnote-58)

The following are generally accepted to be the components of the due diligence standard to be adopted by the state to eliminate discrimination against women: (i) taking effective steps to prevent abuses and other acts of discrimination, (ii) to investigate them when they occur, (iii)to prosecute the alleged perpetrators, bring them to justice through fair proceedings, to provide adequate compensation, remedies, other forms of redress and sanctions for the performance or non-performance of the acts as

well as to (iv) negate the consequences of the acts and ensure non-repetition of such acts. It also means that justice is dispensed without discrimination of any kind.[[58]](#footnote-59)

There is still some lack of clarity on whether negligence or strict liability is the appropriate measure to judge whether the state has met its obligation, even though the standard has been applied in instruments such as the Beijing Platform for Action as well as by international bodies such as the Inter American Commission on Human Rights and the European Court of Human Rights[[59]](#footnote-60)

While the impact of discrimination is felt by all women, some women experience a greater impact due to their multiple identities and therefore, greater weight of cumulative discrimination. The Women’s Convention therefore adopts the intersectional approach which recognizes that discrimination may arise from a combination of grounds which then produces a kind of discrimination that is unique and distinct from any one form of discrimination standing alone. It takes into account the historical, social and political contexts and thus, recognizes the unique experience of the individual based on the intersection of all relevant grounds. CEDAW also entails on States the obligation to take into account the intersection of forms of discrimination that women may face by virtue of their race, ethnic origin, religion, sexual orientation, gender identity, and other factors, since not all women are affected the same way by discrimination. [[60]](#footnote-61)

*The right to be free of all gender based violence*

Violence against women – as an extreme form of discrimination - impairs and nullifies the exercise of all women’s rights, including their right to participate in the public and political life of their countries. Though the CEDAW does not specifically mention violence against women, this lack was remedied under GR 19. The UN Declaration on the Elimination of Violence against Women, 1993 (DEVAW) identifies the loci of violence[[61]](#footnote-62) as family, community and State (Banda, 2008)

*The Right of women to participate in political and public life*

The rights of women to participate in public life, including through the promotion and protection of human rights, is contained in the Universal Declaration of Human Rights[[62]](#footnote-63) as well as asserted in various international treaties, foremost among them the International Covenant on Civil and Political Rights (ICCPR)[[63]](#footnote-64), the International Covenant on Economic, Social and Cultural Rights[[64]](#footnote-65) (ICESCR)[[65]](#footnote-66) and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW[[66]](#footnote-67)). The Convention on the Political Rights of Women states in Article 1 that all women are entitled to vote, in Article 2, that they are entitled to stand for elections and in Article 3 that they are eligible to hold public office. In its resolution 1325 (2000) on women, peace and security, the Security Council also reaffirmed the important role of women in the prevention and resolution of conflicts and in peace-building, and stressed the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, as well as the need to increase their role in decision-making.

These rights, among others, are reiterated in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; also know known as the Declaration on Human Rights Defenders, adopted by the General Assembly on 8 March1999[[67]](#footnote-68).

The broad definition of ‘public life has been stated by the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation 23[[68]](#footnote-69) and includes the exercise of political power, in governance, public administration and policy-making and implementation at the international, national, regional and local levels. It also includes many aspects of civil society concerned with public and political life.[[69]](#footnote-70)CEDAW also requires States to ensure that women have equal opportunities to represent their governments at the international level and to participate in the work of international organizations[[70]](#footnote-71).

The Fourth World Conference on Women, held in Beijing in 1995, and the Beijing Platform for Action[[71]](#footnote-72) drew attention to the persisting inequality between men and women in decision-making.

 The Beijing Platform for Action called on the United Nations to implement employment policies in order to achieve overall gender equality at the professional level and above by 2000, and a target was set for women to hold 50 per cent of managerial and decision-making positions in the United Nations by 2000; .

To accelerate the implementation of action in these areas, the Commission on the Status of Women, at its forty-first session in 1997, adopted Agreed Conclusions (1997/2), which emphasized that attaining the goal of equal participation of men and women in decision-making was important for strengthening democracy and achieving the goals of sustainable development. The Commission reaffirmed the need to identify and implement measures that would redress the under-representation of women in decision-making, including through the elimination of discriminatory practices and the introduction of positive action programmes.

Taking into account the importance of increasing women’s participation in positions of power and decision-making, the General Assembly, at its fifty-eighth session in 2003, adopted resolution 58/142 on women and political participation which urged Governments, the UN system, NGOs and other actors to develop a comprehensive set of policies and programmes to increase women’s participation in decision-making, including in conflict resolution and peace processes by addressing the existing obstacles facing women in their struggle for participation.

The Declaration adopted during the ten-year review and appraisal, of the implementation of the Beijing Declaration and Platform for Action in March 2005.while recognizing progress made, noted remaining gaps and challenges and called for accelerated implementation.

The outcome of the September 2005 World Summit also reaffirmed commitment to the equal

participation of women and men in decision-making.

The Arab Charter of Human Rights of 2004[[72]](#footnote-73) [revised from 1998] also guarantees equality but within the framework of the “positive discrimination’ of the sharia. The words positive discrimination seem to embrace the concept of substantive equality however within the framework of sharia law (Banda, 2008). The Charter also guarantees non-discrimination, including on the basis of sex[[73]](#footnote-74) , equal protection of the law[[74]](#footnote-75), freedom of political activity and the right to public office[[75]](#footnote-76) and freedom from domestic violence[[76]](#footnote-77).

*The right to a remedy*

The remedial task is to convert law into results, deter violations and restore the moral balance when wrongs are committed. Denial of a remedy for human rights violations can impact on public perceptions of judicial legitimacy which is dependent on an affirmative vision of the judiciary's role in preserving fairness and limiting governmental impunity. The entitlement to a remedy is in itself a right guaranteed by global and regional and national human rights instruments and by Constitutions and national laws as well[[77]](#footnote-78). The guarantee of a remedy mandates that the primary duty of the state is to afford redress to the victim of a violation. National institutions and tribunals must provide the first line of redress. Thus, it is crucial for the States to ensure that redress mechanisms and procedures are in place.

Several human rights instruments guarantee a right to a remedy. Central among these are the UDHR [Art. 8] and the ICCPR [Arts 2(3),9(5) and 14(6)], CERD [Art 6], CAT Art 14] CEDAW [Art 2 c)] ICESCR [ Art 2 (1), Art.3] .Declarations, resolutions, recommendations of the UNGA and other non-treaty texts also address the right to a remedy e.g. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; The Third General Comment of the CESR; General Recommendation No. 5 of the Committee on the Elimination of Discrimination against Women. Remedies are also guaranteed for breaches of humanitarian law norms e.g. Hague Convention Regarding the Laws and Customs of Land Warfare [Art.3]; Geneva Convention of 12th August 1949 and Relating to the Protection of Victims of International Armed Conflict [Protocol 1]. Declarations, reservations and other non-treaty texts also address the right to a remedy. The issue has been raised in General Comments by treaty bodies-General Comment 3 of the Committee on Economic, Social and Cultural Rights mentions the state obligation to provide appropriate remedies under Art 2(1) of the ICESR for those rights which are justiciable. The draft principles on restitution, compensation and rehabilitation for victims of gross violations of human rights through actions against impunity[[78]](#footnote-79) is now the generally accepted framework for remedies. These principles have two objectives: to provide individual avenues of redress for victims and to uphold the public interest by deterring future violations.

**C. Cross-cutting themes**

There are several cross-cutting themes which relate to the respect, promotion, and fulfillment of women’s rights in general, particularly in the areas of discrimination and public and political participation, that will be included in the analysis throughout this study.

Even though this study is focused on the issue of public and political participation, the inter-relation of civil and political rights with economic, social and cultural rights is well settled. The guarantee of the full exercise by women of their rights to education, a decent and quality employment, and to access and control of economic resources, right to participate in decision making at all level, starting with the family, control over shared family and community assets, right to leisure and fair distribution of housework and child-care all determine the extent of women’s participation in the political life of their countries.

Violence against women, which is a grave form of discrimination, also cuts across all other forms of discrimination and severely impairs, restricts and excludes women from participation in public and political life. This paper examines states obligation in this regard.

The themes of fundamentalism, militarism and globalization are overarching issues in the Asia –Pacific region, which challenge every area of women’s participation in public and political life, leading to severe deprivation and marginalization of women, which in turn is reflected in the comparatively low figures of political representation in the region, when compared with the rest of the world. At the same time, these three themes influence women’s participation in civil society actions on a large scale, simply because of the significant barriers to women’s full enjoyment of her rights that these issues create.

* 1. **GENERAL OVERVIEW OF THE PARTICIPATION OF WOMEN IN POLITICAL AND PUBLIC LIFE IN THE REGION OF ASIA AND THE PACIFIC SINCE THE 1980’S (MAIN ADVANCES, BEST PRACTICES, AND CHALLENGES)**

**1.MAIN ADVANCES AND BEST PRACTICES**

1. Increase In Women’s Political Representation In The Executive, Legislative, And Judicial Branches: Women’s Political Participation In Numbers**.**

**Women in the legislature:** Women’s presence in public office represents one indicator for Goal 3 of the United Nations MDGs “to promote gender equality and empower women”[[79]](#footnote-80). All regions have showed progress in improving gender balance in national parliaments since 1995. In 4 out of 5 sub-regions in Asia, the average proportion of women in the lower or single houses of parliament doubled or more than doubled. The proportion of women parliamentarians in the lower or single house of parliament averaged 15 per cent or better in most sub-regions by 2009. (Tomita, 2010) Southern Asia’s improvement, may be attributed to four out of nine countries (Afghanistan, Bangladesh, Nepal and Pakistan)[[80]](#footnote-81) having introduced quotas to boost female representation at the level of the national parliament. In South-Eastern Asia, the more developed regions outside Europe women’s representation averaged at least 20 per cent. The exception is Western Asia, where women’s representation has improved from a very low average (4 per cent) in 1995 to the current 9 per cent. Current statistics [ May 2012] reveal that Asia [ excluding the Middle east] has a 17.9% representation in both houses in parliament, the Arab states, 13.0% and the Pacific 14.9%.However, Nepal is the only country in Asia Pacific that has achieved the MDG of 33% (UN, 2010).

The countries that lead their sub-region in terms of women’s representation in parliament include Kyrgyzstan in Central Asia with 26 per cent. China in Eastern Asia with 21 per cent, Timor-Leste in South-Eastern Asia with 29 per cent, Nepal in Southern Asia with 33 per cent, Iraq in Western Asia with 26 per cent. (UN, 2010). Some single-party states have relatively high averages of women parliamentarians:25.8 per cent in Viet Nam, 21.3 per cent in China and 25.2 per cent in Lao People’s Democratic Republic.( UN HDR2010)

Recent elections have seen successes in increased representation for women. In Kuwait, 4 highly educated women [all four hold PhDs] with a formidable reputation for professionalism out of 21 new comers were elected to the 50-seat Kuwaiti National Assembly, following the polls of May 2009. (UN, 2010) Of the six chambers renewed in Asia in 2011, women gained seats in just one – the lower house of Thailand and an increase of women in the House of Representatives from 11.7% in 2007 to 15.8% in 2011.. (IPU, 2011) Lao People’s Democratic Republic, Singapore and Viet Nam have participation rates around 25 per cent under plurality/ majoritarian systems. (UN HDR 2010)

Three Asian countries provide resounding examples for what is possible within the region, even in the midst of severe conflict and high levels of poverty, if women work for change. Women activists and civil society worked with sympathetic elements in power in Nepal, to put women in about 33 per cent of its Constituent Assembly seats. In Timor-Leste, women activists and freedom fighters put pressure on the constitutional drafting, process after independence to guarantee women’s political participation, which helped women capture 29.2 per cent of parliamentary seats. In its 2009 elections, Afghanistan had 342 female candidates at the provincial level and two women running for President. Its quota system guarantees women at least 27 per cent of seats in its lower house of the national legislature. (UNDP, 2010)

Women in the region have also attained leadership positions in parliament. By 2011, presiding officers in Single or Lower Houses of Parliament were found in India; Lao P.D.R; Pakistan; Turkmenistan and Uzbekistan (IPU, 2011). In Tajikistan, out of a total of 17 women elected to both chambers of Parliament, one is a deputy chairman of the lower chamber of Parliament and 2 chair committees[[81]](#footnote-82).

Women parliamentarians in the Asia Pacific region have been found to raise many gender issues[[82]](#footnote-83) and to block gender unfriendly bills[[83]](#footnote-84). In patronage systems, the means of women's access seem to be very important for legitimacy and effectiveness[[84]](#footnote-85).

Training for candidates by government and civil society has helped a number of women get elected[[85]](#footnote-86). In the2007 elections Syrian women retained 31 seats (12%) in a system with no quotas or reserved seats, helped by participation in training organized by the Syrian Commission for Family Affairs and the General Women's Union in collaboration with the UNIFEM. (Waring, 2010). In October 2009, two of them, Rola Dashti and Aseel al Awadhi, refused to wear the hijab in Parliament and tabled an amendment saying the sharia rider should be dropped, because the Constitution stipulated freedom of choice and equality between the sexes.. (Waring, 2010) In 2006 one woman in Bahrain became the first woman elected in that country’s history, out of 18 women candidates trained in campaign skills and aided by a media blitz by the government, (Waring, 2010). Since 2002, a number of laws which impact gender have been reformed in Iraq, Nepal, Bangladesh, Indonesia and Pakistan, with greater women’s representation.

**Women as candidates**: At the country level, Nepal stands out as having a much higher election rate for women compared to men: a success rate of 54 per cent against 10per cent for men (UN, 2010). The picture is a little less happy in other Asian countries. In many Asian countries (the majority of which are Western Asian countries), women comprised less than 30 per cent of candidates in the last election for the lower or single house. In Asia women’s likelihood of getting elected [election rate] is 0.85 that of men. However, some countries in Asia, felt the positive impact of increase in women’s election rate. In the republic of Korea, for instance, the comparative success of women in the 2007 elections led parties to actively recruit women candidates to represent a ‘women’s agenda’ and appeal to women voters

Voters perceptions also sometimes run contrary to the low election rate and other such figures.[[86]](#footnote-87). Women candidates also have cleaner police records than men in the region[[87]](#footnote-88).

**Women as voters**: Every woman in the region can now vote, except for those in Brunei Darussalam, where men cannot vote either. In 1893, New Zealand became the first nation to grant women full voting rights. Among the countries in the region that were the earliest to grant women the right to vote were: Mongolia (1924) and Sri Lanka (1931).Some of the latest countries to grant women suffrage are: Iraq (1980), and Kazakhstan (1994).

Across Asia, women’s voter turnout has climbed. In India, more women than men have voted in recent elections held in Punjab, Uttar Pradesh, Manipur, Uttarakhand and Goa.  Several measures by the Indian Election Commission such as the distribution of voter slips and support to first time voters, ensuring that violence was minimized, increased the level of confidence among women voters in the recently concluded state assembly elections in five states in 2012[[88]](#footnote-89). The CEDAW committee has noted that 54.2 per cent of the voters at the last elections in Bhutan, were women.[[89]](#footnote-90)

Increasingly, women in the region are relying on their own judgment and are not influenced by family or community[[90]](#footnote-91). Voter education through media outreach is one of the most successful tools in mobilizing both male and female voters. One example is the “Use Your Voice” campaign held by NDI and the Lebanese Association for Democratic Elections (LADE) in the 2003 parliamentary elections in Lebanon. The campaign featured five prominent Lebanese women who appeared on television, radio, public transportation and billboard advertisements[[91]](#footnote-92).

**Women in local governments:** A number of countries have applied constitutional or legislative gender quotas to hasten progress towards more equitable representation at the local. This has played a part in the higher proportions of women in the local councils of India and Pakistan (38 and 25 per cent, respectively) compared to other countries in Southern Asia. The average figures for women mayors were 6% in south East and 2% in West Asia. . In Tajikistan, 517 women have been elected to local councils of people’s deputies of provinces, towns and districts. In Indonesia, four women are chairpersons of districts and 67 women are deputy chairpersons of districts.

Surveys on local women leaders from Asia-Pacific countries found that many characterize their leadership style as being more inclusive, consultative and collaborative and led to greater transparency in local governance than that of men who traditionally dominate politics.[[92]](#footnote-93). Studies show that women as leaders in local bodies tend to invest more in goods where women have expressed a preference, and less in goods preferred by men; they focused on infrastructure development[ water and roads]and were less corrupt than men and they improved the targeting of subsidized loans. One important finding was that political experience enhances the performance of women leaders more than it does for men (Mukhopadhyay, 2005). In India and Nepal, giving women a bigger say in managing forests has significantly improved conservation outcomes[[93]](#footnote-94). Experiences in Cambodia, Bangladesh and India suggest that local women leaders are more accessible to women in their communities and make better decisions than male leaders in the distribution of public resources and allocation of projects[[94]](#footnote-95). Studies reveal that women’s political participation can also shift dynamics within families, extending into the community[[95]](#footnote-96).

**Women in the executive:** In all regions and sub-regions, of Asia, the share of women among ministers is significantly higher compared to 10 years ago, with the recent proportions more than double those of 1998 in most sub-regions. (UN, 2010) While all the sub regions had a fairly similar level of representation at less than 10%, Oceania shows the greatest growth, up from about 2% in 1998 to close to 10% in 2008.

A number of countries have demonstrated the political will to place women in positions of some power within the executive. In the Sultanate of Oman there has been a small increase in the number of women ambassadors, the Consultative Assembly and the Council of State between 2008 and 2010.In Yemen three women Ministers have been appointed[[96]](#footnote-97). In Indonesia, at the executive level, women have held many positions such as president, governor, minister, high-ranking official, regent/vice regent, mayor/vice mayor, regional police chief, and district/municipality police chief. The overall percentage of men and women in public service is almost equal: 56% of men and nearly 44% of women.[[97]](#footnote-98) One woman is a Deputy Prime Minister[[98]](#footnote-99). The target of 25 per cent of women in advisory and consultative bodies has been reached by the Government of Hong Kong Special Administrative Region[[99]](#footnote-100). In 2008, Maldives finally amended a constitutional provision that used to ban women from serving as President and Vice-President.

 In recent years, women represent their countries as foreign affairs ministers in the following states: Cyprus, New Zealand, Bangladesh, Nepal, Pakistan and Philippines. The Philippines has appointed women to 31per cent of ambassadorial posts. Women hold important posts in defense ministries in the following countries: Japan, New Zealand, and Nepal. There are women ambassadors to the United Nations from Kazakhstan, Kyrgyzstan, and Turkmenistan. The established target of 25 per cent of women in advisory and consultative bodies has been reached by the Government of Hong Kong Special Administrative Region[[100]](#footnote-101).

*The election of female presidents and prime ministers for the past 30 years:*The election, or assumption of power as head of state or government, of a number of women in Asia and the Pacific, is one of the most notable events in women’s political and public participation in the region since the 1980’s.Currently, women heads of state or government are present in the following countries in the region: Bangladesh has Prime Minister Sheikh Hasina. In Thailand, the 2011 general election saw the election of Thailand’s first woman Prime Minister, Yingluck Shinawatra and in Australia in 2010, Julia Gillard, became Prime Minister. Until very recently, India had President Pratibha Patil. Sandra Pierantozzi, is the Vice President of Palau*,* Annette Lu, is Vice President of Taiwan and Quentin Bryce has been Governor General of New Zealand from 2008.

Many women attain political standing due to kinship ties, as they have male family members who are involved in politics[[101]](#footnote-102). In Bangladesh, Sheikh Hasina, the current prime minister is the daughter of founding president Mujibur Rahman and her prominent rival, Begum Khaleda Zia was the wife of a former President Zia ur Rahman[[102]](#footnote-103). In the Philippines, Cory Acquino became President after Marcos fled, on the strength of the sympathy generated by Benino Acquino, her husband’s assassination[[103]](#footnote-104). Elsewhere as well, this has been the trend[[104]](#footnote-105). These women tend to be from higher income, higher status families. However, the dynastic succession ploy was only an initial gambit, in the case of the women discussed above. Actual work in governance, made all of them respected and in some cases, feared leaders.

Historically, Asia has had some noteworthy events in this regard[[105]](#footnote-106). Sukhbaataryn Yanjmaa, Mongolia (1953–1954) was the world's first female (acting) president. The first time that a nation possessed a female prime minister was Sri Lanka, with Sirimavo Bandaranaike[[106]](#footnote-107). New Zealand has had two consecutive female Prime Ministers, Jenny Shipley (1997-1999) and Helen Clark (1999-2008). During the Government of Helen Clark, women held all the top public positions.

Asia has seen more women heads of state than any other region in the world. Asian women have also joined the ranks of the world’s most rich and powerful. All these create an impetus that will help change dominant perceptions of women as subordinate to, or less competent than, men (Tuminez, 2012). In the political sphere, the countries of South Asia, which perform worst in overall gender equality and women’s attainment, actually lead among the top five countries in political empowerment (Sri Lanka, Bangladesh, India); number of women in parliament (Nepal, Pakistan); number of women ministers (Bangladesh)and women leaders in sub-national government (India, Pakistan, Bangladesh). This contradictory picture is partly due to the region having the most number of women who have become heads of state because of family and dynastic connections (and not because of greater gender equality). Moreover, affirmative action has significantly increased women’s representation at different levels of government.

**Women in the judiciary:** In Western Europe and Western Asia, the proportion of women in all courts was below 50 per cent except the Philippines where women accounted for one third of Supreme Court judges.

 In Tajikistan, out of a total of 84 women judges the Deputy Chairperson of the Supreme Court, the Deputy Chairperson of the Higher Economic Court, and 7 chairpersons of provincial and district (municipal) courts and 4 deputy chairpersons of district courts are women.[[107]](#footnote-108) In Mongolia, the percentage of women judges has topped 41 per cent. In Sri Lanka, currently, in the legal sector the head of the judiciary, the chief law officer of the state, the legal draftsman and the Secretary/ Ministry of Justice are all posts held by women[[108]](#footnote-109).

**Women in the private sector**

Although women directors are now present on most boards of directors of large companies, their number remains low compared to men. This situation is changing in India, where women head some major financial undertakings[[109]](#footnote-110) and other major corporations.[[110]](#footnote-111)In Asia, the Philippines and Thailand both had comparatively high proportions of women among directors and chief executives, with 48 and 32 per cent, respectively.

The benefits of women’s greater participation in the management of private corporations in the region are many. Women not only have good attendance levels, they motivate male directors to do better and the more equity-based is the pay for directors. Companies where at least three women serve as board members perform better than others across industries. Women corporate leaders have a potential to influence the way employees live and work by promoting fairer management practices, a better balance between work and family life and fewer gender disparities in the workplace[[111]](#footnote-112).

Data for actual indicators of women’s leadership in Asia are limited and do not consistently cover the same set of countries. With these limitations in mind, The Philippines, Australia and New Zealand consistently rank among the top three in women’s leadership. When singling out economic and corporate parameters such as women in senior management, female advancement, remuneration, and wage equality, the general top three performers are joined by Singapore, Mongolia, Thailand, and Malaysia (Tuminez, 2012).

1. The Creation Of Institutions, Bureaus, Mechanisms, Networks And Schemes To Advance Women’s Participation In Political And Public Life :

A number of measures have been taken by governments across the region to fulfill their obligations under CEDAW and commitments under the Beijing Platform of Action[[112]](#footnote-113). Gender equality measures were also taken as a response to the Fourth World Congress of Women in 1995[[113]](#footnote-114). Significant events in certain countries have also served to influence the evolution of national mechanisms for gender equality and women’s empowerment. Three types of events have been critical: transitions from one form of government to another[[114]](#footnote-115), successions of government[[115]](#footnote-116) and bureaucratic reforms[[116]](#footnote-117) in government. Constitutional and legislative reforms on gender equality have also set up NWM’s[[117]](#footnote-118). (UN, 2010)

Several Governments have established National Women’s Mechanisms ( NWM’) to monitor compliance with anti-discrimination provisions[[118]](#footnote-119) , women’s human rights[[119]](#footnote-120) and with CEDAW[[120]](#footnote-121). For example, In Indonesia, the National Commission on Violence against Women (*KomnasPerempuan*) was established[[121]](#footnote-122).[[122]](#footnote-123). Ministry of Women’s Affairs have been established in several countries[[123]](#footnote-124).

Among these ministries, eight are organizations dealing solely with women’s concerns[[124]](#footnote-125). Three stand-alone mechanisms are ministries situated in the highest echelons of power[[125]](#footnote-126). Some states have national machineries with representatives from various stakeholders outside the Government[[126]](#footnote-127). (UN, 2010).

Other mechanisms include: Gender focal points, inter-agency monitoring mechanisms, research centers or networks, Parliamentary/legislative committees, Government and non-governmental organization’s collaborative councils, response mechanisms to violence against women; Agencies promoting gender equality at work, in trade and industry, technical and training institutions; gender ombud; liaison and implementation mechanisms at sub-national levels[[127]](#footnote-128).

Moreover, in Australia, Pakistan, Afghanistan and Timor L’este, Women’s Parliamentary Caucus has been established to actively collaborate with the government and civil society to promote the formulation of pro-women Law. The Ministry of Women Empowerment and Child Protection in Indonesia was created in 2009 and has issued a handbook on guidelines for improving women participation in legislative and executive, especially those in the regional levels[[128]](#footnote-129).Governments have also made efforts to raise awareness[[129]](#footnote-130) and establish transparency in public appointments and other matters relating specifically to women’s participation in public life[[130]](#footnote-131) .

While these efforts are targeted at women’s human rights, in general, by making efforts at eliminating violence and in actions for gender mainstreaming, these states, have made an effort to improve women’s participation in public and political life. In the case of Lebanon, of course, by introducing a quota proposal, the target was women’s representation. As a result of the work of these national mechanisms, there have been more regional discussions between sending and receiving nations regarding the protection and enhancement of the rights of female labour migrants. For instance, in 2002, member States of the South Asian Association for Regional Cooperation (SAARC) signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

c.Funding For Greater Representation Of Women In Public And Political Life

The requirement of international funding agencies and donors to incorporate a gender sensitive

component in project plans and implementation, as well as the availability of financial and technical support to national mechanisms, has helped to propel the formation of gender equality mechanisms in the region. For example, Australia is committed to developing women as leaders in the Pacific, especially in terms of improving the participation of women in decision-making.

Some developed countries in the region have funded development activities in other sub-regions to increase representation of women in public life and politics[[131]](#footnote-132). For example, Japan has helped with social inclusion and gender mainstreaming for local governments in Nepal, with technical assistance to MOWA in Afghanistan and Cambodia.[[132]](#footnote-133)

Gender-responsive budgeting has a long history in the Asia and the Pacific region. The Australian Government was the first to introduce a Women’s Budget in 1984, followed by the Philippines in 1995 and Sri Lanka in 1998 (UN, 2010). In more recent years, the allocation of separate funds for gender equality programmes has been reported by Afghanistan, Bangladesh, Cambodia, India, [[133]](#footnote-134) Indonesia, Japan, Nepal, [[134]](#footnote-135) Pakistan, Philippines, [[135]](#footnote-136) the Republic of Korea, Thailand ,Viet Nam and Hong Kong, China in Asia; Australia, Fiji[[136]](#footnote-137) and Marshall Islands in the Pacific. (UN, 2010) Incentives and subsidies have also been granted by states for gender parity in political representation. Media time free of charge is a subsidy in kind, and was used in Timor L’este as one way to promote women’s electoral participation: those parties that had women placed in high positions on party lists received additional media time (Ballington, 2012).

d.The Adoption Of Temporary Special Measures And Their Positive Impact (In Particular Quota Laws In Asian Countries).

In the Asia pacific region, quotas have been used in to boost seats for women in parliaments, as party candidates in local bodies and in employment[[137]](#footnote-138) and constitutions, electoral laws, party by-laws and in executive recruitments. Only about a third of Asia-Pacific countries have some kind of gender quota system in place for political participation. In countries without quotas, women’s participation rate in elected offices is around 14 percent, rising to 20.4 per cent in countries that have them. Reserved seats for women in the lower house are found only in 6 countries[[138]](#footnote-139) in Asia and are particularly concentrated in Southern Asia (UN, 2010). There are legislated candidate quotas[[139]](#footnote-140) in 7 countries. Voluntary party quotas exist in Thailand, Australia, Philippines, Cyprus[[140]](#footnote-141).Furthermore, in 2009, women comprised on average 21 per cent of parliamentarians in countries that used gender quotas, compared to an average of 13 per cent in countries that did not have such measures[[141]](#footnote-142). Those countries that seem to do well without quotas—aside from New Zealand, which is number one in the region—tend to be clustered in South-East Asia. Lao People’s Democratic Republic, Singapore and Viet Nam have participation rates around 25 per cent under plurality/majoritarian systems. (UN 2010) In Bangladesh, a number of women were directly elected from regular seats during the last elections[[142]](#footnote-143). (Waring, 2010) In 2007 elections Syrian women retained 31 seats (12%) in a system with no quotas or reserved seats.

In India, Bangladesh, Pakistan, Philippines, Afghanistan, Uzbekistan, Nepal and Jordan[[143]](#footnote-144) there has been a significant increase in women’s representation following the adoption of a quota for women in municipal councils.[[144]](#footnote-145)

 A number of states are proposing to introduce quotas, after the success in other states in the region[[145]](#footnote-146). In Papua New Guinea, after a five-year campaign a Bill to introduce 22 new reserved seats for women into the parliament at the 2012 general election, was passed. However, more legislation and rules are needed to enforce it. (IPU, 2011)

e. Political Parties as Entry Points and Upholders of the Right to Women’s Participation in Political Life

In addition to legislated quotas, many of political parties in the region have voluntarily adopted their own policies of quotas for women. For example, in Australia in the Labor Party and in Indonesia, in the case of the Indonesian Democratic Party of struggle (PDIP), in Cambodia’s ruling CPP and in the opposition Sam Rainsy Party and in India’s Bharatiya Janata Party (BJP).

**A women’s political party:** In the Philippines, the largest alliance of women’s organizations, Gabriela, have been fielding candidates since 2001 and winning elections.

f.The Development Of Strong Non-Governmental Organizations And Networks Advancing The Rights Of Women.

Women in Asia Pacific also lead civil society organizations. Formal politics has proven to be the stronghold of men and women with resources or family connections. However civil society movements are open to women willing to work for political change and new understandings of development[[146]](#footnote-147).Hence, women are increasingly being drawn to such movements. Across the region, women have participated extensively in armed struggles and movements for change. Their participation in such struggles, has actually almost reached the MDG of 30% far in excess of women’s representation in formal politics in Asia[[147]](#footnote-148).

Across the region, women’s groups and non-governmental organizations continue to address

gender concerns in partnerships with Governments[[148]](#footnote-149). The role of women in civil society in contributing to effective programmes to increase representation of women in political and public life and to incorporate gender equality principles in national legal frameworks has resulted in impressive achievements, such as meeting the MDG target of 33% representation of women in Nepal’s Constituent Assembly.

Across the region, NGOs and civil society organizations have worked to reform laws discriminatory to women and so make it possible for them to participate more fully in public life[[149]](#footnote-150). They have campaigned for inclusion of women in parliaments and government bodies and ministries in several countries[[150]](#footnote-151). Capacity building and funding for women candidates are other areas of activity[[151]](#footnote-152).

Despite the challenges, civil society organizations are demonstrating how women’s rights can be protected, while also fulfilling diverse communities’ rights to culture[[152]](#footnote-153) (Turquet, 2011-2012).Increasing access to justice for women is another area where NGO”s have made a mark,[[153]](#footnote-154), especially in legally plural contexts in all sub regions[[154]](#footnote-155).

Women’s fundraising networks and organizations have a huge effect on the flow of money to women candidates. In Cambodia, the Sam Rainsy Party provides women candidates with some basic items, including clothing appropriate to wear while campaigning and a bicycle for moving around (Ballington, 2012). In Jordan, Following the 2003 election, the National Democratic Institute (NDI) provided technical assistance, training and support to women running for parliament and helped launch Women Helping Women: Jordan’s Women’s Election Network (WHW), a network of people interested in supporting and funding women candidates. (NDI). In addition, important networking opportunities occur when women delegates meet at party conventions in separate forums. In Australia, for example, the Labor Party’s Women’s Organization holds its own conference. (Ballington, 2012).

Women’s organizations have established their own Women’s Caucus in 11 ASEAN countries, to raise gender issues in ASEAN and get women’s human rights into the ASEAN Human Rights Charter[[155]](#footnote-156). The Council of Asian Liberals and Democrats, across several countries in Asia, has a Women’s Caucus to increase women’s representation at all levels of government and runs conferences and workshops accordingly. The Asian network for Free and Fair Elections has several member organizations in many countries in Asia and monitors elections, engages in campaigns and advocacy as well as capacity building.

g.Knowledge Sharing

 A number of NGO”s and civil society organizations and women’s wings of political parties are engaged in both knowledge creation through output documents and also in conducting training,[[156]](#footnote-157) workshops and seminars. Campaigns also spawn a lot of awareness generating material.

ICTs have facilitated women’s participation in government and political affairs in the region[[157]](#footnote-158). Female political candidates also win support from voters in this way, employing ICTs in the communication of their political messages to the voters. (UNDP, 2005) For example, Gabriela had used a Facebook page for Lisa Mazza’s election campaign in 2009.

Perhaps the most significant positive impact of ICTs on women’s empowerment is the enhanced

capacity of women’s advocacy and support groups to exchange information, coordinate action, and increase the reach of advocacy campaigns[[158]](#footnote-159).

 Some **rural women** have gained a new communication platform to exchange their opinions on political issues with their political leaders and use ICTs to raise awareness about women’s issues. Older communication technologies like the radio [ in India] and the television, [ in Pakistan and Cambodia] newsletters and cartoons[ in South Asia by UNICEF of Meena the girl child] have also been used to raise awareness and share information. (UNDP, 2005)

The widespread use of social networking tools in political organizing does contribute to collective action – such as for example, petition signing, submission of online comments, attendance at events, etc. (Gurumurthy, 2012). Women have used this as well, as the web provides perceived anonimity[[159]](#footnote-160). For example, the Yemeni woman campaigner in the 2011 uprising called herself Noon Arabia in her blog, as she feared reprisals.[[160]](#footnote-161)

h.Gender Information And Sex-Disaggregated Data

Several women/gender mechanisms in Asia and the Pacific have been active exponents for the development of research and statistics on women and gender issues. Collaborative activities have been undertaken with academic institutions, private groups, United Nations organizations and national statistical offices[[161]](#footnote-162). According to the ESCAP database, gender statistics have been installed in at least the following Asia-Pacific countries: Australia, Bangladesh, China, India, Malaysia, New Zealand, Pakistan, the Philippines, Sri Lanka, and Viet Nam.

**2. KEY CHALLENGES**

1. Low Numerical Levels Of Representation Of Women In Key Sectors:

Throughout Asia Pacific, there is an incidence of very low representation for women in parliaments. Average female representation was still below 15 per cent in Northern Africa (10 per cent), Eastern and Western Asia (14 and 9 per cent, respectively) and Oceania (3 per cent).

The low proportion of women in parliaments is related not just to the lower proportion of female candidates but also the lower election rate of women compared to men. South-Eastern, Southern and Western Asia all showed averages below 20 per cent in figures for women in local government[[162]](#footnote-163). For the more developed regions, the proportion of women candidates was even lower e.g. 12 per cent in Japan. In 2009 Federated States of Micronesia, Oman, Qatar, Saudi Arabia and Solomon Islands still had no women in their lower or single chamber of parliament. However, by 2010, Kuwait had acquired 4 elected women representatives. The low proportion of women electoral candidates is directly correlated to women’s limited representation in their parliaments. In 14 Asian countries the majority of which are Western Asian countries, women comprised less than 30 per cent of candidates in the last election for the lower or single house. The low proportion of women in parliaments is related not just to the lower proportion of female candidates but also the lower election rate of women compared to men. In Asia and the more developed regions, women’s likelihood of getting elected is 0.85 that of men. (UN, 2010) The sub-region where women candidates are most likely not to get elected is Oceania. Three countries had a ratio of zero, in 2010, signifying the extreme case where no female candidates were successfully elected: Oman, Solomon Islands and Tonga. Oceania stands out for its continued low share of female parliamentarians[[163]](#footnote-164).

In 2008 there was no female minister at all in six countries: Bhutan, Democratic People’s Republic of Korea, Myanmar, Saudi Arabia, Singapore and Solomon Islands. This number is slightly lower than the 14 countries in 1998.Worldwide four countries, all in Asia, had no woman in their cabinet in both 1998 and 2008:Bhutan, Myanmar, Saudi Arabia and Singapore (UN, 2010). Oceania and all five sub-regions of Asia lagged behind in women’s representation among ministers. (Tomita, 2010).

The judiciary is still predominantly male except in Eastern Europe. (UN, 2010). In Western Asia, the proportion of women in all courts was below 50 per cent. The same pattern of lower female presence in the supreme courts compared to all courts is observed, in Asia- Pacific.(UN, 2010). In2009, all judges in the supreme courts of India and Pakistan were male. However, by 2010, the Indian Supreme Court had acquired two women judges[[164]](#footnote-165).

As of early 2012, women are not allowed to vote at all in Saudi Arabia, and both women and men have a limited vote in Brunei and the United Arab Emirates (UAE).

Reasons for the low representation are not far to seek: stereotypical attitudes to women’s leadership.[[165]](#footnote-166)However, as Kuwait shows, persistence by woman pays dividends[[166]](#footnote-167). Lack of experience, large numbers of candidates and ethnic considerations are also causes for low representation[[167]](#footnote-168).

 Increasing violence, sexual harassment and victimization of women at the ground level in political parties makes participation hazardous[[168]](#footnote-169). Male bonding and persistent unwritten codes rule women out.[[169]](#footnote-170) Lack of awareness of their rights and responsibilities also works against women as voters, candidates and members of executive and legislative bodies[[170]](#footnote-171).

Challenges for women candidates in Asia Pacific also include insufficient funds to run a campaign, high expectations from the electorate and the antagonistic nature of competitive political parties[[171]](#footnote-172). In addition, women tend to have fewer resources at their disposal, less experience in running for office and in public speaking, and a lack of support from spouses and family. (IPU, 2011).

Social, political, economic and legal barriers, in a few cases, hinder women’s participation in formal and informal politics, as well as in higher levels of government in the region. These are expressed in different ways in the private and public spheres, but all are interconnected and lead to exclusion of women or restrict exercise or limit rights. Husbands and families believe that women should not venture in public spaces, or that they should not be seen in public. Communities sanction violence against women, thus making public spaces unsafe. Laws or customs may limit resources available to them. Political parties may avoid female candidates because they may come with fewer campaign resources and links to influential constituencies. Political ideologies also include or exclude women, either emphasizing individuality which does not take into account women’s lack of public experience, or they may make efforts to include the marginalized. In some cases, religion is used to justify gender-based restrictions. (UNDP, 2010)

1. Low Representation At Local Levels.

Similar to the situation in national parliaments, local governments in all world regions are far from achieving gender balance within decision-making positions. Regional averages for the proportion of women among elected councilors in South-Eastern, Southern and Western Asia all showed averages below 20 per cent (UN, 2010) . In contrast, women are a very small minority (less than 5 per cent) among councilors in the following countries: Iran (Islamic Republic of), Lebanon, and Sri Lanka (UN, 2010).

The proportion of women in top leadership positions in local government is much more limited than in local councils. For South-Eastern Asia, the figures range from 5 to 9 per cent. Four countries in Western Asia had the lowest average proportion of women (1 per cent) at the mayoral level (UN, 2010). The state with the highest proportion of women mayors is New Zealand (26 per cent) (UN, 2010). The averages were below 20 per cent in all countries in the region. For example, in Lebanon, women filled only 139 of 8,200 (1.7 per cent) municipal posts in 1998, 215 of 10,646 (2 per cent) in 2004, and 526 of 11,424 (4.7 per cent) in 2010[[172]](#footnote-173).

Despite quotas for women in Bangladesh, Pakistan and India at the local level the electoral system and practice is weighted against women[[173]](#footnote-174). For example, in Bangladesh, women elected on reserved seats, in local bodies are doubly handicapped since they generally have poor access to the chairperson and they have to cover a bigger area than those elected to general seats with the same resources (Mukhopadhyay, 2005).

In particular, the barriers to the political participation of women at the local level are related to lack of community support, lack of family co-responsibility within households to release women from unpaid household work, little recognition and legitimacy allocated to their contribution within public power spheres, and the lack of economic resources to pursue a candidature (UN, 2010).

c.Need For Funding

In 2008, it was estimated that 600 million of the world’s poor live in Asia, comprising nearly two thirds of the global total[[174]](#footnote-175). In Asia-Pacific and the rest of the world, elections are becoming more expensive, a disadvantage to women. Women are already socially disadvantaged and generally, have less access to resources than men. Parties can make more funds available to women, but electoral systems have limited public financing and campaign contributions which have helped make access to funds more democratic, for women and men[[175]](#footnote-176), As can requirements for detailed reports on campaign spending[[176]](#footnote-177). (UNDP, 2010). Despite gender budgeting, such amounts form a very small percentage of the overall budgets in the states. (UN, 2010)

d.Inability To Sustain Gains

Women in the region have found it difficult to get directly elected and have had to resort to quota systems, even when the term limit of the temporary special measure expires. For example, in Bangladesh, when the quota expired in 2000, there was a decline in women elected to parliament from 10% [ the quota] to 2%. Subsequently, after 50 seats were reserved by the Fifteenth Amendment, to the Constitution, there was a surge in numbers directly elected. Mongolia had a similar experience.

e.Prevalence Of Discrimination And Stereotypes Against Women; A Persistent “Patriarchal Political Culture” Which Works To The Detriment Of Women; Forms Of Direct And Indirect Discrimination.

Culture and entrenched social norms are intractable obstacles for women’s leadership in Asia. In South Asia, patriarchy, seclusion, and the power of the family to exercise social control over male and female activities mean that most women are unaware of their rights and lack the means to realize them. In South-East Asia, traditional definitions of gender roles continue to persist[[177]](#footnote-178). In the Pacific, the progress of national plans for women and gender equality is significantly

hampered by stereotypical attitudes and values of both women and men with regard to their

gender roles[[178]](#footnote-179). (UN, 2010) In North-East Asia, traditional views on gender roles have remained an impediment to the realization of full gender equality, despite economic progress. Persistent practical hurdles also include entrenched gender-roles and stereotyping regarding women’s place as homemakers and primary care givers for children and elderly family members[[179]](#footnote-180).

In the development process there is a leakage of patriarchal norms[[180]](#footnote-181) into purportedly impartial law and policy so as to ensure that women’s access to justice systems, or to public resources, do not challenge male prerogatives or undermine women’s domestic roles[[181]](#footnote-182). (Mukhopadhyay, 2005)

In Asia Pacific, images of women in the media[[182]](#footnote-183) and the comments about women by leading personalities, including government officials and media personalities[[183]](#footnote-184) all send out negative messages about women and perpetuate stereotypes of women which impact women’s low representation in public and political life. For example, in Uzbekistan, major media outlets[[184]](#footnote-185), publish materials calling for women to return to “the bosom of the family and to refuse the prospect of a public career.”  (IWRAW)

Gender based customs in the region subsist in law enforcement and lead to defacto discrimination[[185]](#footnote-186). Stereotypical attitudes to domestic violence lead to underreporting in most countries of the region. (UN, 2010)

Customary bodies can make gendered social rules which actually restrict women’s public participation.[[186]](#footnote-187) For example, in Vanuatu, the traditional Malvatumauri (House of Chiefs), supported by church leaders, attempted to pass a ‘new’ customary law in 2005 to prevent ni-Vanuatu women from wearing trousers, shorts, pants or jeans. The Vanuatu Women’s Centre challenged this with a media campaign saying the dress code was unconstitutional and against their rights. The code was withdrawn, but is still enforced intermittently and informally. In Pakistan, Mukhtar mai was ‘ordered’ by a jirga council to be gang-raped as her pre teen brother was seen with a girl from another community.

Religious laws are also rigorously enforced to restrict women’s public participation and have been given constitutional status in many countries( UN HDR 20101) For instance, in Iran, women must conform to strict dress codes and are segregated from men in some public places. There have been attacks on women deemed to be dressed immodestly, in recent years. [[187]](#footnote-188)

The CEDAW committee has repeatedly noted with concern, the prevalence of stereotypes, throughout the region, which prevent women from the enjoyment of their rights to public and political participation. [[188]](#footnote-189) Among the political challenges that women face, the prevalence of the “masculine model” of political life and lack of party support feature prominently (UN, 2010).

Discriminatory assumptions about women’s rights and ability to compete lead parties to bypass them as candidates, even as they use them as lower-level campaign workers and vote-getters to attract women constituents.(UN HDR 2010) Women who do get elected may find their concerns overlooked, trivialized or denied (UNDP, 2010). If they fail to be as vocal and expressive as men while in chambers, they can be unfairly rated as ‘weak’ and ineffectual leaders. Even female leaders considered strong and authoritative, are alternatively depicted as ‘family women’[[189]](#footnote-190) or slandered as ‘poor housewives’. (UNDP, 2010)

 f.The Difficult Balance Between Public Life And Family Responsibilities (Lack Of Equitable Division Of Labor In The Family).

The difficulties of combining family life, work life and politics remain a severe obstacle to women seeking political office, in the region. (UN, 2010) The CEDAW committee noted in its concluding comments on Fiji[[190]](#footnote-191), for example, that woman did not choose to take on management positions because they had no time and were unwilling to participate in public and social life owing to ascribed duties in family. Family life rests solidly on the shoulders of women in all areas of the region. As spouses, parents and caregivers, they take on the primary responsibility for ensuring the proper functioning of families and the provision of everyday care and maintenance. (UN, 2010). In several countries, men spend less than one hour on these activities – for example, in Cambodia and Pakistan. The difference in time spent by women and men per day in maintaining the household and participating in childcare and other family activities in Iraq, Pakistan ranges from four to five hours per day. (UN, 2010). In Mongolia for example, many working women spend as much as twenty-five hours a week on household chores, as they “carry a double burden with responsibilities at work and at home.[[191]](#footnote-192)” In a study from West Bengal, in India it was found that the effective implementation of quotas for women reduced the time teenage girls spent on household work[[192]](#footnote-193). School textbooks in many countries have stereotypical depictions of women[[193]](#footnote-194).

Where women are the primary care givers for children, access to child care and careful timing of political party leadership meetings are crucial to women’s ability to participate on an equal footing with men[[194]](#footnote-195). This is where the state can play a role in easing women’s burden. However, in most states, this is missing. For example, in Mongolia [ as in most of central Asia]Government cutbacks have also hurt women (Rossabi., 2011). The socialist State’s support for working women special care for pregnant women, subsidies for food, energy, and housing, stable pensions, provision of crèches, etc. has withered away. (Rossabi., 2011). These social problems have inevitably led to a rise in prostitution, trafficking of women, and street children of both sexes. (Rossabi., 2011)Discrimination in accessing economic, social and cultural rights has a direct impact on women’s ability to participate[[195]](#footnote-196).

g.Knowledge Sharing And Curbs On Right To Know And Freedom Of Expression

Access to knowledge of and awareness of their political rights is very important for women in the region[[196]](#footnote-197). Eastern Asia has registered one of the most rapid and substantial declines, partly due to the significant advances being made in China (UN, 2010). Contrary to this trend, however, the size of the illiterate population increased in several countries in Oceania and Western Asia (UN, 2010). Women in tertiary education are significantly underrepresented in the fields of science and engineering; however, they remain predominant in education, health and welfare, social sciences, and humanities and arts. (UN, 2010). Lack of knowledge leads to women’s limited participation in elections or human rights campaigns, both as voters, candidates or participants. When elected, illiteracy still prevents them from performing their duties[[197]](#footnote-198).

Use of and access to the Internet grew exponentially in the past decade, narrowing the gender digital divide – however, women still do not have the same level of access as men in most countries, whether more or less developed. Use of the Internet is one indicator of access to information and sharing of knowledge. Gender gaps are substantial in several countries or areas: in Occupied Palestinian Territory, less than 25 per cent of women use the Internet (UN, 2010). Low levels of literacy and computer skills, deep-seated socio-cultural notions of male superiority and hierarchy and lack of culturally relevant software, hinder women’s particularly, **rural women’s** participation in use of communication technology. Also, the mobility and awareness this medium gives women is sometimes resisted by the community of elders.[[198]](#footnote-199) Women in the region are often financially dependent upon men or have limited control over financial resources that could be used to purchase or gain access to ICTs. (UNDP, 2005)

 This anonymity is only perceived however, and not actual as cookies, IPU addresses are easily accessible by hackers. The web has only increased availability of personal information. A recent example is that of the child activist, Malala Yousafzai in Swat, in Pakistan, who was attacked by the Taliban, because she blogged, under an assumed name about education for girls[[199]](#footnote-200). Free accessibility of the web also makes it easier for terrorist and fundamental groups to access it and spread their messages.

 However, to remain “free” social networking sites and websites often garner corporate support through advertising and sponsorship. This sometimes dictates content[[200]](#footnote-201). Also , because the web is widely accessible, it is also open to attack from the opposition and there are very few controls on this kind of abuse. Shortly after the ‘Pink Chaddi’ campaign in India took off, in 2009, the campaign's Facebook group began to be attacked by trolls and was eventually broken into. Attackers renamed the group and included racist slurs and death threats in its description. The attacks continued despite appeals to Facebook's support department for help, and eventually Facebook disabled the account of the group's administrator and access to the group (Gurumurthy, 2012).

Governments have started to pay attention to the internet as a source of protest. In China, India and across West Asia (Freedom of The World, 2012), and Syria[[201]](#footnote-202), attempts by governments to censor the internet were underway in 2011; China’s “social stability maintenance” expenses are now larger than its defense budget (HRW, 2012).

h.Different Types Of Violence That Limit Women’s Incursion Into Public Life (Both In And Outside Of The Family Such As Domestic Violence And Sexual Harassment).

In the Asia Pacific, region, politics comes down to who is going to control public resources, and who is going to benefit from the privileged access to public resources (Asia Foundation, 1999).The political environment in South Asia, and West Asia[[202]](#footnote-203) includes corruption, a fundamental lack of sensitivity to a democratic political culture, violence, killing, booth capturing, buying of votes, proxy votes, vote riggings and election fraud are common. Criminals are usually employed in aggressive electioneering tactics and are given a political shield. Though there are election monitoring bodies, they have not been able to effectively control anti-social elements within the political parties and implement free and fair elections. (Waring, 2010).

The resilience and courage required to run for parliamentary office can still be inhuman (Waring, 2010). Voters and politicians have been subject to a full range of atrocities during elections and the electoral process. Rape, misbehavior and physical abuse are rampant against women, both voters and candidates[[203]](#footnote-204). Women politicians particularly those with the extra vulnerabilities of poverty or association with marginalized groups—have been killed, raped or faced physical threats for challenging the status quo[[204]](#footnote-205). Many communities also consider a woman to be of “bad character” if she participates in politics and runs for elections. Men, women and society have used character assassination as a tool to violate women politicians, forcing many to quit their career. (Waring, 2010) Familial violence limits the effective participation of women in the region in public life. [[205]](#footnote-206) The CEDAW Committee has commented in a number of concluding observations about the prevalence of sexual harassment both in the workplace and in public spaces and also about the prevalence of GBSV which prevents women’s full enjoyment of the right to participation in public and political life.

## i.Shortfalls in Data collection

Identification of trends and cross-country comparisons are limited by the lack of data at the inter-

national and national levels. The CEDAW Committee has had to take note of lack of sex desegregated data in a number of states on a number of topics. Statistical agencies in many countries do not routinely collect and disseminate data on women in power and decision-making, and few international or regional organizations compile those statistics. (UNDP, 2010)

j.Women Who Face Multiple Discrimination In Public And Political Life And The Specific Challenges They Face:

Women often face multiple forms of discrimination in political and public life. Militarisation, fundamentalism and globalisation have intersected and undermined the realization and enjoyment of rights. These trends fused with patriarchy have cultivated an environment conducive to multiple forms of discrimination towards women in the Asia Pacific region (APWLD, 2011).

a) **Ethnic, religious minorities and marginalized caste women**: The impact of racism are devastating Asia- Pacific in the form of: situations of armed conflict due to struggles for autonomy and self-determination; discrimination against Dalits[[206]](#footnote-207) and other **marginalized caste groups**; and against **ethnic[[207]](#footnote-208) and religious[[208]](#footnote-209) minorities**; economic and political marginalization; trafficking, exploitation of women and children migrants. States have under limited circumstances; restrict rights to political participation to citizens, [[209]](#footnote-210) especially **ethnic, religious or linguistic minorities and Indigenous peoples** who are seriously underrepresented in political processes in most countries due to discrimination or a lack of political will to remove barriers to their participation.[[210]](#footnote-211).

The Asia-Pacific region is also witnessing gendered impacts of the interaction of fundamentalisms, militarization and conflict. Militarization has opened the door to fundamentalist forces to achieve its target of nationalist, cultural and religious assimilation, and in many cases a form of heightened control over women’s bodies and sexuality[[211]](#footnote-212). In addition to fundamentalism, growing neoliberal influence has led to rights violations in the region[[212]](#footnote-213).

**b**)**Poverty** has exposed women to multiple forms of discrimination, which embraces political and social fields as well as the economic[[213]](#footnote-214). Domestic work and home-based, the usual domain of **poor women** is generally assumed to be an extension of women’s unpaid domestic responsibilities, so it is often not recognized or valued and is not regulated by the law[[214]](#footnote-215).

**c) Lesbian, Bisexual and Transgender women** Intersecting strands of discrimination on the basis of sexual orientation and gender identity make participation in political and public life particularly difficult and inaccessible for **LBT women who** already face the barriers and the discrimination all women are subject to[[215]](#footnote-216). In 53 countries, worldwide, a significant number in Asia Pacific, consensual homosexual acts between adult women are illegal denying such women the protection of the law and limit their access to services (UN, 2010) Their rights are denied in both public and private life[[216]](#footnote-217). Extreme forms of violence such as ‘corrective rape’ a criminal process, where lesbian women are raped by men to make them ’normal’ have been justified by fundamentalists as they have been positioned as perverts and deviants (APWLD, 2011).Since 2000, a number of countries have decriminalized homosexuality, including Fiji, and Nepal however, community homophobia and transphobia still exist, so **LBT women** face very high levels of harassment and violence.‘Moral’ principles and codified religious norms and practices are used to regulate women’s bodies, sexuality and reproduction[[217]](#footnote-218). In cases where transgender people migrate to other states/cities, they are often unable to manage due to language barriers and lack of citizenship rights as they have changed their ‘sex’ identity from that which appears on their ID cards, as has been reported in India, the Philippines and many other countries in the region (APWLD, 2011). In the workplace, cases have been reported where **LBT women** have had their contracts terminated or were forced to resign for the sole reason of their gender identity or sexual orientation (APWLD, 2011). Different levels of discrimination faced by male to female transgender and female to male was also reported, the latter experiencing many more layers of disadvantage and discrimination (APWLD, 2011).

**d) Migrant women** are treated as second-class citizens in their countries of destination and face, inter alia, lower salaries, gender-biased labour markets and insecure and unstable labour conditions (APWLD, 2011)[[218]](#footnote-219).According to International Labour Organization (ILO) data from 18 countries, domestic work accounts for between 4 and 10 percent of the workforce in developing countries, and between 1 and 2.5 percent in developed countries. Between 74 and 94 percent of domestic workers in these countries are women. It is estimated that women account for nearly two thirds of Sri Lanka’s one million international migrants, many of whom are employed in the Gulf States as domestic workers. (UN, 2010). Various forms of colonialism intersect with class, race, caste, nationality, ethnicity and language have all played a part in pushing women into labour migration and experiencing multidimensional discrimination. (APWLD, 2011). If migrant worker is illegal, then the problem gets more complicated (multiple identities, plus ‘illegal’ status) meaning that such women are blocked from getting any access to justice.

 Internal migration is also a problem in many countries. For example, economic reform has led to the industrialization of rural areas, in Mongolia, leading to many internal migrants from rural areas, who face multiple discrimination[[219]](#footnote-220). More than half of the internal women migrants are young intersecting discrimination, that of gender, poverty, age (young), rural origin and migrant status. (APWLD, 2011).

**e) Women heads of household** The issue of female-headed households has emerged as a new priority concern consequent to the increase in numbers in the post conflict period, in Sri Lanka, Tomor lest, Solomon Islands, Afghanistan, Iraq and Iran. The government of Sri Lanka is engaged in an exercise of data collection on such families, and expects to, implement programmes to enhance livelihood through assistance to these households through Women's Societies which are village level groups registered with the Women's Bureau[[220]](#footnote-221). In Mongolia, there has been a substantial increase in female-headed households, which is, in large part, due to male unemployment and the resulting high rate of alcoholism, crime, and domestic abuse. Faced with these difficulties, an increasing number of women have divorced unstable husbands or have opted to have children without marriage. However, female-headed households have been vulnerable and constitute a large segment of those living below the poverty line (Rossabi., 2011).

**f)Women human rights defenders** Defenders denouncing abuses in contexts of military conflict, counter-terrorism and conflict-affected (and post-conflict) countries are present in all regions, with special mentions of  Nepal in Asia[[221]](#footnote-222). Women professionals, including medical and health professionals, legal professionals, journalists and media professionals are specifically highlighted as being at risk in Asia Pacific.

Women defenders work is often seen as challenging “traditional” notions of the family which can serve to normalize and perpetuate forms of violence and oppression of women. This can, in certain contexts, lead to hostility or lack of support from the general population, as well as the authorities[[222]](#footnote-223).The violations faced by women defenders may themselves take a gender-specific form, ranging from verbal abuse based on their sex, to sexual abuse and rape. In, the Asian region, most notably the Islamic Republic of Iran; China; Nepal, and Pakistan alleged Bahrain, Saudi Arabia, and the United Arab Emirates violations against women defenders and those working on women’s rights and gender issues were mostly judicial by nature, including arrests, judicial harassment, administrative detentions, and sentences to prison[[223]](#footnote-224). However, violations by non-State actors were also alleged, including intimidation, attacks, death threats, and killings by armed individuals, family and community members, and unidentified individuals in the Philippines, Iraq, Sri Lanka, Nepal, the Islamic Republic of Iran, Pakistan , China, the Maldives, and Malaysia. Women defenders advocating the rights of women within indigenous communities, and LBT women, notably in India and the Philippines, among others, faced violations.

The strategies developed by women human rights defenders to keep themselves safe, include increasing visibility through public denunciation and public campaigns, strategic alliances with other national and international organizations, accompaniment to defenders at risk, and lowering the profile of activities to avoid drawing attention[[224]](#footnote-225).

**III Laws related to Participation in Political and Public Life:**

**A. Achievements, Best Practices, and Challenges**

1. The Incorporation Of The Principles Of Non-Discrimination And Equality In The Constitution, In The Legislative Framework, And In National Plans Of Action And Policies.

Asia-Pacific now has more laws that support the advancement of women than at any point in history.

Countries in Asia-Pacific have pursued modern reforms of their legal systems for a number of reasons, including to adapt to new national priorities, eliminate outdated statutes, conform to international commitments and respond to demands from citizens. (UNDP, 2010) Several countries in the Asia Pacific region have introduced or have included at the time of adoption, non-discrimination clauses, on the basis of sex, in their Constitution[[225]](#footnote-226). However, Lao People’s Democratic Republic and Viet Nam Malaysia and Nepal, have gone further in defining the specifics of gender equality and nondiscrimination in their constitutions. (UNDP, 2010).

Countries in Asia-Pacific have pursued modern reforms of their legal systems for a number of reasons, including to adapt to new national priorities, eliminate outdated statutes, conform to international commitments and respond to demands from citizens. Some reforms relate to gender equality, but progress is not always consistent or straightforward. Over the years, national legal reforms have generally occurred in two ways: through legislative changes[[226]](#footnote-227) and judicial precedents[[227]](#footnote-228). Changes have been made in citizenship and nationality laws[[228]](#footnote-229), travel laws[[229]](#footnote-230), labour laws[[230]](#footnote-231) and laws relating to violence against women[[231]](#footnote-232) and personal status laws[[232]](#footnote-233). Several countries such as Pakistan, Indonesia and Maldives are in the process of formulating several bills for the protection of women’s rights. Viet Nam and the Philippines enacted the comprehensive 2006 Law on Gender Equality and 2009 Magna Carta of Women respectively. Changes have been made by deliberate assertion of political will or as a result of pressure from civil society because of a review of law. In Viet Nam, the Land Law was revised in 2003 to ensure that names of both husband and wife must be mentioned on the certificate. However, a law review prompted important changes to the law of evidence in the Solomon Islands in 2009[[233]](#footnote-234).

Sometimes, changes have been made in laws but customary rules which favour women have been retained[[234]](#footnote-235). Sometimes discriminatory customary rules, which may impact rights enshrined in formal law, have been withdrawn as a result of public pressure[[235]](#footnote-236).

In Asian countries, a plan for the advancement of women is usually in place, and provides the directions that gender mainstreaming will take. These plans have been given various names, but all are concerned with gender mainstreaming[[236]](#footnote-237). In the Pacific nations, national action plans for women have been formulated in almost all of the countries listed under this sub region[[237]](#footnote-238). Australia does not have a single national plan for women or gender equality. Instead, it applies a “whole-of-government” approach, and institutes policy and legislative reforms in key areas of concern including decision-making and political participation.

Gender mainstreaming as a development target has been incorporated in the national development plans of several countries of the region[[238]](#footnote-239). Several countries have evolved guidelines for gender mainstreaming[[239]](#footnote-240) and national strategies for women[[240]](#footnote-241). To enable women to access the benefits of globalization, and to offset the threats of **poverty** and employment discrimination, many states have instituted policies and programmes[[241]](#footnote-242). An interesting development has been the introduction of policies to promote **a balance between work and family life[[242]](#footnote-243)**. Many countries have developed legal provisions to deal with **trafficking[[243]](#footnote-244).** Regional and bilateral agreements have been forged to assist in the repatriation of victims of trafficking to their countries of origin, and to negotiate for the extension of legal rights and representation to foreign women who are victims of trafficking[[244]](#footnote-245). (UN, 2010)Regional networking and international cooperation for the prevention of human trafficking has also transpired through international conferences. (UN, 2010)

 In Asia, quotas are defined in constitutions, electoral laws, party by-laws and in executive recruitments. Reserved seats for women in the lower house have been included in the constitutions of Afghanistan,[[245]](#footnote-246) Bangladesh[[246]](#footnote-247)and Pakistan[[247]](#footnote-248). In Iraq, the Constitution of 2004 mandates that the electoral law shall include provisions for fair representation of women among others. Kyrgyzstan[[248]](#footnote-249), Jordan[[249]](#footnote-250)and China[[250]](#footnote-251) mandate reserved seats for women in the lower or single chamber of parliament through the electoral law. Indonesia, Mongolia, Nepal, Iraq, Uzbekistan, Republic of Korea[[251]](#footnote-252), and East Timor have electoral laws for candidate quotas. In Nepal, the Constituent Assembly Election Bill (2007), and the Truth and Reconciliation Bill (2007) included clauses to strengthen gender equality, women’s participation and human rights. Under the 2007 Interim Constitution, women must be at least 33 percent of candidates for the Constituent Assembly(Turquet, 2011-2012)I The Kyrgyzstan, Nepal, East Timor and Mongolia codes provide sanctions and the Kyrgyzstan code provides placement positions for women. An interesting feature of the electoral law in Afghanistan, and Nepal is that the Election Commission should take steps to fill the woman’s quota, if there are insufficient candidates[[252]](#footnote-253). In similar processes of utilization of the peace-building stage after conflict, for forging political gains for women, quotas were established in Nepal, Afghanistan and in East Timor. In India[[253]](#footnote-254) and, Pakistan, [by the Constitution] and in Bangladesh,[[254]](#footnote-255) Philippines, Afghanistan, Nepal and Jordan and Uzbekistan[[255]](#footnote-256) by electoral law, there has been a significant increase in women’s representation following the adoption of a quota for women in municipal councils.

In the Pacific, where women’s participation in politics is lower than the Asia- Pacific average, the French Territories stand out because they are subject to the French Law on Parity 2000. It requires all political parties to include women as 50 per cent of their candidates. The law has resulted in the number of women elected rising from 5.9 per cent to 13 per cent in 2004, and then to almost 14 per cent in 2008. New Caledonia has a legislature that is 44.4 per cent female and French Polynesia has reached a level of 42.1per cent.56 No country in the region as a whole can claim similar achievements. In addition to legislated quotas, political parties in Thailand, Australia, Philippines, Cyprus have voluntarily adopted their own policies of quotas for women.

Proportional representation seems to be the electoral system that returns the highest proportion of women to parliament (IPU, 2011).In the Asia-Pacific, 15 countries are in the top half of 187 countries ranked by the percentage of women in a lower or single house legislature. Eight have proportional or mixed electoral systems; seven have plurality/ majoritarian systems. Nine countries have some form of quota in place.

Strategic litigation is a powerful tool that human rights groups have been using to correct social and legal imbalances, citing the non-discrimination clauses in their constitutions. [ see next sections]

ii.The Adoption Of A Legal Framework To Address Different Forms Of Violence Against Women And Its Repercussion On Other Gender Equality Issues.

As of 2011, globally, 125 countries have passed legislation on domestic violence. (Turquet, 2011-2012) Two thirds of all countries have also passed laws to prohibit sexual harassment. The Asia pacific region is no different[[256]](#footnote-257). Almost all of the countries in the region have instituted strategies and programmes to mitigate and eliminate all forms of violence committed against women and children.

The principal strategy has been through legislative reform[[257]](#footnote-258). In South Asia, India, Pakistan, Bangladesh and Sri Lanka have made extensive changes to the colonial penal codes they inherited from the British. Several East Asian countries have enacted laws against violence against women in the past few years. Advocacy and education activities targeting men and boys have been introduced across the region. (UNDP, 2010)

 Some states have also made efforts towards better implementation of the law by training enforcement officials[[258]](#footnote-259), raising awareness[[259]](#footnote-260), by monitoring enforcement[[260]](#footnote-261), by encouraging women to access justice[[261]](#footnote-262) by making police stations woman friendly[[262]](#footnote-263) and by formulating strategies and action plans[[263]](#footnote-264). Other strategies include shelters, counseling services, 24-hour hotlines allowing victimized women and other parties to report abuse, free medical and legal assistance, financial assistance, occupational training, legal and police protection, and information dissemination on protective laws and on women’s rights through broadcast, print and television media.

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iii The Ratification Of CEDAW In Most Counties Of Asia And The Pacific

**The Convention on the Elimination of All Forms of Discrimination against Women** was adopted by the UN General Assembly in 1979 and came into force on 3 September 1981[[264]](#footnote-265). Most countries in the region have signed or ratified it except Iran, Tonga and Palau, which has signed it, but not yet ratified it .[[265]](#footnote-266) The latest state to have acceded the convention was Nauru on June 23, 2011[[266]](#footnote-267). Many states have signed or ratified the Optional Protocol to CEDAW[[267]](#footnote-268). Some member States have recognized their obligations in relation to CEDAW by incorporating anti-discrimination clauses into their constitutions, which protect against discrimination on the basis of sex[[268]](#footnote-269).

Some of the most significant constitutional gains have been won in countries where there has been a broader national move for constitutional renewal, and an interest from women’s NGOs in using CEDAW as an advocacy tool. CEDAW principles have been integrated into new constitutions and added to more established constitutions through amendments. (UNIFEM, 1998) Most member States in the Asia Paciﬁc region have implemented, amended or repealed domestic legislation to incorporate some or all of the provisions and principles of CEDAW[[269]](#footnote-270). Recently, in 2009, Jordan withdrew its reservation to article 15(4) of CEDAW, following legislative reform [[270]](#footnote-271).Other countries have entire statutes incorporating the provisions of CEDAW[[271]](#footnote-272). Compliance with CEDAW has prompted reviews of legal normative documents in several jurisdictions[[272]](#footnote-273). Overall, women have gained greater parity in the normative legal documents of the states in Asia and Oceania. Judges and lawyers from common law jurisdictions within the Commonwealth developed the Bangalore Principles, on application of CEDAW in different jurisdictions. (Vedna Jivan, 2005) CEDAW principles can also gain ‘constitutional’ status in a less direct fashion, when the courts are convinced to use the Women’s Convention to help give existing constitutional guarantees of women’s equality more detailed and concrete meaning. (UNIFEM, 1998)

Women in Asia and Oceania, by utilizing CEDAW, to contest gendered traditions, customary practices and laws gained greater autonomy and gender parity, in several areas which influence their participation in public life. The cases cover such areas as nationality[[273]](#footnote-274), succession,[[274]](#footnote-275) political rights[[275]](#footnote-276), employment[[276]](#footnote-277), marriage,[[277]](#footnote-278) family relations,[[278]](#footnote-279) marital rape,[[279]](#footnote-280) maintenance[[280]](#footnote-281), polygamy[[281]](#footnote-282), evidence in rape trials[[282]](#footnote-283) and gender based violence[[283]](#footnote-284). [See Annex C] In some cases, the law on the subject matter of the decision has also been reformed[[284]](#footnote-285). Some cases have pollinated changes in law across borders.[[285]](#footnote-286)Articles of the ICCPr have also been used by women to challenge discriminatory rules; for example, having to do with identity[[286]](#footnote-287).

These changes have created a state-sanctioned set of acceptable standards and accord with the views of those who argue that the most effective way to enforce CEDAW is to ensure its presence in the domestic legal system[[287]](#footnote-288). NGOs and civil society have used CEDAW to critique laws and practices in shadow reporting processes and in the UPR process and other international fora. (APWLD, 2012).

**B.CHALLENGES IN THE DESIGN AND IMPLEMENTATION OF LAWS ON EQUALITY AND NON-DISCRIMINATION AND WOMEN’S HUMAN RIGHTS**

**Introduction** Legal barriers affect social, political, and economic fields and, hinder women’s participation in formal and informal politics, as well as in higher levels of government in the region.

The legal challenges are three-fold: absence of laws; the existence of discriminatory laws and gaps between *de jure* and *de facto* aspects of laws; and conflicts between constitutional guarantees on equality vis-à-vis customary laws and practices (UNDP, 2010). Full compliance with the Convention has not been achieved by any of the countries in the Asia Pacific region. In some cases, legal gaps – *de jure* and *de facto –* may curtail rights and freedoms. Patent[[288]](#footnote-289) as well as latent[[289]](#footnote-290) barriers produce legal discrimination in the justice systems and may explain why no country is fully compliant with CEDAW articles on gender equality. Varying political, economic, religious, social and cultural reference points with a mixed record on gender equality mean that women in the same country [most of South Asia, Syria and Lebanon] may not be equal before the law. (UNDP, 2010)

Two barriers to women’s realization of rights across Asia-Pacific are in place: the first comes from the construction of laws themselves, which maybe overtly discriminatory, full of gaps or contradictory. The second barrier is restricted access to the legal system and to justice within it. Often, a significant barrier to women’s participation in political and public life relates to discrimination in accessing economic, social and cultural rights, such as the rights to education, work, health care and own property[[290]](#footnote-291). Rarely are women themselves consulted about how the law could be a lever for change, rather than a source of deepening inequalities[[291]](#footnote-292).

**Design**

**Constitution** According to the CEDAW Concluding Observations since 2005, globally, at least 76 countries do not have a domestic law which corresponds to article 1 of CEDAW, and at least 33 countries’ laws do not comply with article 2 of CEDAW[[292]](#footnote-293). Most states, have non-discrimination clauses in their constitution. All, with a few exceptions like Nepal and Malaysia use the term sex rather than gender. Discrimination is not defined, and the prohibition mostly applies to the state, excluding the growing private sector. Some Pacific constitutions allow exceptions to the principle of non-discrimination for customary laws[[293]](#footnote-294).

**Social** The region falls far behind where it could be on basic issues such as protecting women from violence, upholding entitlements to property—or even allowing people to divorce in an informed and reasonable way. (UNDP, 2010) Despite the almost universal ratification of CEDAW, 30 States have entered reservations to article 16.In many cases, these reservations are in place because family laws are subject to plural legal provisions that can be discriminatory, (Turquet, 2011-2012)

 Inherited colonial legal systems permeate laws across Asia and the Pacific, some of which still remain in force. For example, all British colonies inherited laws criminalizing sodomy and sex work. Rape laws contain narrow definitions, such as excluding marital rape and considering consent from the view of the offender.

Since customs and religious beliefs are deeply rooted in the social and cultural ethos, they can enjoy a kind of extra-judicial authority—an exception to the principle of non-discrimination on the grounds of gender, or even the notion of all citizens being equal before the law—so that different communities may end up with different legal rights[[294]](#footnote-295). Provisions for religion in some constitutions have made it a potent legal and political force, with consequences for how women experience the justice system[[295]](#footnote-296). Fundamentalist voices have raised the spectre of women’s rights as a threat to religious freedoms. Many members of the religious hierarchy in the Pacific adopt an orthodox and patriarchal interpretation of religion that has led them to become politically engaged in fighting against legal reform benefiting women.

The area where gaps in laws are wide and longstanding is violence against women. In South Asia, nearly half of the countries have no law on domestic violence; in the Pacific the situation is even worse, with more than 60 per cent of the countries without relevant legislation. In many instances countries lack sanctions for gender-based violence or narrowly define the circumstances under which it may take place. Most Asia-Pacific countries have little to offer in legislation on sexual harassment at work places, despite surveys suggesting that 30 to 40 per cent of women workers report some form of harassment – verbal, physical or sexual. Cambodia, the Philippines and Thailand have laws against sexual harassment—although these provisions have limitations on their definitions of abuse.

The existence of legal pluralism can also present challenges to the realization of the ideals of the rule of law for women. In most countries of the world, family laws on marriage, divorce, custody and maintenance, as well as inheritance laws are particularly likely to be subject to plural legal provisions, which sometimes contain elements of discrimination against women. Cases of violence against women are commonly adjudicated by non-state justice systems that lack adequate oversight or accountability mechanisms (Turquet, 2011-2012).The CEDAW Committee, while recognizing the rich culture and tradition from which plural legal systems derive in many countries, nevertheless regretted that customary and/or religious laws which discriminate against women are allowed to persist and sometimes prevail over civil laws which should otherwise protect the human rights of women.[[296]](#footnote-297).  The CEDAW Committee also urged States parties to harmonize civil, religious and/or customary law with provisions of CEDAW and to ensure that women are fully and equally involved in the law reform process[[297]](#footnote-298).

Legal discrimination against indigenous women in the region is often two-pronged: Gender biases within the customary personal laws and formal laws that marginalize women. Customary inheritance laws tend to be openly discriminatory, such as by preventing women from claiming paternal property as a matter of right; only sons can do so (UNDP, 2010) At times more progressive customs run into discriminatory formal laws.

**Economic** Colonial laws also changed female centric economic laws into male centric ones. Most Asian countries allow maternity leave, but the concept of paternity leave has been introduced in only a few countries. In the Pacific, most countries and territories provide for paid maternity leave in varying degrees to female civil servants, but not to women working in the private sector. Protectionist laws also deter women’s participation in public life.

**Political** In the 21st century, some countries still do not have universal suffrage. Among them are Brunei Darussalam, Kuwait, Sultanate of Oman, Saudi Arabia, and United Arab Emirates.

Where there are quotas which are legislated, whether candidate quotas or reserving seats for elected representatives, are most effective than voluntary quotas in increasing numbers. However quotas for candidates must carry sanctions for non-compliance.

Proportional representation continues to be the electoral system that returns the highest proportion of women to parliament in the Asia- pacific region. A survey of 12 countries and territories where women hold less than 10 per cent of legislative seats found that more than two-thirds employ majoritarian, first-past-the-post electoral systems, where the person with the most votes wins. None have quotas in place. This combination of the lack of quotas and electoral systems that tend to perpetuate existing patterns of power has not been enough for women in the region to overcome often-daunting social and economic constraints on participation. Of the six countries in the world that still have no female members in their national Parliaments, four are in the Pacific—Federated States of Micronesia, Nauru, Solomon Islands and Tuvalu. Three use first-past-the-post systems.

Deficiencies in the design of the electoral quota system also led to gains being unable to be sustained. For example, in India, the reserved seat rotates in every election. This means that a ward reserved for women would be open to general competition in the next round. To get around this obstacle male incumbents and political parties sponsoring compliant who were token representatives of the men, who would contest the next election from the same constituency. (Mukhopadhya, 2004) Changes in law have been observed, when laws have been supposed to have tilted the balance too far in favour of women[[298]](#footnote-299).

**Implementation Of The Law**

Despite indications of their value for improving women’s political participation, quotas remain controversial across Asia-Pacific and even specifically illegal in some countries. The reasons for this

are linked to social norms around gender, as well as political traditions and ideology. Women themselves have at times rejected quotas because they want to be elected on their individual merits, not as women. In Asia, quotas are viewed as a maximum, rather than a minimum. In Bangladesh, one of the first countries in the region to adopt a quota system in 1972, the small allotment of seats to women soon became seen as the only way women could get into Parliament; all other seats were ‘reserved’for men. Quotas for aspirants or nominated candidates are seen as more politically palatable in Asia because they imply greater choice in the electoral process, instead of a foregone result. Experiences with party quotas show that unless parties make a deliberate effort to put women candidates in electable positions, however, they end up running for office, but never arriving there. In proportional systems, they may be clustered exclusively at the bottom of the party list,with little chance of securing a seat. In majoritarian systems, they can be sent off to contest unwinnable seats.

Several countries in Asia-Pacific have had protracted debates about adopting quota systems, underscoring the need for measures to build public and political support. (UNDP, 2010) There have also been debates about temporary and permanent quotas. Quotas have been established, have lapsed as in Bangladesh and been revoked as in Mongolia and have been revived[ in both countries] due to overwhelming demands from women. Debates over quotas sometimes go on over long periods and are interspersed with demands for quotas within the quota for minorities and the marginalized women, as in India. (UNDP, 2010)

A major obstacle to quotas making a meaningful contribution to women’s political participation is non-compliance, Indonesia requires parties to field a one-third ratio of women candidates, yet the 2009 elections resulted in women obtaining only 18per cent of parliamentary seats. It has no legal sanctions for non-compliance and no rules about where women should be placed on parliamentary lists. Because parties are intended to consolidate and gain political power, much of their behaviour is oriented around this objective. From this perspective, parties may view women as risky candidates, perhaps because there is a limited history of women in office, and women bring fewer resources and political connections to the table. Women’s ability to appeal directly to the electorate was clear in Bangladesh’s 2008 national election, where 19 of the 64 successful women were directly elected by voters, without assistancefrom party quotas. In the Philippines, onenovel response has been for women to form their own party

 Despite quotas, women ,as studies reveal in India, Bangladesh and India, are not allowed to function effectively. The main causes are gender stereotypes, male domination and insufficient legal structure to guarantee their effective participation, after election[[299]](#footnote-300). In some cases, even rules were discriminatory as in the case of the Khulna Commissioners in Bangladesh who won a claim against the city corporation[[300]](#footnote-301).

States are resistant to demands for change from women activists. According to the International Campaign for Human Rights in Iran, women’s rights advocates for the One Million Signatures Campaign have been "beaten, harassed and persecuted for peacefully demonstrating" and collecting signatures on behalf of their Campaign[[301]](#footnote-302).

The Convention requires governments to incorporate CEDAW’s definition of substantive equality into their legal framework. For States parties to the Convention, removing discriminatory laws is just the first step. To achieve substantive equality, governments are also responsible for the impact of laws, which means tailoring legislation to respond to the realities of women’s lives.

In Asia and Oceania, women have to navigate complicated procedures to apply for land shares, especially in cases of divorce. Moreover, officials in rural areas do not always understand the procedures. Gender bias in the court system further hinders women’s access to justice (Turquet, 2011-2012) States are not meeting their commitments and confidence in the justice system is often low. (Turquet, 2011-2012). Customs and customary courts are often resorted to by women in the region (Turquet, 2011-2012) For example, In Viet Nam, more than three times as many women say they have contacted a traditional or community leader about a grievance than a government official in the past three years. (Turquet, 2011-2012). High costs of court proceedings are another deterrent. Legal aid is inadequate or not effective. (Turquet, 2011-2012) Many countries have critical shortages of trained police, legal and forensic staff. Only one doctor in Timor-Leste has reportedly been trained to collect evidence in rape cases (Turquet, 2011-2012).In a study by UNDP and the Government of Indonesia only 38 percent of respondents said that courts were located within accessible distance of their home (Turquet, 2011-2012).

All too often, women seeking justice face hostility or contempt from the very people who are supposed to

uphold their rights[[302]](#footnote-303). A 2010 decision by the CEDAW Committee under the Optional Protocol related to a complaint lodged by a rape survivor from the Philippines alleging that gender-based myths and misconceptions about rape were relied on by the judge in her case, leading to the acquittal of the alleged rapist highlights this problem. (Turquet, 2011-2012).

**IV** **WOMEN’S POLITICAL PARTICIPATION: TIMES OF POLITICAL TRANSITION[[303]](#footnote-304)**

From a brief glance at the overview section, it becomes quite clear that most of the countries of Asia Pacific are in some kind of political transition. In East Asia, we have China, which is going through economic transition from a closed to a partially open economy. India has a similar experience and both belong to the fast-developing BRIC countries, with a good growth-rate.[[304]](#footnote-305) Indonesia and Thailand, which were hit by the economic crisis of the ‘90’s, are also going through economic transition. As well, Indonesia along with Burma can be said to be emerging from a political dictatorship to a democratic form of governance. The Central Asia countries along with Iran and Mongolia are coping with regime changes, having broken away from the erstwhile Soviet Union and have opened their economies, and their polities, to some form of full or partial democracy. In West Asia, Oman, Bahrain, along with Nepal have made the transition from absolute to constitutional monarchies. Conflict has decimated the population of a number of countries: notably, Aceh in Indonesia, Bougainville in Papua new Guinea, Iran, Iraq, Timor L’este, Sri Lanka, Solomon Islands, Papua New Guinea, Philippines, Syria, Lebanon, Afghanistan and India. Pakistan and Fiji are dealing with coup d’états and their aftermath. New Zealand, Australia India, Philippines, Bangladesh, Indonesia, Thailand have seen entry into office for the first time, of female heads of State. Finally, Nepal and Thailand are going through moments of substantial constitutional reform.

In this section, while it will not be possible to deal exhaustively with all the change that is happening in the region, the impact of female leadership in the region for the past thirty years; case studies from Nepal, and Mongolia representing transition from repressive regimes/monarchy to democracy; Afghanistan, and East Timor representing transition from armed conflict; Burma, and Fiji, representing Coup d’états and their aftermath and Nepal representing moments of significant constitutional reform, will be examined, for the following issues: extent to which eliminating discriminatory laws is evidenced as part of broader political change; the impact of lost opportunities, specific vulnerabilities of women during political transitions and regressions; lessons about gender equality and the democratization process; the role of the women’s movement in these transitions; good practices including on constitutional reform

**Extent to which eliminating discriminatory laws is evidenced as part of broader political change**;

Women have been more or less at the forefront of the change in all the transitional countries, under study in this section, except Fiji, which can be said to be undergoing a regression, as it has gone from a democracy towards a military regime. In Asia Pacific, women, as heads of government, have even spearheaded the change, in several countries, due to early recognition of women’s suffrage and, in most countries of the Asia Pacific region, long histories of democratic functioning. In Sri Lanka, due to the large scale decimation, and dislocation of the Tamil ethnic population, in the conflict between the state and the Liberation Tigers, women could not participate in the aftermath in large numbers, though a few Muslim women have participated in the recent elections[[305]](#footnote-306).

The positioning of women in critical structures has resulted in benefits for women, permeating into inclusion of women’s experiences, and voices in the truth and reconciliation process in Nepal and Timor L’este, and has extended to action plans for women, gender budgeting, passing of several laws for greater parity on several issues including domestic violence, trafficking, etc in Nepal, East Timor, Afghanistan and Mongolia. In Nepal, A partnership initiative between local activists, lawyers, parliamentarians and public officials, facilitated by UNIFEM and the UN Democracy Fund, helped contribute to the process that led to the production of a draft gender-responsive Constitution[[306]](#footnote-307) Supported by UNIFEM, review of foreign Constitutions, the domestic laws and personal codes and extent of their compatibility with CEDAW was undertaken in Afghanistan[[307]](#footnote-308) and Nepal (UNDP, 2010)

Women have been at the forefront to the struggle against corruption in several Asian countries[[308]](#footnote-309) Emilia Pires, who was appointed Foreign Minister of East Timor in 2007 has established a transparency portal where financial spends and budgets of the government can be tracked in real time. Women in Asia Pacific have realized that participation in transitional processes are important for stability of the change and have embraced the change whole-heartedly, except in Fiji and Sri Lanka .For example, In Timor-Leste, for instance, networks of women’s organizations, such as the *Rede Feto* Coalition, have emerged as mechanisms through which women can attempt to influence policy making and the political process.In bougainville, women’s groups initiated the peace process. (UNDP, 2010)

**Specific vulnerabilities of women during political transitions and regressions**: The major conflict related consequences to women are: increased level of gender based violence, destruction of infrastructure and internal as well as cross-border displacement. (UN, 2010) Work such as fetching water, tilling the land and buying and selling in markets becomes not only more difficult and time consuming but also increasingly dangerous for women. (UN, 2010) For example, in Nepal the TJRA records that The violence by security forces was allegedly committed in the course of searching for and interrogating Maoists, with women suspected of being Maoists or supporting Maoists, having faced particularly severe violence. More than one third of the victims of sexual violence were children, with many under 15 years old. (OHCHR, 2012) Women have been involved in the armed conflict as actors. Women in Asia have been drawn to them for different reasons, all of them associated with failure of formal political systems to address the underlying causes and consequences for women[[309]](#footnote-310).Many women , mainly rural women, faced violence, either from state armed guards or in their personal lives and despite hardships, they could free themselves from rigid societal norms[[310]](#footnote-311).

The recognition of women’s vulnerabilities as actors as well as victims is important to the discourse of reconciliation and peace-building. Dalit and marginalized women such as indigenous and rural women suffered multiple forms of discrimination during the conflict and generally, even in times of peace[[311]](#footnote-312). However, In Asia and the Pacific, countries have recognized that women should be part of all the transition processes and that reparation includes access to remedies within the domestic law, unbiased investigation of all war crimes and redress for victims. Both Timor L’este (UN, 2010) and the Solomon islands have established Truth and reconciliation Commissions[[312]](#footnote-313) Nepal’s commitment to reparation and balancing human rights is shown not only in its willingness to ratify several instruments, but also in its continuing to pay compensation to the victims. In East Timor, the mandate of the Timor-Leste Commission for Reception, Truth and Reconciliation provided that no less than 30 per cent of national and regional commissioners must be women and that in hiring staff, gender expertise would be sought. This was necessary to ensure that stories of sexual exploitation would also be heard[[313]](#footnote-314) and addressed in the findings of the Commission. The Timor-Leste Commission for Reception, Truth and Reconciliation included a dedicated chapter on sexual violence in its final report; proof that gender based abuses were taken very seriously.The Timor-Leste report also mainstreamed gender throughout. A new Reparations Law is in contemplation for follow up and implementation. Nepal’s Constitution prohibits caste-based discrimination and it has also passed Caste-based Discrimination and Untouchability (Offence and Punishment) Act in May 2011. (OHCHR, 2011)

In regressions, women’s rights are often nullified as in Pakistan, when the Huddood Ordinance , nullifying rights enshrined in civil family laws and introducing discriminatory sharia laws, was passed by General Zia during a coup regime and it was only partially amended during another coup by general Musharraf.In Fiji for instance, the military government has aligned with patriarchal forces to affirm stereotypes and rule women out by physical violence, assault and torture by the military. (APWLD, 2012)

**The role of the women’s movement in these transitions;**

Women have has been active, in civil society organizations and NGO’s working in all the countries under study to utilize all opportunities for change for women, with varying degrees of success. Women and civil Society have used the transition period to put in place new laws and mechanisms, whenever possible[[314]](#footnote-315). In these interventions, women and civil society utilized critical junctures for the intervention and critical actors as the Afghanistan experiment and the Nepal case has shown. In Most of the gender friendly changes in laws have come about through a partnership between local NGO’s, civil society organizations such as UNDO, UN Women, UNTAET etc with sympathetic actors, male and female, in governance bodies. In Nepal, UNIFEM, and UNDO carried out several strategies for including a gender perspective, both in the proposed structures and the laws during the transition process. Women and civil society partnership in the rebuilding of Iraq has led to the inclusion of a women’s quota in Iraq’s new constitution (UN, 2010). In 2001, the United Nations transitional administration in East Timor (UNTAET) worked hard to see that women’s participation is ensured in the country’s first election for the constituent assembly, and worked to increase representation to 21%. (UN, 2010)

Armed movements have themselves been a form of political expression[[315]](#footnote-316) . As combatants or as advocates of peace, women in the region could pick up a variety of skills and find quick routes to power that might never have been available in civilian life. Post-conflict periods in the region, have offered opportunities for women to help forge peacetime political agreements and participate in institutions that disrupt past patterns of political dominance, often by select groups of men, resist abuse and demonstrate discipline and resilience.

**Lessons about gender equality and the democratization process**

Change of regime has led to greater freedom, but also greater responsibility, as states become less welfare oriented and more market oriented, as women have found to their cost in Asia. In Mongolia, and throughout Central Asia, women’s position in the economy has been transformed by the transition in complex ways and gender relations at all levels have influenced its course. Deprived of state sponsored child care and medical facilities as well as social security, has led to greater household burden on women and feminization of poverty.[[316]](#footnote-317)

In Fiji, the government is actively discrediting women’s organisations by refusing to work with individuals or organisations working with “active & dissident” women’s groups; media attacks against women and women’s organisation creating an environment of intimidation and disempowerment for participation by women generally; police intelligence surveillance of women activists and organisations; exclusion of women and women’s organisation in the decision making pertaining to the constitutional reform[[317]](#footnote-318) and political transitional processes. (APWLD, 2012)*.* Some women’s organizations choose to keep a low profile, others are fighting back and aligning withforces they would not have considered before, to gain acceptance. (APWLD, 2012)

Extreme impunity results in situations where the desire for survival drives women to ignore other rights and freedoms, where resistance is suppressed to such an extent that women become invisible as in the Burma and Fiji case studies unless they possess extraordinary resilience, courage and support as in the case of Aung San Suu Ki. In Nepal, impunity and a weak rule of law, create conditions for further discontent and instability. Impunity remains entrenched and the lack of accountability for the perpetrators of serious crimes and human rights violations pervades. For example, while the Comprehensive Peace Agreement requires the parties to guarantee accountability for crimes and human rights violations committed during the conflict, not a single case has been successfully prosecuted by civilian courts since it was adopted. (OHCHR, 2011). The legislation to enact the transitional justice mechanisms had been significantly delayed and remained in draft format. In addition, the Government has moved to empower the TRC to grant amnesties for international crimes and gross violations of international law committed during the conflict. (OHCHR, 2012) Women as leaders tend to accept stereotypical male forms of leadership and in the process continue marginalization of women[[318]](#footnote-319).

**Good practices including Constitutional reform**

In response to the urgent need to rebuild state and civil society infrastructure, post conflict, women’s NGOs and civil society have implemented democracy training workshops, seminars, and conferences to train women leaders in putting forward the women’s agenda post transition. In Asia, this has helped women establish a quota for themselves in the law[[319]](#footnote-320), helped women put forth their accounts of conflict as in Solomon islands, Nepal and East Timor and has equipped women to contest elections in other parts of Asia Pacific.[[320]](#footnote-321) The transparency portal initiated by the woman Finance Minister of East Timor is a very innovative measure, which can only lead to greater transparency, accountability and democratic functioning. Strong women leaders have been prepared to tackle sexism in political institutions. For example, Julia Gillard has come down heavily on sexism in her speeches in the Australian Parliament[[321]](#footnote-322).Helen Clark (1999-2008) in New Zealand, had women in all the top public positions. (UN, 2010) Nepal has demonstrated commitment to good governance by passing an anti- caste based discrimination law. The Transitional Justice Reference Archive (TJRA), a database of approximately 30,000 documents and cases was developed by OHCHR with the support of the United Nations Peace Fund for Nepal .The OHCHR has also released the Nepal Conflict report.

The skills that women learned as combatants in Nepal and East Timor the skills women learnt as survivors of the conflict in Afghanistan and Iraq have been put to good use in peace-building, for generating better governance for women. Quotas have been added, where possible, as Constitutional measures[[322]](#footnote-323), so they cannot, as in Mongolia, be changed later.

**Lost opportunities**

However, receptivity for such interventions, changes with the elasticity of the polity in question. Where there are fundamentalist forces at work and in a climate of state impunity and a general climate of violence and SGBV, such interventions are unlikely to fare well. Hence in Nepal, even though there is a constitutional crisis, there is likely to be continued receptivity to such measures, rather than Afghanistan, where indicators for such interventions are low. In Asia, there has a long history of women in the top government leadership positions but the gains for women have not been significant (Waring, 2010). However, women are not given important or specific portfolios in the government and women have not been inducted into party posts. In India, The appointment of President Pratibha Patil, and the presence of Sonia Gandhi as the leader of the ruling Congress Party and Meira Kumar as the Speaker in the lower house did not result in any positive changes. A Bill to reserve seats for women has been pending in India since 1999. Women in Asia have been hampered by strong oppositional forces, which have , despite organizing for change, not brought the desired success. In Afghanistan, women wanted peace and an unsettled peace has been achieved, but the political freedom they sought has been hampered by fundamental forces within the governance structures and without. In Sri Lanka, self determination was brutally denied the women and they are not part of the peace process. Too much consensus building can also rule women out, as happened in the case of the Sunni Code and the EVAW, drafted with the help of women’s groups, which could not be passed, despite lobbying, while the retrograde Shia Code, was amended by pressure and protest from women. Lack of consensus can also lead to political crisis as happened in Nepal in September 2012, when the Constituent Assembly’s term came to an end, without a draft Constitution and the gains made by women, were wasted.

**V. SUMMARY OF BEST PRACTICES AND LEARNING POINTS**

 Women have attained highest seats of governance in Asia and the Pacific. There have been significant changes in political structures, which favour women as repressive regimes have been overthrown [as in Nepal]. Women have actively participated [ in Nepal and Bougainville]and are still participating in movements for change in Myanmar and Fiji. In Asia Pacific, women have forced even patronage systems to include them in governance structures. Women are active in getting governments to increase their access to justice, in amending discriminatory laws, even constitutions, and to come up with action strategies and policies to increase their representation in public and political life. Where improvement is still to be seen, is that women have yet to gain parity with men in political and administrative structures, and in education, economic and employment fields. Women are still not equal within the home and have very little say in community matters where custom and religion conspire against them.

The political structure is not so important, though parties in single-party and presidential systems may be more responsive to women. In electoral systems, it is the system of proportional representation that candidate quotas work best in and that motivates parties to have women in their lists. The other important points that emerged from the examination of quota systems in the region are that parties must be persuaded to put women candidates in wining seats and then, to put women in executive posts. Parties must also allocate funds for women candidates’ campaigns. Getting women into party posts is as important as gender mainstreaming party manifestos.

It is the legal field that the peaks and the valleys are seen, for women. Strategic litigation has yielded political gains *in rem*, has led to changes in law and spread from jurisdiction to jurisdiction in a ping-pong effect. However, poor implementation of law has left many women frustrated by lack of access to justice. Legal pluralism has also set up dangerous precedents of vigilante justice and even discrimination in the formal law, for women, across Asia Pacific. They are reflected even in former secular and civil jurisdiction countries, like Tajikistan, which sets a limit on maintenance claims on separation, in the Family Code. The favorable legal changes in pluralistic systems, like India, Pakistan, Bangladesh and Nepal, should however, be taken as signs of changing times. The ratification of CEDAW by nearly all the states and the changes in law that this has engendered, across jurisdictions, is a very heartening sign of better times to come. Many States have adopted national Gender Plans, Gender Budgeting Guidelines, established Women’s Commissions and generally displayed the political will to make positive changes for women.

**VI.RECCOMMENDATIONS**

**Specific Recommendations**

**For States**

1.Ensure that in addition to national laws, relevant international instruments relating to full political rights for women, such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Political Rights of Women, CESCR, CCPR, CERD, CAT, CRC, and CMW are ratified, integrated into national law and implemented, especially in those countries where women are still denied the right to vote and stand for election.

2. Review the existing constitutional, political, legislative, and regulatory frameworks, particularly in countries in transition and post-conflict states, for provisions that may hinder women’s equal participation, such as rules requiring high numbers of signatures to register as a candidate or high monetary deposits that can be discriminatory against women candidates.

3. Seek to achieve gender parity in all decision-making bodies, by establishing incremental time-bound targets for increasing women’s representation. (DAW, 2005)

4. Include women in discussions on electoral system reform, such as the impact of proposed electoral systems, proportional representation or majoritarian, district magnitude and expected party magnitude, electoral thresholds, boundary delimitation, and closed versus open lists, and analyze the impact of the proposed changes on gender equality. (DAW, 2005)

5. Enact special measures to guarantee women access to the legislature and decision –making positions, including through legislated quotas within a proportional representation system or reserved seats within majoritarian systems with specific and effective sanctions for non-compliance. In majoritarian or plurality systems, the reserved seats should be directly elected. (DAW, 2005)

6. Ensure that women and men have equal opportunities during election campaigns, such as providing public funding, access to the state media, setting campaign spending limits, and ensuring that campaign finances and expenditures are disclosed. (DAW, 2005)

7. Develop and promote gender-sensitive curriculum and teacher training on civic education for men and women. (DAW, 2005)

8. Accord priority attention to adoption of comprehensive approach to address violence against women and girls, taking into account general recommendation 19 on violence against women.

9.Ensure that the condition and position of women with multiple disabilities such as migrant worker, poor women, LGBT women, victims of trafficking, women with disabilities etc improve and to take all measures, including bi and multi lateral cooperative efforts with other states to facilitate the elimination of discrimination against these women.

10. Establish monitoring mechanism to ensure enforcement of legislation on elimination of discrimination women is enforced.

9. Ensure that all laws relating to work, violence against women and family and succession laws are free from discrimination and that there are no restrictions on the full enjoyment , for women of their human rights.

10. Ensure that women have enough social and welfare benefits so that there is a reasonable and fair re-distribution of child rearing and household work in society.

11. Design appropriate programmes and mechanisms to develop and strengthen a culture of ethics in public service. (DAW, 2005)

12. Ensure that all conflict is managed in an atmosphere where impunity is investigated and there is a chance for healing and reparation.

13. development of comprehensive data compilation methodology and include relevant sex-disaggregated statistics so as to be able to assess trends and impact of programmes on country's female population, related to the participation of women in public and \political life, in particular in local and rural areas.

14. Guarantee that women obtain an adequate legal remedy when their right to participate in public and political life free from every form of discrimination is violated.

**For Parties**

1.Adopt clear and transparent rules to ensure internal democracy, with specific attention to gender equality.

2. Consider special measures to ensure women’s participation in decision-making positions within political parties with the aim of achieving parity at all levels (DAW, 2005).

3. Adopt clear rules for candidate selection that would allow party members to provide meaningful input into the process of selecting candidates (DAW, 2005).

4. Implement effective gender quotas with the aim of achieving equitable representation of women candidates in elected positions, including party placement mandates in winnable positions (DAW, 2005).

5. Promote women’s candidacies through the adoption of special training programmes, recruitment drives and financial incentives, especially in majoritarian electoral systems where women may face greater challenges in getting nominated (DAW, 2005).

6. Provide statistical data disaggregated by sex, such as the number of women and men

among candidates, elected representatives, party members and in governance and leadership structures (DAW, 2005).

7. Provide women’s branches in political parties, where they exist, with the necessary resources for effective functioning, influence on decision-making, visibility within the party structures and means to support women’s candidacies and influence the selection process (DAW, 2005).

8. Allocate a percentage of public ‘non-campaign related’ funding to activities related to promoting gender equality and the empowerment of women, including training and research (DAW, 2005).

**For Civil Society**

1.Hold government, legislatures and political parties accountable for progress in increasing women’s participation and representation (DAW, 2005).

2. Facilitate linkages between women in decision-making positions and those working for the empowerment of women at the grassroots, in the academic community and in civil society organizations (DAW, 2005).

3. Monitor the media’s coverage of women and gender equality issues, and identify and report on gender bias particularly with respect to women in decision-making (DAW, 2005).

4. Strengthen civic and citizenship training in schools and continuing adult education and ensure its gender responsiveness (DAW, 2005).

5. Strengthen advocacy on the issues of gender equality and empowerment of women among the general public with special emphasis on parents and teachers (DAW, 2005).

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From 1962 to 2011, Burma was ruled by a military junta that suppressed almost all dissent and wielded absolute power in the face of international condemnation and sanctions.

The generals who ran Burma stood accused of gross human rights abuses, including the forcible relocation of civilians and the widespread use of forced labour, including children.

The first general election in 20 years was held in 2010. This was hailed by the junta as an important step in the transition from military rule to a civilian democracy, though opposition groups alleged widespread fraud and condemned the election as a sham. It was boycotted by the main opposition group, Aung San Suu Kyi's National League for Democracy (NLD) - which had won a landslide victory in the previous multi-party election in 1990 but was not allowed to govern.

A nominally civilian government led by President Thein Sein - who served as a general and then prime minister under the junta - was installed in March 2011.

1. A- HRC-20-28 IV A 28 p9 [↑](#footnote-ref-2)
2. For example, the Indo-Pak war[1970-71],the Indo- China war. East Timor was annexed by Indonesia[1975], Vietnam underwent an extended period of conflict, when the cold war led to the separation of the nation into the communist North and the US controlled South. Vietnam intervened to overthrow Pol pot, the Cambodian despot and establish a communist regime. [↑](#footnote-ref-3)
3. In modern times the Western Asian sub-region’s conflict first centered around the emergence of Israel and later, pivoted around Gulf Wars 1( 1991) and2 (2003) against Iraq. (Kapila, 2003) [↑](#footnote-ref-4)
4. Kyrgyzstan in 2010, in East Timor in 2006 and in the Solomon islands between 1998 to 2003 [↑](#footnote-ref-5)
5. See generally (UN, 2010) [↑](#footnote-ref-6)
6. Maoist and tribal uprisings in India, [ 1980’s to date]the conflict generated by the demand for a separate Tamil state in Sri Lanka, [1976 to 2009]; Maoist insurgency in Nepal. [2000 to 2007] See generally, (Tasha, 2010) (Arundhati, 2010) (Pettigrew, 2004) [↑](#footnote-ref-7)
7. See CEDAW Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination

of All Forms of Discrimination against Women: Combined second and third periodic reports of States parties India [↑](#footnote-ref-8)
8. Ibid See Human Rights Watch World Report 2012 Afghanistan; (UN, 2010) [↑](#footnote-ref-9)
9. In the Philippines, after Benino Acquino was assassinated, and during and the Presidency of Macapagal-Arroyo, which witnessed numerous protests and counter-arrests of the opposition[The Columbia Encyclopedia, Sixth Edition.  2001-05.] including members of Gabriela, the all-woman party [Anti-US protests greet American troops on military exercises By Teresa Cerojano Associated Press02/18/2008 Inquirer news]; in Malaysia, political protests have been continuing since 2008 [CNN World ‘ Anwar’s Rise and Fall’ September 2, 2004http://articles.cnn.com/2004-09-01/world/anwar.timeline\_1\_anwar-ibrahim retrieved 21/9/12] in Thailand **[Thailand: concerns over legal proceedings against 10 human rights defenders: Blog: Human** Rights Commission of Pakistan October 26, 2010 http://hrcpblog.wordpress.com/2010/10/26/thailand-concerns-over-legal-proceedings-against-10-human-rights-defenders/ accessed 12/912] Strife between the government and activists for democratic reforms resulted, in 2009, in an agreement for the creation of a new parliament with some elected representatives [Freedom of the World 2012- Tonga] [↑](#footnote-ref-10)
10. #  APWLD 2012; See also Gooch, Liz ; Malaysia report and Protesters in Malaysia Accuse Police of Brutality New York Times, Asia Pacific April 29, 2012

 [↑](#footnote-ref-11)
11. **Akl Aida,** In Yemen, Women Take One Step Forward, Two Back **, VOA** August 20, 2012 [↑](#footnote-ref-12)
12. Syria : Recent developments, New York Times 5/10/12 [↑](#footnote-ref-13)
13. Bangladesh two –1981 and 1982.  Philippines five from 1986 to 2006, Pakistan 1999, ; in Thailand, two in 1991 and 2006.In Nepal in 2005, by King Gyanendra . Myanmar (1988) Iraq(1996)Solomon Islands, (2000) East TImor (2008),Malaysia’s Perak State (2009) AND Papua New Guinea(2011).In Fiji, 1987, and 2006. [↑](#footnote-ref-14)
14. See (APWLD, 2012) [↑](#footnote-ref-15)
15. For example, In Kazakhstan: President Nazarbayev (1990-) Turkmenistan  Saparmurad Nizayov  president-for-life (Stalbovsky, 2006). However, a new President was elected in 2006. Tajikistan ::no elections after 1997. [↑](#footnote-ref-16)
16. where Hun Sen has been returned to power in every election since he first came to power in 1979; Cambodia earlier suffered under the dictatorship of Pol-Pot and the Khmer Rouge, where nearly seven million people died due to privation and abuse [↑](#footnote-ref-17)
17. the assumption of power of General Suharto, in 1968, whose authoritarian rule continued until May 1998 [↑](#footnote-ref-18)
18. Dr. Mahathir bin **Mohamad, the fourth Prime Minister** held the post for 22 years from 1981 to 2003. [↑](#footnote-ref-19)
19. Nehr 1994,(Whitaker) [↑](#footnote-ref-20)
20. See generally, (Caroline, 2009) [↑](#footnote-ref-21)
21. Nehr 94, (Caroline, 2009) [↑](#footnote-ref-22)
22. Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran - 3-20-2012 [↑](#footnote-ref-23)
23. (Caroline, 2009) also see ( UNDP, 2005) [↑](#footnote-ref-24)
24. **Oxfam International: The Tsunami's Impact on Women 26 March 2005** [↑](#footnote-ref-25)
25. See HDR 2011- climate change and *RRT Case No. 0907346*, [2009] RRTA 1168, Australia: Refugee Review Tribunal, 10 December 2009, available at: http://www.unhcr.org/refworld/docid/4b8fdd952.html [accessed 13 September 2012] [↑](#footnote-ref-26)
26. See generally, (Oxfam, 2005), and A/60/38(SUPP) (CEDAW, 2005): “they may become vulnerable to trafficking and other forms of exploitation, such as prostitution’‘ on DPRK famine. [↑](#footnote-ref-27)
27. Oxfam ibid, [↑](#footnote-ref-28)
28. (Glick, 2010) [↑](#footnote-ref-29)
29. See (UNDP, 2005) Even in China and India, critics argue, the data properly interpreted point not just to an over estimation of the poverty decline, but also to an increase in income inequality that is either dampening the pace or reversing the trend of poverty decline more recently.’ [↑](#footnote-ref-30)
30. UN HDR 2010 [↑](#footnote-ref-31)
31. See UNDP HDR 2010 [↑](#footnote-ref-32)
32. See (Jowitt, 2009 ) Ibid for example of an adoption case complicated by logistical and cultural snags. [↑](#footnote-ref-33)
33. See CEDAW/C/IND/CO/3 (CEDAW, 2007) [↑](#footnote-ref-34)
34. Grounding the global [↑](#footnote-ref-35)
35. Cassandra Balchin: Religious Fundamentalisms on the Rise: A case for action [↑](#footnote-ref-36)
36. in China, North Korea, Laos, Syria and Vietnam [↑](#footnote-ref-37)
37. in India, Bangladesh, Iraq East Timor Nepal Samoa, Singapore, Kyrgyzstan and Vanuatu. [↑](#footnote-ref-38)
38. in, Cambodia, Australia Malaysia, Thailand, Brunei, Japan, New Zealand, Papua New Guinea, Solomon Islands, Tuvalu, [↑](#footnote-ref-39)
39. in UAE, Jordan, Bahrain, Bhutan, Kuwait and Tonga [↑](#footnote-ref-40)
40. in Saudi Arabia, Oman , Brunei, Qatar [↑](#footnote-ref-41)
41. in Philippines, Indonesia, Central Asian republics, Afghanistan , Kiribati and Myanmar, [↑](#footnote-ref-42)
42. in Yemen, Pakistan, Sri Lanka Mongolia, Cyprus, Iraq, Lebanon FSM, Nauru, South Korea, Yemen and Palestine OC. [↑](#footnote-ref-43)
43. CEDAW general recommendation 23, para. 14. [↑](#footnote-ref-44)
44. See generally , UN 2010 [↑](#footnote-ref-45)
45. SNTV: Afghanistan, Vanuatu; TRS: Bahrain, Iran Kiribati, N Korea Turkmenistan and Vietnam; List PR Cambodia, Cyprus, East Timor, Indonesia, Iraq, Kazakhstan, Kyrgyzstan, Sri Lanka; Parallel: Japan, S Korea, Mongolia, Nepal, Pakistan, POC, Philippines, Tajikistan, Taiwan, Thailand; FPTP Bangladesh, Cook islands, India, Malaysia, Maldives, FSM, Myanmar Niue, Palau, Oman, Samoa, Solomon islands, Yemen

AV: Australia, Fiji, PNG; BV :Lebanon, Kuwait Laos Syria Tonga Tuvalu; New Zealand: MMP; Nauru BC; Singapore PBV; Jordan :SNTV & List PR. [↑](#footnote-ref-46)
46. (Larserud Stina) [↑](#footnote-ref-47)
47. New Zealand: MMP[32.2]List PR Cambodia, [ 20.3 & 30.6] Cyprus, [ 10.7 & 0] East Timor,[32.3] Indonesia,[18.2] Iraq,[25.2] Kazakhstan,[24.3] Kyrgyzstan,[23.3] SNTV: Afghanistan,[27.7 & 27.5]

Vietnam: TRS [24.4]; Parallel: Nepal,(20) [33.2%] Pakistan,[22.2] Philippines, [22.9] [↑](#footnote-ref-48)
48. ###  For example, the Arab Charter on Human Rights 2008, The AICHR and the draft ASEAN Human Rights Declaration (AHRD) and the SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution

 [↑](#footnote-ref-49)
49. This provides in its preamble that there is a need “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.” [↑](#footnote-ref-50)
50. Providing in article 1 that, “All human beings are born free and equal in dignity and rights”. Article 2 to the enjoyment of the rights contained within the Declaration “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” [↑](#footnote-ref-51)
51. See Article 1, CEDAW [↑](#footnote-ref-52)
52. Discrimination is defined as any act that has ‘the effect or purpose’ of impairing women’s equal enjoyment of their rights (article 1).• States must pursue a policy of eliminating discrimination by ‘all appropriate means’. This includes not just repealing discriminatory laws, but also ensuring that no action or practice of the State – or of any private ‘person, organization or enterprise’ – discriminates against women (article 2). [↑](#footnote-ref-53)
53. States shall take ‘all appropriate measures’ in ‘all fields’ to ensure women’s full advancement and the equal enjoyment of their rights (article 3). [↑](#footnote-ref-54)
54. Temporary special measures’, such as quotas, shall not be considered a form of discrimination, because their ultimate goal is to achieve gender equality (article 4). [↑](#footnote-ref-55)
55. States must take ‘all appropriate measures’ to change social and cultural patterns of conduct, and eliminate prejudices and customary practices based on stereotypes or ideas about the

inferiority of women (article 5). [↑](#footnote-ref-56)
56. Article 2 of CEDAW directs States ‘to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination’ [↑](#footnote-ref-57)
57. United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), GeneralRecommendation 28 on the *Core Obligations of States Parties under Article 2 of the Convention on the Elimination of Discrimination against Women*, October 19, 2010, para. 6. [↑](#footnote-ref-58)
58. (Amnesty international, 2004) (Coomaraswamy, 2000),See also *Velasquez Rodriguez Case (Honduras)* (1994).where the standard was established. See also Special Rapporteur on Violence against Women “The Due DiligenceStandard as a Tool for the Elimination of Violence against Women”, E/CN.4/2006/61, 20 January2006. [↑](#footnote-ref-59)
59. (Farrier, 2004) [↑](#footnote-ref-60)
60. United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), General

Recommendation 28 on the *Core Obligations of States Parties under Article 2 of the Convention on the Elimination of Discrimination against Women*, October 19, 2010, paras. 6-9. [↑](#footnote-ref-61)
61. DEVAW, art. 2. [↑](#footnote-ref-62)
62. Article 1 of the Universal Declaration of Human Rights provides that “all human beings are born free and equal in dignity and rights” and article 2 affirms that everyone, without distinction in terms of sex, is entitled to the rights set forth therein, which include, inter alia, the rights to freedom of expression, association, assembly, and participation in Government. [↑](#footnote-ref-63)
63. Article 3 of the International Covenant on Civil and Political Rights states that “the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”, [↑](#footnote-ref-64)
64. Full text at: www2.ohchr.org/english/law/**cescr**.htm [↑](#footnote-ref-65)
65. article 3 of the International Covenant on Economic, Social and Cultural Rights provides that the State Parties to the Covenant must “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth” in the Covenant. [↑](#footnote-ref-66)
66. Article 7 (c) of the Convention on the Elimination of All forms of Discrimination against Women requires that States Parties “take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, […] ensure to women, on equal terms with men, the right […] to participate in non-Governmental organizations and associations concerned with the public and political life of the country”. [↑](#footnote-ref-67)
67. The Declaration applies to every man and woman acting to promote and protect human rights as long as they accept and apply the principles of universality of and nonviolence. [↑](#footnote-ref-68)
68. Full Text at: www.unhcr.org/.../category,LEGAL,**CEDAW**,,,453882a622,0.html [↑](#footnote-ref-69)
69. Committee on the Elimination of Discrimination against Women, General Recommendation 23 on political and public life (1997) paragraph 5. [↑](#footnote-ref-70)
70. Article 8 of the Convention on the Elimination of Discrimination against Women [↑](#footnote-ref-71)
71. Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women: Action for

Equality, Development and Peace, 15 September 1995, The Beijing Platform for Action emphasized that “women’s equal participation in decision making is not only a demand for justice or democracy, but can also be seen as a necessary condition for women’s interests to be taken into account. Without the perspective of women at all levels of decision-making, the goals of equality, development and peace cannot be achieved.” (Para 181) [↑](#footnote-ref-72)
72. It states clearly in Article 3(3) that:” Men and women are equal in human dignity, in rights and in duties, within the framework of the positive discrimination established in favor of women by Islamic Shari’a and other divine laws, legislation and international instruments. Consequently, each State Party to the present Charter shall undertake all necessary measures to guarantee the effective equality between men and women.” Full text at: www1.umn.edu/**human**rts/instree/**arabcharter**2.html [↑](#footnote-ref-73)
73. In Article 3(1) [↑](#footnote-ref-74)
74. Article 11 states, “All persons are equal before the law and have a right to enjoy its protection without discrimination.” [↑](#footnote-ref-75)
75. Article 24 guarantees freedom of political activity and the right to gain access to public office to all citizens. [↑](#footnote-ref-76)
76. Article 33 states that violence within the family, especially to women and children is prohibited. [↑](#footnote-ref-77)
77. Article 134 of the Chinese Civil Code lists forms of remedies available when civil liability is established. Article 32 of the Constitution of India guarantees the fundamental right to a remedy and Article 226 lists the remedies in the nature of writs that may be issued by the High Courts, Morocco’s Code of Obligations sets out the principles of compensation for victims of wrong doing. The United States’ Restatement of Torts s 901, sets out the rules for determining measures of damages. [↑](#footnote-ref-78)
78. The report of the Special Rapporteur on Impunity for the UN Subcommission on Prevention of Discrimination and Protection of Minorities, Louis Joinet,[1997] [↑](#footnote-ref-79)
79. Marilyn Waring Women‟s Political Participation The Institute of Public Policy, Auckland University of Technology 2010 [↑](#footnote-ref-80)
80. World’s Women 2010 Trends & Staistics pdf UN [↑](#footnote-ref-81)
81. Government submission [↑](#footnote-ref-82)
82. UNDP HDR 2010. In New Zealand, a study carried out over 25 years—as the portion of women in Parliament rose from 4 per cent in 1975 to 29 per cent in 1999—tracked debates on childcare and parental leave. It found that women were far more likely than men to prompt parliamentary debates on these issues, and at times were the only representatives calling attention to them. A decline in discussion of the two issues was noted when the number of women representatives dipped as well. One of the changes that occurred over that time was the acceptance of parental leave provisions for women and men. The only non-affiliated woman in the Lebanese parliament formed in 2005 was Ghinwa Jalloul. who tried to start a public debate about women citizenship rights and to raise this issue in parliament. The Lebanese Electoral Law Commission appointed in 2005 had one woman member, Arda Arsenian Ekmekji who proposed a quota system. (Majed, 2012) [↑](#footnote-ref-83)
83. UN Women Submission Afghanistan. Women parliamentarians and civil society groups in Afghanistan fought hard against the April 2009 law allowing the minority Shia community to control women’s movements outside the house and prevent married women from refusing sex. [↑](#footnote-ref-84)
84. Quota Project- IDEA, Universitet, Stockholm, IPU – ‘ About Quotas http://www.quotaproject.org/aboutQuotas.cfm [↑](#footnote-ref-85)
85. Vietnam has introduced measures to train civil servants, Thailand has implemented Women’s Campaign Plan 2004-11;Pakistan had trained local councilors in the Women’s Political Participation Project 2002-04 and the Women’s Political School [↑](#footnote-ref-86)
86. In Thailand, for example, an opinion poll carried out by UNDP and Bangkok University, in 2005 found a contradiction between women’s low representation rates and positive public perceptions of women in politics. Women currently have 11.7 per cent of the seats in Thailand’s House of Representatives and 16 per cent in its Senate, both below the global average. In a poll, In Afghanistan, 62 per cent of women and 40 per cent of men agree that women and men should share leadership equally. Half of men but only 20 per cent of women think that political leadership should be mostly for men. In India, political parties have proven more resistant to state and national quotas for women. One survey found that 75 per cent of men and women support quotas. [↑](#footnote-ref-87)
87. UN Women in South Asia New Delhi ‘More women vote in India’s state assembly elections’9 March 2012 http://www.unwomensouthasia.org/2012/more-women-vote-in-india’s-state-assembly-elections retrieved 12/9/12 [↑](#footnote-ref-88)
88. UN Women in South Asia New Delhi ‘More women vote in India’s state assembly elections’9 March 2012 http://www.unwomensouthasia.org/2012/more-women-vote-in-india’s-state-assembly-elections retrieved 12/9/12 [↑](#footnote-ref-89)
89. CEDAW Concluding Comments Bhutan CEDAW/C/BTN/CO/7 (CEDAW, 2009) [↑](#footnote-ref-90)
90. UNDP HDR 2010Researchers from the Centre for Developing Societies in New Delhi conducted a study from the early 1970s, and found that fewer than 50 per cent of women vote based on what their husbands or male family members have to say [↑](#footnote-ref-91)
91. (IKnow Politics) [↑](#footnote-ref-92)
92. UNDP HDR 2010 Bribes paid by men and women in villages with a female leader were 2.7 to 3.2 percentage points less than in villages with a male leader. Source: World Bank World Report 2012 [↑](#footnote-ref-93)
93. Source: World Bank World Report 2012 [↑](#footnote-ref-94)
94. (Mukhopadhyay, 2005) [↑](#footnote-ref-95)
95. Ibid n 171 [↑](#footnote-ref-96)
96. Government Submission [↑](#footnote-ref-97)
97. Government submission [↑](#footnote-ref-98)
98. Govt submission [↑](#footnote-ref-99)
99. CEDAW China [↑](#footnote-ref-100)
100. Concluding Comments on China CEDAW/C/CHN/CO/6 (CEDAW, 2006) [↑](#footnote-ref-101)
101. Basu, Amriyta; Jayal, Naraja Gopal; Nussbaum, Martha; Tambiah, Yasmin. 2003. Essays on Gender and Governance. India: Human Development Resource Center, United Nations Development Programme. [↑](#footnote-ref-102)
102. ‘Bangladesh election seen as fair, though loser disputes result’ New York Times Asia Pacific Sunday, November 30, 2008Begum Khaleda was Prime Minister from 1991 to 1996 [↑](#footnote-ref-103)
103. **Speech Upon Receipt Of The Fulbright Prize Corazon Acquino** http://gos.sbc.edu/a/aquino.html retrieved 12/9/12 [↑](#footnote-ref-104)
104. In the Philippines, Cory Acquino,; in Pakistan President Asif Ali Zardari and his late wife Benazir Bhutto, in Indonesia, MegawatiSukarnoputri, in Sri Lanka, Sirimaavo Bandaranaike,and in Myanmar, Daw Ang San Suu Kyi.in Bangladesh, both Sheikh Hasina and Begum Khaleda [↑](#footnote-ref-105)
105. Benazir Bhutto of Pakistan (1988-1990) was the first female Prime Minister of any Muslim majority country. Rosa Otunbaeva, President of Kyrgyzstan from 19 May 2010 to 1 Dec 2011 was the first woman president of a former Soviet Central Asian state. [↑](#footnote-ref-106)
106. Sri Lanka in 1994, had a female president (Chandrika Kumaratunga) and female Prime Minister simultaneously. It was also the first time that a female prime minister directly succeeded another female prime minister. [↑](#footnote-ref-107)
107. Government Submission [↑](#footnote-ref-108)
108. Government submission [↑](#footnote-ref-109)
109. ICICI, [ Chanda Kochhar, CEO]; Multiples, Asset Management [ business Rs.2000 crore in PE funds ; CEO :Renuka Ramnath] JP Morgan[ Kalpana Morparia CEO] Shikha Sharma[ MD & CEO Axis Bank] Source: India Today, Woman August 2012; Naina Lal Kidwai HSBC India ;Roopa Kudva [↑](#footnote-ref-110)
110. Lalita Gupte { Alstom & Nokia board member 2010]; Source: India Today, Woman August 2012 Kiran M Shaw Biocon; Shobhana Bhartia HT Media; Neelam Dhawan Hewlett-Packard India; Mallika [CRISIL](http://economictimes.indiatimes.com/crisil-ltd/stocks/companyid-11303.cms) Srinivasan TAFE; Preetha Reddy Apollo Hospitals Source: Economic Times India [↑](#footnote-ref-111)
111. See UN HDR 2010 [↑](#footnote-ref-112)
112. Myanmar National Committee for Women’s Affairs in July 1996; The Republic of Korea enacted the Women’s Development Act in 1995 and adopted theBasic Plan for Women’s Policies(1998); In 1996, the National Council on Women’s Issues was set up in Mongolia; In China, the National Working Committee on Children and Women(2000);Singapore Inter-Ministry Committee on CEDAW(1995);DPRK’s National Coordination Committee for the Implementation of CEDAW (2001) [↑](#footnote-ref-113)
113. 18 countries established NWM’s prior to the Conference. [↑](#footnote-ref-114)
114. MOWA in Afghanistan; Gender Affairs Unit East Timor (UN, 2010) [↑](#footnote-ref-115)
115. Separate MOWA created from a department with change of government in 1997 in Sri Lanka; Solomon islands, when CNURA came to power, a separate Ministry for Women and Youth Affairs was created. [↑](#footnote-ref-116)
116. Thailand, 3 departments were integrated into Office of Women’s Affairs and family development [↑](#footnote-ref-117)
117. Thailand’s Act on the Protection of Victims of Domestic Violence (2007) set up three machineries. Australia has established a Human Rights Commission which also handles sexual harassment complaints and has a Sex Discrimination Commissioner to handle complaints under the Sex Discrimination Act. [↑](#footnote-ref-118)
118. In Jordan a National Dialogue Commission was formed in 2011 to carry out legal reforms of national legislation in response to popular demand. CEDAW/C/JOR/CO/4 (CEDAW, 2007) [↑](#footnote-ref-119)
119. Lebanon, India, Pakistan and Jordanhave established National Commissions of Women. (Turquet, 2011-2012) All the Commissions mentioned above, have actively promoted the drafting of amendments to discriminatory laws and monitor the promotion and protection of women’s human rights. In Indonesia, at the local level, special government institutions have been established to handle women’s issues. Fiji has created several institutional mechanisms, including National Women's Advisory Counsel, to promote gender equality and implement Women's Plan of Action. [↑](#footnote-ref-120)
120. Indonesia, Oman and North Korea have established a National Committees to monitor the implementation of the CEDAW and have upgraded their importance by appointing a Minister as Chairperson. [↑](#footnote-ref-121)
121. GOI submission [↑](#footnote-ref-122)
122. Government submission [↑](#footnote-ref-123)
123. including, Sri Lanka, Nepal, Afghanistan, Oman, and Tajikistan See Govt submissions China has gone a little further in the creation of, in 2009, of the National Council for Women and Child Development, headed by the Prime Minister, and the establishment of Gender Responsive Budget for ten ministries in 2009-2011 CEDAW/C/CHN/CO/6 (CEDAW, 2006) [↑](#footnote-ref-124)
124. Afghanistan, Cambodia, India, Indonesia, New Zealand, Pakistan, Republic of Korea, and Sri Lanka [↑](#footnote-ref-125)
125. China, in 2009:the National Council for Women and Child Development, headed by the Prime Minister, Australia: Minister for the Status of Women at PMO;East Timor: Cabinet rank Secretary of State for the Promotion of Equality [↑](#footnote-ref-126)
126. Philippines and Bhutan [↑](#footnote-ref-127)
127. See generally for more detailed discussion, Strengthening National Mechanisms for Gender Equality and the Empowerment of Women: Regional Study – Asia and the Pacific Un Bangkok, 2010 [↑](#footnote-ref-128)
128. Government Of Indonesia Submission [↑](#footnote-ref-129)
129. Indonesia and India have included gender equality in the curriculum taught in primary and secondary schools as part of in the subject of civic and character building. [↑](#footnote-ref-130)
130. In Australia, the Government publicly released the first Women on Australian Government Boards and Bodies Report in 2008-09. In addition, the Australian Public Service Commissioner released the *Merit and Transparency: merit-based selection of APS agency heads and APS statutory office holders guidelines* in February 2009 which explains the use of candidate registers such as the online job matching service: the Appoint Women register. The Sultanate of Oman has made an attempt to disaggregate all official statistics and records by gender. [↑](#footnote-ref-131)
131. PNG’s Equality and Participation Bill, introduced by Dame Carol Kidu, aims to reserve 22 seats in Parliament for women. The Australian Government supported this process by contracting legal specialists to advise on the preparation of constitutional and organic law amendments required for the introduction of reserved seats for women. [↑](#footnote-ref-132)
132. Japanese Government Submission [↑](#footnote-ref-133)
133. In 1999, the National Development Council, one of India’s highest policy-making bodies, made empowering

women and socially excluded groups a specific objective of the Ninth Five Year Plan. Over 50 government ministries and departments now prepare gender budgets. [↑](#footnote-ref-134)
134. A gender-auditing module was incorporated into the Ninth Plan in 1997, Guidelines on gender budgeting were prepared. In 2005, the Ministry of Finance began issuing a Gender Budgeting Statement and instituted a Gender Budgeting Committee.[UN HDR 2010] [↑](#footnote-ref-135)
135. Gender-responsive budgeting initiatives began in 1995 with a decision to earmark at least five per cent of all departmental expenditures on programmes for women in national and sub-national budgets.[UN HDR 2010] They have now moved to result oriented targeted budgets.[UN HDR 2010] [↑](#footnote-ref-136)
136. Fiji has made efforts to strengthen gender mainstreaming and monitoring through gender budget initiative and gender audit project CEDAW/C/FJI/CO/4 (CEDAW, 2010) [↑](#footnote-ref-137)
137. In Jordan World bank report 2012 and in India [APWLD Collation of laws] [↑](#footnote-ref-138)
138. Afghanistan, Jordan, Bangladesh, Pakistan, Kyrgyzstan, Taiwan, China.[ Quota project ibid] [↑](#footnote-ref-139)
139. Indonesia, Mongolia, Nepal, Iraq, Uzbekistan, Iraq, Republic of Korea, East Timor.{ Quota Project Ibid] Uzbekistan ***CEDAW/C/UZB/CO/4 (CEDAW, 2010)*** [↑](#footnote-ref-140)
140. Quota project ibid [↑](#footnote-ref-141)
141. Inter-Parliamentary Union, 2009. [↑](#footnote-ref-142)
142. The number of women increased to 13% of the seats in the 2005 elections, and in 2008 this increased to 18.6%. A record number of 60 women contested from 65 seats, with Sheikh Hasina and Begum Khaleda Zia each contesting from three seats and Begum Rawshan Ershad from two seats (Majumdar).A total of 19 women MPs in the current Parliament were directly elected [↑](#footnote-ref-143)
143. CEDAW/C/JOR/CO/4 (CEDAW, 2007)CEDAW/C/JOR/CO/5 (CEDAW, 2012) [↑](#footnote-ref-144)
144. Quota project, See (UN, 2010) [↑](#footnote-ref-145)
145. Indonesia,[GOI] Samoa,[IPU 2011] [↑](#footnote-ref-146)
146. UN HDR 2010 [↑](#footnote-ref-147)
147. See UN HRD 2010 .*.* While estimates of female combatants in armed conflicts vary, they range between one-tenth to one-third. In Sri Lanka and Nepal women are estimated as constituting about one third of the combatants. [↑](#footnote-ref-148)
148. In india and Pakistan non-governmental organizations are recognized as alternative institutional mechanisms and help implement government policies and programmes. [↑](#footnote-ref-149)
149. In Mongolia, women’s NGOs have expanded their activities from advocacy efforts, to include monitoring or watchdog activities to an expanded role in the legislative drafting process (Asia Foundation, 1999). In India, NGO’s like Lawyers Collective worked with other organizations and UN Women to get the Domestic Violence law passed in 2005. [↑](#footnote-ref-150)
150. In Kyrgyzstan, the Association for Women’s Legal Initiatives, which unites women MPs, gender experts, and activists of women’s non-governmental organizations, has been instrumental in strengthening women’s caucuses (Ballington, 2012). In Kyrgyzstan, a gender analysis of political party manifestos and an assessment of the situation of women in politics at the national and local level were undertaken by development assistance organizations and CSOs (Ballington, 2012). [↑](#footnote-ref-151)
151. In Lebanon, Women’s Rights clubs at the University of Beirut and the Lebanese American University had staged public debates and workshops about the issue of quotas for women. They led awareness campaigns. (NDI) [↑](#footnote-ref-152)
152. The Equality without Reservations campaign brings together women’s organizations from across the Middle East and North Africa region to call for the removal of reservations to CEDAW and ratification of the Optional Protocol. Meanwhile, the global Musawah initiative for equality and justice in the Muslim family is one of several civil society campaigns calling for reforms to discriminatory family laws and practices, in Asia as well. [↑](#footnote-ref-153)
153. To address procedural and social barriers in accessing equal rights to land for women and men in Kyrgyzstan in1991 UN Women supported capacity building for local officials, as well as media campaigns to raise awareness about women’s legal rights and legal aid clinics even in remote areas Using the legal advice provided to them, 1,200 women gained access to land that they had previously been prevented from owning, using or managing. (Turquet, 2011-2012) In India, the implementation of the 2005 Protection of Women from Domestic Violence Act has been particularly effective in the state of Andhra Pradesh, as a result of strong inter-agency coordination between the police, legal aid groups, protection officers and other civil society service providers (Turquet, 2011-2012). The Bangladesh Rural Advancement Committee (BRAC) administers the largest NGO-led human rights and legal education programme in the world. (Turquet, 2011-2012). The Fiji Women’s Crisis Centre provides free and confidential crisis counseling and legal advice, and awareness-raising programmes, even for men, which has been expanded to other Pacific states. (Turquet, 2011-2012). In Sri Lanka, the EMACE Foundation provides free legal clinics in Colombo and also a free 24-hour hotline. (Turquet, 2011-2012) Networks such as the International Association of Women Judges and Sakshi, an Indian NGO, have provided judges, both women and men, with specialized training in understanding gender equality. Sakshi’s education programme to change internalized myths and gender stereotypes has expanded to 16 countries in the Asia-Pacific region (Turquet, 2011-2012). [↑](#footnote-ref-154)
154. In Pakistan, Shirkat Gah organized paralegal training for members of community based organizations. When the Government of Pakistan announced a Commission of Inquiry into women’s legal status in the 1990s, the paralegals were able to influence its deliberations through a questionnaire that was developed to solicit inputs from the grassroots. The shalish in Bangladesh is a community-based justice system, where the arbitrators are exclusively men, which have often resulted in highly discriminatory rulings against women.The Maduripur Legal Aid Association and Nagorik Uddyog have trained shalish panels on gender equality.In Cambodia, although the Constitution states that women and men are equal, Chbab Srey, the traditional code of conduct for women, reinforces unequal inheritance practices. The Women’s Media Centre produced a television drama on women’s rights to catalyze public debate. (Turquet, 2011-2012). [↑](#footnote-ref-155)
155. Under the aegis of IWRAW AP and APWLD [↑](#footnote-ref-156)
156. See Annex C [↑](#footnote-ref-157)
157. For example in Malaysia, both Puteri UMNO and Wanita MCA, women’s wings of prominent political parties are connected buy LAN and use emails and tele-conferencing methods and their records are computerized. The Human Rights Commission of Pakistan has also been able to extend its outreach precisely because of email and the Internet. [↑](#footnote-ref-158)
158. Some women’s groups in Thailand have started

to use the Internet in their work. An example is the Development and Education Programme for Daughters and Communities Centre (DEPDC),who maintain a website. As a member of international forums and groups such as the GREAT (Gender Research and Training) Network in the United Kingdom, the web-based South Asia Citizens Web and Women Living Under Muslim Law, Shirkat Gah has been able to leverage the immense reach of the Internet and email to help draw national and international attention to some of the most disturbing recorded cases of rape and violence against women. (UNDP, 2005) [↑](#footnote-ref-159)
159. Other examples are: the ‘Free Mona’ campaign, to free Egyptian-American writer Mona El Tahawy, arrested during the Tahrir protests, and the ‘Pink Chaddi’ Campaign, in India in 2009, protesting cultural right-wing attack on women in public spaces, which gathered momentum through social media (Gurumurthy, 2012). [↑](#footnote-ref-160)
160. [**Al-Harazi Shatha** Faces from Yemen's Revolution: Noon Arabia Yemen Times Published:22-08-2011](http://notesbynoon.blogspot.in/) [↑](#footnote-ref-161)
161. Japan has conducted several opinion polls to monitor gender gaps; Australia and new Zealnad regularly commission studies, The Philippine Commission on Women co-chairs the Inter-Agency Committee onGender Statistics with the National Statistical Coordination Board; Thailand’s Report on Gender Disaggregated Data was launched on 6 March 2008; The Government of Indonesia has directed funds to almost 200 districts, so that they can compile demographic and socioeconomic profiles of women; Afghanistan has succeeded in establishing sex-disaggregated baseline data in itsNational Action Plan for Women of Afghanistan. (UN, 2010) [↑](#footnote-ref-162)
162. All figures ( Un 2010) [↑](#footnote-ref-163)
163. Ibid [↑](#footnote-ref-164)
164. <http://supremecourtofindia.nic.in/judges/judges.htm> [↑](#footnote-ref-165)
165. In New Zealand, women’s skills are under-used in leadership across the economy and women continue to earn less than men, even when their jobs and qualifications are similar. In Asia, the “leakingpipeline” means that many women opt out of their professions when facing the transition from middle- to senior-levels of management: 70.24percent (Japan), 52.88 percent (China), 48.83 percent (Hong Kong SAR, China) and 45.90 percent (Singapore). (Tuminez, 2012) [↑](#footnote-ref-166)
166. In 2006 in Kuwait women stood for the first time in an election, but all were unsuccessful. In the elections in 2008, no women won again,But due to pressure from women candidates, two women were appointed to the cabinet. In May 2009, four women were the first elected to the parliament. [↑](#footnote-ref-167)
167. Following the 2003 election in Jordan, when no women won an open seat, research was conducted with losing women candidates. A study by Al-Khozahe found that competition, tribal fanaticism, lack of political parties which could provide convincing and reasonable programmes, lack of participation of women in those parties, non coherence and backstabbing, the large number of both men and women candidates, and the lack of experience of Jordanian women to run in campaigns were among the challenges faced.[Al-Khozahe,H.O. (2006) Jordanian women and challenges to enter into parliament: A sociological filed study regarding female electoral candidates. Journal of the Social sciences, 34(3), 129 -167] [↑](#footnote-ref-168)
168. In India women’s participation as candidates in national and state elections has actually declined. It is difficult for women to establish a foothold without the patronage from powerful men in the party. There was an increase in the number of women candidates from 335 in 2004 to 556 in 2009. Fifty nine of these women were successful, less than 11% of the lower house (Waring, 2010) [↑](#footnote-ref-169)
169. Lebanese structures of political representation, are dependent on familial ties and networks, specifically from male to male relatives. And hence exclude women by the very nature of their exclusive rules and unwritten codes. (Majed, 2012). [↑](#footnote-ref-170)
170. According to an assessment carried out by the Asian Development Bank, more than 70% of women councilors interviewed in Bangladesh were not aware of their rights and responsibilities as representatives; even a higher percentage —more than 80%- expressed their lack of confidence in their ability to conduct meetings. [↑](#footnote-ref-171)
171. In a study of panchayats from India, it was found that despite women representatives performing well, male voters were not satisfied with their performance. (Radu Ban, 2006) [↑](#footnote-ref-172)
172. <http://www.state.gov/r/pa/ei/bgn/3580.htm> [↑](#footnote-ref-173)
173. see (Majumdar) (Mukhopadhya, 2004) (Mukhopadhyay, 2005) (Duflo, 2004) (Radu Ban, 2006) Women’s marginalization was reinforced by council practices and procedures. [↑](#footnote-ref-174)
174. See ICT’s for change UNDP HDI Report ’Even in China and India, critics argue, the data properly interpreted point not just to an over estimation of the poverty decline, but also to an increase in income inequality that is either dampening the pace or reversing the trend of poverty decline more recently.’ And ‘a country’s performance in terms of the HDI is not determined solely by its GDP. Some countries,especially Sri Lanka, Vietnam and Mongolia, have recorded a much better performance in human development terms than appears warranted by their GDP levels relative to the other countries.’ [↑](#footnote-ref-175)
175. Singapore, for example, allows candidates to spend a maximum of US $12,00089 on a single election. [↑](#footnote-ref-176)
176. As in India. [↑](#footnote-ref-177)
177. For instance,behaviour norms for Cambodian women, known as *Chba’p*, constrain their ability to access opportunities outside of the household. In Timor-Leste, a dominant

patriarchal system delegates different functions and responsibilities to men and women. Many women do not

participate in decision-making processes, especially in politics. [↑](#footnote-ref-178)
178. In Tuvalu, for instance, the status of women is determined by their roles as wives and mothers, and on how they obey and respect the norms of Tuvalu society [↑](#footnote-ref-179)
179. A I submission [↑](#footnote-ref-180)
180. In Bangladesh a number of negative socio-cultural assumptions affect governance roles. The traditional assumption that women should stick to domestic work is very obvious and women do not have much of a “public world or space to move in” (Mukhopadhyay, 2005). In Sri Lanka, women typically do not have access to property or to other income resources. They often lack mobility, and there is frequently a problem with social acceptance (Asia Foundation, 1999). In Fiji, A gender blind and fundamentalist perception remove women to *“matters that concern women only”* such as violence against women. [↑](#footnote-ref-181)
181. For example, a study by NGO Sakhi in Kerala, India, revealed that the deeply demeaning ways in which the women representatives were treated by their male counterparts, prevented their active participation and the incorporation of their ideas in the planning processes; and the interpretation of poor women’s roles entered into the planning process and biased the kind of projects designed and influenced resource allocation. (Mukhopadhyay, 2005). [↑](#footnote-ref-182)
182. ‘…stereotypical attitudes are particularly prevalent in the media, where women and men are often depicted in a stereotyped manner and that pornography is becoming increasingly prevalent in the media. The over-sexualized depiction of women strengthens the existing stereotypes of women as sex objects and continues to generate girls’ low self-esteem.” CEDAW/C/JPN/CO/6 (CEDAW, 2009)  [↑](#footnote-ref-183)
183. ##  see IANS Now Haryana minister finds conspiracy behind rapes DNA Friday, Oct 12, 2012, 18:28 IST Girls should marry while they are children to avoid being raped, Indian caste elders called Khap panchayats declared after a 16 year girl killed herself following a gang-rape. Dean Nelson,  ‘Girls should marry to avoid being raped, say Indian caste elders ‘The Telegraph New Delhi 8Oct 2012(APWLD, 2012). See also CEDAW Committee’s comment “high incidence of gender discriminatory statements and sexist remarks made by public officers and the lack of steps taken to prevent and punish verbal violence against women.’ CEDAW/C/JPN/CO/6 (CEDAW, 2009)

 [↑](#footnote-ref-184)
184. such as the daily “Uzbekiston Adabiyet va Sanati,” “Hurriyat,” “Oila va Jamiyat,” “Turkiston,” “Vatan,” “Uzbekiston Ovozi,” “Khalk Suzi,” and others In the media, “alongside stereotypical Soviet-style images of women standing by a machine at a plant, or women on a plantation, there is a new image, typical of patriarchal discourse - a blushing bride, a mother sitting by the cradle, an elderly woman surrounded by numerous relatives, and a woman running her home.” [↑](#footnote-ref-185)
185. In Viet Nam, the Confucian concept that men are responsible for the ‘education’ of their wives and children underpins acceptance of physical violence. For example, in Tuvalu, there is a common practice called moetolo where a man creeps into the fale (traditional house) and rapes a woman, while others are sleeping or pretending to sleep. If the rapist is taken to court the court would not consider the effect of custom on the watchers, by maintaining that if a woman was really being raped, someone would have taken action to stop it. [↑](#footnote-ref-186)
186. Girls should marry while they are children to avoid being raped, Indian caste elders called Khap panchayats declared after a 16 year girl killed herself following a gang-rape. Dean Nelson,  ‘Girls should marry to avoid being raped, say Indian caste elders ‘The Telegraph New Delhi 8Oct 2012(APWLD, 2012). [↑](#footnote-ref-187)
187. Freedom In The World 2012- iran.  [↑](#footnote-ref-188)
188. For example, in Fiji the Committee noted in its concluding observation that there were many instances of indirect and hidden discrimination, as evidenced by stereotyping of women, which perceives them exclusively as caregivers and homemakers and assigns them in areas such as education and employment to spheres suitable to their "characteristics."  There was also the prevailing perception that public and social spheres are "men's spheres". CEDAW/C/FJI/CO/4 (CEDAW, 2010); See also comments on Indonesia: ‘in particular, requirements that a woman obtain her family’s consent before engaging in night work…. the requirement that a woman obtain her husband’s consent regarding sterilization and abortion, even when her life is in danger.’ A/55/38(SUPP) (CEDAW, 2000) With respect to Jordan, the Committee expressed its serious concern about the persistence of harmful practices and traditions, including polygamy, patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life including in the labour market and in political and public life, and are also a root cause of violence against women. In particular, the Committee regretted that the mere reference to women in the amended article 6, paragraph 4, of the Constitution was in the context of motherhood protection See CEDAW/C/JOR/CO/4 (CEDAW, 2007);CEDAW/C/JOR/CO/5 (CEDAW, 2012) [↑](#footnote-ref-189)
189. See (UNDP, 2010)pp 86, 87. Media reports of former President Corazon Aquino of the Philippines and former President Chandrika Kumaratunga of Sri Lanka tended to focus on their being wives and mothers. In 2008, as Rustriningsih campaigned to become Vice-Governor of Central Java, one of the most important parts of Indonesia, she traveled constantly. This was not in keeping with the conventional role of an Indonesian wife and mother (she is both). The opposition campaign emphasized her absence from home and alleged neglect of family duties. (UNDP, 2010) [↑](#footnote-ref-190)
190. CEDAW/C/FJI/CO/4 (CEDAW, 2010); [↑](#footnote-ref-191)
191. United Nations Development Program, Mongolia Human Development Report 2007: Employment and Poverty in Mongolia: Executive Summary (Ulaanbaatar, 2007), pp. 26, 28. [↑](#footnote-ref-192)
192. Women as Agents of Change: Evidence from the Grassroots:Lori Beaman, Esther Duflo, Rohini Pande and

Petia Topalova ppt for WG [↑](#footnote-ref-193)
193. See generally, CEDAW concluding observations for most of the states in the region [↑](#footnote-ref-194)
194. AI Submission [↑](#footnote-ref-195)
195. AI submission [↑](#footnote-ref-196)
196. From the examples quoted above in the previous sections relating to Nepal, Jordan and Lebanon, raising women’s political consciousness is important for their political gains. [↑](#footnote-ref-197)
197. Munna Bai, a village council leader in Raisa district, India, found herself jailed on charges of embezzling US $100 from the panchayat family welfare fund. She claims she does not know why she has been arrested, as she only put her thumb impression on documents prepared by a block-level officer. (UNDP, 2010) [↑](#footnote-ref-198)
198. |  |
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 Khap panchayats in India in 2012 issued a rule that girls should not be given mobile phones, to prevent communication with boys.Khaps Can't Suppress Women's Rights to Move or Dress' NEW DELHI | JUL 13, 2012 [↑](#footnote-ref-199)
199. ######  Walsh, Declan ‘Taliban Gun Down Girl Who **s**poke Up for Rights’New York Times, Asia Pacific  October 9, 2012

 [↑](#footnote-ref-200)
200. (Gurumurthy, 2012) [↑](#footnote-ref-201)
201. Pasted from Source: US department of State <http://www.state.gov/r/pa/ei/bgn/3580.htm> retrieved 23/9/12 [↑](#footnote-ref-202)
202. See generally, (Waring, 2010),Freedom In The World 2012 especially ‘ The Arab States’ and transparency International reports. [↑](#footnote-ref-203)
203. In Afghanistansome women candidates in the 2005 and 2010 elections received threats from anti-government elements, which forced some to avoid campaigning in public places (UN, 2010). [↑](#footnote-ref-204)
204. In Syria, during 2001, two independent members of parliament, Ma'mun al-Humsy and Riad Seif, who had advocated political reforms, were stripped of their parliamentary immunity and tried and convicted of charges of "attempting to illegally change the constitution. Source: US State Department <<http://www.state.gov/r/pa/ei/bgn/3580.htm> retrieved 23/9/12From India, Forty-eight-year old Dhoolla Ratnam was burnt to death along with her grandson in the village of Srungavruksham in Andhra Pradesh in 2007. She had dared contest the elections against the upper caste Kapu community, and to challenge corrupt practices after her election. [↑](#footnote-ref-205)
205. See Government submission: New Zealand was the first country in the world where women enjoyed their right to vote back in 1893; however violence within families limits their effective participation in public life. In Afghanistan, women and girls who run away from gender-based violence at home are often punished with more violence and oppression. In Timor-Lestedomestic violence is widespread (an estimated one third of all prosecution cases relate to SGBV).SGBV associated with forced and early marriage, is also common in Afghanistan and South Asia.(UN, 2010) [↑](#footnote-ref-206)
206. Most Dalits in Nepal and India are landless and have very limited access to economic resources, in particular the women. Some are even still serving as bonded laborers in exploitative labour management systems, such as the customs of *Balighare, Haliya, Charuwa, Khalo*. Dalit women are subjected to systematic violence due to their ascribed low caste-class-gender status. Despite several laws, implementation remains weak.Inclusion of Dalit women in Nepal’s new constitution Submission by ISDN & FEDO [↑](#footnote-ref-207)
207. Domestic violence suffered by Buraku women in Japan is frequently related to Buraku discrimination. (APWLD, 2011) [↑](#footnote-ref-208)
208. Religious fundamentalists in Bangladesh use tactical violence against the rural Ahmadi community including acts of sexual harassment, assault and murder against Ahmadi women. (APWLD, 2011). [↑](#footnote-ref-209)
209. International Covenant on Civil and Political Rights, article 25, refers to “every citizen” in relation to the right to take part in the conduct of public affairs, to vote and be elected and to have access to public service. The Rohingya people have been denied citizenship by the Burmese junta. Their illegal status makes Rohingya women especially vulnerable to trafficking. Due to their Muslim religion Rohingya refugees are further marginalised once they leave Burma to places like Thailand. In Malaysia, Rohingya women are still persecuted as it does not recognize the right to asylum. In Vietnam, banning, prohibition from teaching Khmer language has led to 80% of Khmer Krom women being reported as illiterate (APWLD, 2011). [↑](#footnote-ref-210)
210. Recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation 2009, A/HRC/13/25 paragraph 6. [↑](#footnote-ref-211)
211. Pahari women in Chittagong Hill Tracts (CHT) have been forced to dress more conservatively and have had their rights to movement and physical integrity compromised due to harassment from the Army and settlers. [↑](#footnote-ref-212)
212. Khmer Krom’s ancestral lands are being used to build dams, roads or dig canals without any compensation paid or prior consent sought from the Khmer Krom community. As a consequence of their land rights movement, Khmer Krom women and men face prosecution and attacks from Vietnamese authorities and are forced to flee to neighboring countries, where they become trapped in a cycle of continuous violence and rights violations. [↑](#footnote-ref-213)
213. In Papua New Guinea, women have been killed, severely injured and disabled, forced out from a community, losing all of their resources and land after being accused of sorcery in the name of protecting the ‘community’ from fatal diseases. [↑](#footnote-ref-214)
214. In Uzbekistan, much media and public criticism has been directed at elderly women engaged in so-called “shuttle business,” which means selling items such as clothes and household items out of a sack for not adhering to traditional roles though their business activity is dictated by economic hardship.  (IWRAW).  [↑](#footnote-ref-215)
215. AI submission [↑](#footnote-ref-216)
216. AI submission [↑](#footnote-ref-217)
217. In the Philippines, the Roman Catholic Church is leading a sustained offensive campaign against what they have termed a ‘culture of DEATH‘ and enforcing a complete taboo on discussions about divorce, abortion, contraception and homosexuality, amongst other topics. Similarly, in Indonesia, the enactment of local and national Islamic Sharia-oriented policies that discriminate against LBT people have been reported (APWLD, 2011). [↑](#footnote-ref-218)
218. When women migrant workers become disabled due to work-related injuries it is very difficult, as reported in Thailand, to get adequate medical treatment or social services including rehabilitation facilities and/or shelters because of their multiple disadvantaged positions in the society (migrant, disability,class) (APWLD, 2011) It is also reported that, in many cases such as in Malaysia and in Singapore, ‘pregnancy’ can be a sole reason to terminate their contract and deport them (APWLD, 2011). [↑](#footnote-ref-219)
219. Example from APWLD Report ’Different but Not Divided’ In Mongolia, **migrant women** often discover that their rural origins, poverty, low skills and education, and the lack of registration documents all converge and intersect to heighten the risk of being subjected to multiple forms of violations, including lower paid jobs, sexual violence, lack of access to adequate health care and other social services. They are also more high concentrated in the as opposed to their male counterparts. Lack of registration documents is also a reason why internal migrants in Kyrgyzstan end up as sex workers who face sexual violence and harassment from enforcement officials and lack of medical facilities. (Plus, 2008) [↑](#footnote-ref-220)
220. Government Submission [↑](#footnote-ref-221)
221. Ibid [↑](#footnote-ref-222)
222. A-HRC-16-44.pdf Report Of The Special Rapporteur On The Situation Of Human Rights Defenders [↑](#footnote-ref-223)
223. All reports stated are from report n85 supra [↑](#footnote-ref-224)
224. SR report ibid [↑](#footnote-ref-225)
225. For example, India, Korea, Fiji, Nepal, Vietnam, and New Zealand Kuwait, Iraq, Bahrain, Oman and the new Constitution of the Republic of Maldives enacted in August 2008, uphold the principles of equality and non-discrimination between men and women. See CEDAW concluding observations since 2005. CEDAW/C/KWT/CO/3-4 (CEDAW, 2011) CEDAW/C/OMN/CO/1 (CEDAW, 2011) [↑](#footnote-ref-226)
226. ,Indonesia has enacted a law on Human Rights, which has a special chapter on women[ govt. submission [↑](#footnote-ref-227)
227. For example, in India, the Supreme Court made an observation in a case about registration of marriages. Following this, a Bill has been initiated. Supreme Court makes marriage registration compulsory **Times of India, Dhananjay Mahapatra, TNN** Feb 14, 2006, 01.02pm IST [http://articles.timesofindia.indiatimes.com/2006-02-14/india/27794930\_1\_marriage-registration-judicial-activism-uniform-civil-code accessed 12/9/12](http://articles.timesofindia.indiatimes.com/2006-02-14/india/27794930_1_marriage-registration-judicial-activism-uniform-civil-code%20accessed%2012/9/12). In another case, Vishaka v. State of Rajasthan (1997) 6 SCCC 241. The Supreme Court of India crafted a set of sexual harassment guidelines to protect women in the workplace to fill the legislative void until Parliament took steps to enact domestic legislation. (Vedna Jivan, 2005).This prompted the Government to introduce a long-awaited bill prohibiting sexual harassment in the workplace in 2007, which has very recently been passed by the Lower House in 2012.**Rakhi Chakrabarty** Sexual harassment at workplace Bill passedTimes of India Sep 4, 2012, http://articles.timesofindia.indiatimes.com/2012-09-04/india retrieved23/9/12. In Bangladesh, female colleges students challenged their expulsion following a sexual harassment enquiry. The High Court found in their favour expressing an opinion that corroboration of evidence in such cases should not be strict. (UNDP, 2010) [↑](#footnote-ref-228)
228. While Japan, [CEDAW CO] Bangladesh, [ CEDAW] Iraq, and Qatar have taken steps to amend laws that discriminate against women in relation to passing citizenship to both children and spouses (Turquet, 2011-2012) [↑](#footnote-ref-229)
229. The Omani Passports Act has been amended to repeal the clause requiring a married woman to obtain her husband’s written consent for the acquisition of a passport.[ CEDAW ] [↑](#footnote-ref-230)
230. Australia and Oman have put in place protection for women workers in their labour laws.[ Govt submissions]China’s Law On The Protection Of Women’s Rights And Interests 1992, was amended August 28,2005 to afford greater protection to women in several areas quotas in local governance, prohibition of sexual harassment, and domestic violence. [ UN Women submission China]In Pakistan a law against sexual harassment at the workplace [↑](#footnote-ref-231)
231. China’s Law On The Protection Of Women’s Rights And Interests 1992, was amended August 28,2005 to afford greater protection to women in several areas quotas in local governance, prohibition of sexual harassment, and domestic violence. [ UN Women submission China] Pakistan passed a law against sexual harassment at the workplace. India has enacted a domestic violence law, several East Asian countries have laws concerning VAW . Sri Lanka’s 1883 penal Code now punishes sexual harassment, rape, incest, grave sexual abuse, sexual exploitation of children and trafficking. (UNDP, 2010) [↑](#footnote-ref-232)
232. In Tajikistan under the Family Code spouses have the right to choose a surname, occupation, profession, activity and place of domicile or residence and are obliged to provide each other with material support. in India, amendments to personal status laws to introduce gender parity and a domestic violence law, were enacted. The following countries have made unregistered marriages invalid: Central Asian Republics, Fiji, Indonesia, Pakistan, Bangladesh & Malaysia. [↑](#footnote-ref-233)
233. UNIFEM CEDAW 30 years. [↑](#footnote-ref-234)
234. Bhutan’s Inheritance Act of 1980, for example, guarantees equal inheritance for sons and daughters, but recognizes traditional inheritance practices. Since inheritance is matrilineal, 60 per cent of rural women hold land registration titles –a higher figure than anywhere else in South Asia. [↑](#footnote-ref-235)
235. In Vanuatu, the traditional Malvatumauri (House of Chiefs), supported by church leaders, attempted to pass a ‘new’ customary law in 2005 to prevent ni-Vanuatu women from wearing trousers, shorts, pants or jeans.The Vanuatu Women’s Centre challenged this with a media campaign saying the dress code was unconstitutional and against their rights. The code was withdrawn. (UNDP, 2010). [↑](#footnote-ref-236)
236. E.g.,Pakistan: the National Policy for Development and Empowerment of Women’ Philippine Plan for Gender Responsive Development; Second Basic Plan for Gender Equality in Japan [↑](#footnote-ref-237)
237. Among them are the following: Cook Islands’ National Policy on Women, Fiji’s The Women’s Plan of Action (2009 – 2018), The Action Plan for New Zealand Women, the National Women’s Policy of the Solomon Islands, the National Plan of Action for the Advancement of Women in Samoa (2008-2012), the National Women’s Policy of the Solomon Islands, and the National Policy on Gender and Development of Tonga. [↑](#footnote-ref-238)
238. Indonesia’s National Medium-Term Development Plan (2004-2009), the Sixth Malaysia Plan, Sixth National Development Plan and Vision 2020 of the Maldives; Women’s Plan of Action (2009-2018) of Fiji [↑](#footnote-ref-239)
239. Indonesia on Gender Equality; Gender Mainstreaming in National Development, for the Implementation of Gender Mainstreaming at the Regional level and on Establishment and Review of Budgeting Planning; Tajikistan for election of women to the legislature and all courts [↑](#footnote-ref-240)
240. Indonesia: for enhancing the status and role of women for the period 1998–2005 [ GOI]. Tajikistan : for enhancing the status and role of women as well as a National Strategy for gender mainstreaming. [Source: Govt of Tajikistan ]. Sri Lanka, [draft] five year women’s action plan (201 l-2015) includes the recommendations under Security Council Resolution 1325 and the *Mahinda Chintana* Development Policy Framework. Australia: National Employment Standards and a Human Rights Framework as well as paid parental leave scheme. [Government submission]. Maldives: gender policy in January 2010. Afghanistan: The National Action Plan for the Women of Afghanistan (NAPWA), created by the Ministry of Women’s Affairs of Afghanistan (MoWA) [↑](#footnote-ref-241)
241. In China, networks for rural women have been initiated and developed to provide education and training, In Bangladesh, the Vulnerable Group Development Programme targets very **poor, mainly rural women;** Samoan Government provides microcredit for unemployed women. [↑](#footnote-ref-242)
242. Singapore has a Marriage and Parenthood package, including parental leave; Japan’s Charter for Work-Life Balance, an Action Policy for Promoting Work-Life Balance and Japan's Strategy to Support Children and Family .Japan also has a programme for single mothers and victims of domestic violence. [↑](#footnote-ref-243)
243. Indonesia, the Philippines and Singapore as well as Macao, China, japan [↑](#footnote-ref-244)
244. India and Bhutan; Philippines foreign office has an official to deal with Filipino trafficking and migrants [↑](#footnote-ref-245)
245. Constitution, Article 83 for lower and upper house [↑](#footnote-ref-246)
246. Fifteenth Amendment 2011:50 seats for lower house(Article 65) (Majumdar) [↑](#footnote-ref-247)
247. 60 of the 342 seats in the national assembly (17.5 percent) are reserved for women. (International IDEA 2008, p. 113) [↑](#footnote-ref-248)
248. As amended in 2007, the Electoral Law specifies a 30 percent quota for either sex on electoral lists (Code on Elections, Article 72 [3]). Lists that fail to meet the quota requirement will be rejected by the Electoral Commission (Code on Elections, Article 27 [5]). No more than three positions can separate men and women (Code on Elections, Article 72 [3]). [↑](#footnote-ref-249)
249. After the House of Representatives was dissolved in November 2009 by King Abdullah II, the Cabinet adopted a new 'temporary' election law in May 2010 for the election in November 2010, raising the number of reserved seats for women from 6 to 12 (only one in each electoral district). [↑](#footnote-ref-250)
250. In March 2007, The 10th National People's Congress, NCP, decided that for the 11th NPC to be elected January 2008 "the proportion of women deputies....should be no less than 22 percent." Until now the electoral law of China has stated, that the NPC and local people's congresses all should have women deputies and that the percentages of women should be increased gradually. [↑](#footnote-ref-251)
251. The Republic of Korea reformed its Political Party Law of 2000 to include a quota for women. The quota is applied to both its proportional and majority electoral systems for the Lower House. For the party list portion, where 56 deputies are elected to the House of the People, political parties are mandated to present candidate lists with women in 50 per cent of positions. For the majority portion of the election, where 243representatives are elected in single-member districts, at least 30 per cent of candidates from a party should be women. [↑](#footnote-ref-252)
252. See Quota project Country Information [↑](#footnote-ref-253)
253. The 73rd amendment to the Indian constitution, passed in 1992, mandated that no less than a third of the total number of seats in village governments (panchayats), and no less than a third of the posts of Chairperson of the panchayat should be reserved for women (Radu Ban, 2006). [↑](#footnote-ref-254)
254. (Constitution, Article 106 [1 & 3]). [↑](#footnote-ref-255)
255. CEDAW/C/JOR/CO/4 (CEDAW, 2007)CEDAW/C/JOR/CO/5 (CEDAW, 2012)Uzbek (Law on Elections, Article 22). [↑](#footnote-ref-256)
256. Sri Lanka : A Domestic Violence Act has been enacted. Tajikistan has adopted a new Code of Criminal Procedure which entered into force on 1 April 2010, to make several acts of violence against women, including rape, punishable. Parliament is currently reviewing the Bill on the prevention of domestic violence. The Government of Maldives enacted the Domestic Violence Act 2012. India has enacted the prevention of Domestic Violence Act 2005. [↑](#footnote-ref-257)
257. Pakistan, the Criminal Law Act 2004, Code of Criminal (Amendment) Ordinance 2006

and Protection of Women and Criminal Laws (Amendment) Act of 2006,**Protection against Harassment** of women at the **Workplace Act**, 2010. Criminal Law (Amendment) Act, 2009.[ on penal provisions of sexual harassment]; Japan: the Act on the Prevention of Spousal Violence and the Protection of Victims; Samoa, through the Gender Based Violence Project, is developing

a Community Facilitation Package on Violence against Women [↑](#footnote-ref-258)
258. In Indonesia, Law Enforcement officials have to undergo a Training Program of Handling Cases of Violence against Women and Children by the Legal Aid Institute for Women Protection (LBH APIK) under the aegis of the Attorney General’s Office. Tajikistan: A gender sensitization scheme for law enforcement was launched in 2010 to encourage reporting family violence. Also in 2010, the Judicial Training Centre administered by the Council of Justice offered training courses in gender sensitivity and the prevention of violence against women. [↑](#footnote-ref-259)
259. Sri Lanka has a new programme named “Men too can make a change” to prevent Violence against Women. Awareness programmes on the Domestic Violence law are available. A handbook on Law relating to Violence against Women for judicial sector has been printed. A data base on widows has been compiled. Indonesia has launched a series of awareness raising programs targeted to state apparatus and the public Indonesia:A set of manuals *for* the implementation of DV regulation was made available for all related government ministries at national and sub national level, as well as for the law enforcers. [↑](#footnote-ref-260)
260. Sri Lanka: a gender focal point in each institution. [↑](#footnote-ref-261)
261. Sri Lanka: Complaint Centre, a Committee and Working Committees in places of employment. Tajikistan: A legal aid system is being developed [Govt submission] Indonesia: The law on Domestic Violence has led to the establishment of the Coordination Network for the Elimination of Domestic Violence for implementation. Pakistan has formed National Implementation Watch Committee for all provinces, to monitor the implementation of the law against sexual harassment at workplaces.The Government of Indonesia has provided legal assistance and information on legal affairs through the District Courts throughout Indonesia. Maldives: Infrastructure for the temporary shelter for women victims of Domestic Violence/Violence against Women has been completed, and the team of staff was trained to work in the shelter, with assistance from UNFPA and UNWOMEN. [↑](#footnote-ref-262)
262. Sri Lanka : under the Additional Women and Children desks at Police Posts have been establish in the former conflict affected areas. India has introduced All Women’s police stations in several states and has implemented the Prevention of Domestic Violence Act 2005. Philippines, the law mandates that all police stations establish Women and Children’s

Protection Desks.Bhutan: police have Women and Child Unit. [↑](#footnote-ref-263)
263. The Government of Indonesia launched the National Strategy on Access to Justice in 2009. Women‘s access to justice is part of the Mid-Term National Development Plan of 2O1O-2O14. Indonesia has also formulated the Instruction on the Acceleration of the Implementation of National Development . [↑](#footnote-ref-264)
264. "'Convention on the Elimination of All Forms of Discrimination Against Women'". Treaties.un.org. [↑](#footnote-ref-265)
265. "'Convention on the Elimination of All Forms of Discrimination Against Women'". Treaties.un.org. [↑](#footnote-ref-266)
266. ["'Convention on the Elimination of All Forms of Discrimination Against Women'"](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en). Treaties.un.org.  [↑](#footnote-ref-267)
267. Ibid. Australia, Bangladesh, Cambodia, Cook Islands ,Georgia, Indonesia, Kazakhstan, Kyrgyzstan, Nepal, Philippines, Solomon Islands, Solomon Islands, Sri Lanka, Tajikistan' Thailand, Timor Leste, Turkmenistan, Vanuatu [↑](#footnote-ref-268)
268. A number of countries in the Asia Paciﬁc region have such constitutional provisions including India, Korea, Fiji, Nepal, Vietnam, New Zealand (Vedna Jivan, 2005) and Thailand’s 2007 Constitution brought about through a collaborative process between the government’s Constitutional Drafting Committee and a network of women’s rights NGOs[ CEDAW 30 UNIFEM]

 Article 15 of the Constitution of India. Article 11 of the Constitution of Korea 1948. Section 38 of the Constitution of Fiji 1997,Part 3, Section 11 of the Constitution of the Kingdom of Nepal 1990,Article 36 of the Constitution of Vietnam 1992. Section 3 of the New Zealand Bill of Rights Act 1990, which is one of several written documents that together make up the New Zealand constitution.

Section 3 of the New Zealand Bill of Rights Act 1990, which is one of several written documents that together

make up the New Zealand constitution. [↑](#footnote-ref-269)
269. Australia, :Sex Discrimination Act (1984)and other federal and state Acts, which contain anti-discrimination clauses (Vedna Jivan, 2005). Vietnam,: Amended Law on Marriage and Family (Vedna Jivan, 2005). The Land Code in Tajikistan and the Law of Land Management in Kyrgyzstan .The government of Cambodia’s plan entitled Neary Rattanak (Women as Valuable Gems). [ UPR HRC ] Vanuatu’s 2008 Family Protection Act combating domestic violence. (UNDP, 2010) Vietnam, Cambodia and China have amended land laws to bring equality in titles. [↑](#footnote-ref-270)
270. UN Women CEDAW 30 years [↑](#footnote-ref-271)
271. Japan : The Basic Law for a Gender Equal Society 1999, and China : Law of the Peoples Republic of China on the Protection of the Rights and the Interests of Women 1992. The Philippines : Magna Carta of Women (MCW)[ CEDAW 30 UNIFEM]. [↑](#footnote-ref-272)
272. Viet Nam: comprehensive review that has followed the adoption of its Law on Gender Equality; Cambodia, review by the Ministry of Justice on domestic violence, trafficking law; Solomon Islands change in evidence requirements in violence against women cases. [↑](#footnote-ref-273)
273. Sayeeda Rahman Malkani & Others v. The Secretary, Ministry of Home Affairs, Government of the People’s

Republic of Bangladesh & Others (1997) Supreme Court of Bangladesh; Meera Gurung v. Her Majesty’s Government Department of Central Immigration, Ministry of Home Affairs (1994) Supreme Court of Nepal; [↑](#footnote-ref-274)
274. C. Masilamani Mudaliar and Others v. Idol Sri Swaminathaswami Swaminathaswami Thirukoil and Others(1996) 8 Supreme Court Cases 525 [Masilamani]. Madhu Kishwar and Others v State of Bihar and Others with Juliana Lakra v State of Bihar (1996)5 Supreme Court Cases 125 [Madhu Kishwar]. John Noel v. Obed Toto (1995) Supreme Court of Vanuatu, Case No. 18/1994. [↑](#footnote-ref-275)
275. Imelda Romualdez-Marcos v. Commission on Elections and Cirolo Roy Montejo (1995) Supreme Court ofthe Philippines [↑](#footnote-ref-276)
276. Woo v. Shin, Kim and The Republic of Korea (1998) SC Seoul Decision 95Da39533; Noorfadilla Ahmad Saikin Shah Alam High Court, Malaysia, [UN Women submission] Iwate Bank Case (1992) The Hanreijihou No. 1410. [↑](#footnote-ref-277)
277. Jesmin Sultana v. Mohammad Elias (1997) 17 BLD 4;. Humaira Mehmood v. The State and Others (1999) Pakistan Current Criminal Rulings 542. [↑](#footnote-ref-278)
278. Jesmin Sultana v. Mohammad Elias (1997) 17 BLD 4. Humaira Mehmood v. The State and Others (1999) Pakistan Current Criminal Rulings 542. [↑](#footnote-ref-279)
279. Meera Dhungana *on behalf of FWLD* and another v Government of Nepal Writ No. 3392 of 1993, 2 August 1995 The case invalidated the provision of the criminal code that exempted husbands from being charged with the rape of their wives (Turquet, 2011-2012). [↑](#footnote-ref-280)
280. Jesmin Sultana v. Mohammad Elias (1997) 17 BLD 4. [↑](#footnote-ref-281)
281. Ibid at 6 The Court took the opportunity to put forward their views on the issue of polygamy and ordered that “… a copy of this judgment be sent to the Ministry of Law”. [↑](#footnote-ref-282)
282. Al-Amin v. State (1999) 51 DLR 172 [↑](#footnote-ref-283)
283. Public Prosecutor v. Walter Kota, Chief Jimmy Kawai, Chief Cyril Wis Menusa, Chief Andrew Koau, Chief

Ringimanu, Joseph Nayo, Charles Narun Kauiata, Thomas Nasup Taura, Babara Tehu Mathias, Marie Salome

Morrison, Mathias Teku (1993) 2 VLR 661. Chairman, Railway Board and Appellants v. Mrs Chandrima Das and Others (2000) AIR 988. Vishaka v. State of Rajasthan (1997) 6 SCCC 241. State v. Filipe Bechu (1999) Magistrates Court Levuka, Case No 79/94. Apparel Export Promotion Council v. A.K. Chopra (1999) AIR 625. [↑](#footnote-ref-284)
284. In 2000, in direct response to the comments of the judges in relation to the rules and procedures surrounding rape trials and to campaigns for reform, the Suppression of Violence Against Women and Children Act (2000) was enacted in Bangladesh, providing greater protection for victims of sexual assault and other gender-based violence. Following the Meera Dhungana case, changes to citizenship law and rights on divorce also took place in Nepal. In three Japanese and Korean cases,( see Annex C) in civil jurisdictions, CEDAW has proved a useful tool for interpretation and analysis of the law. Two Korean cases ( see Annex C)[ Woo v. Shin, Kim and The Republic of Korea (1998) SC Seoul Decision 95Da39533] led to changes in the Gender Equal Employment Law. (Vedna Jivan, 2005). Another employment-related case in Japan led to the Ratiﬁcation of CEDAW and passing of the Basic Law for a Gender Equal Society. [Iwate Bank Case (1992) The Hanreijihou No. 1410]In Nepal, an unsuccessful succession law case led to signiﬁcant legislative changes in succession law Meera Kumari and Mira Khanal v. His Majesty’s Government, Ministry of Law, Justice and Parliamentary Affairs, Secretariat of the Council of Ministers, House of Representatives, National Assembly (1995) Supreme Court of Nepal. [↑](#footnote-ref-285)
285. For example, India’s Visaka guidelines on sexual harassment formulated by the Supreme Court of India (Vedna Jivan, 2005),led tothe bill prohibiting sexual harassment in the workplace, which has very recently been passed by the Lower House in 2012.The case also inspired similar reform by the Supreme Court of Bangladesh in 2009 and in Pakistan, advocates used the Vishaka guidelines in preparation for their successful push for legislation. (Turquet, 2011-2012) [↑](#footnote-ref-286)
286. Hudoyberganova v. Uzbekistan139 in which the Committee found that restrictions on a woman’s right to wear the hijab in public or private constituted a violation of article 18 (2) of the ICCPR prohibiting coercion that would impair an individual’s freedomto have or adopt a religion [↑](#footnote-ref-287)
287. See H. Charlesworth & C. Chinkin, The Boundaries of International Law: A Feminist Analysis (Manchester:

Manchester University Press, 2000) at 113. [↑](#footnote-ref-288)
288. The discriminatory legal provision on nationality rights is one example of a patent barrier. Indonesia and Pakistan, for example, are yet to change such provisions. [↑](#footnote-ref-289)
289. A loosely defined law may act as a latent barrier. For example, the Philippines’ 1995 Anti-Sexual Harassment Act prohibits harassment in the workplace where only supervisors, employers and managers with ‘authority and influence’ are penalized for acts of harassment. The law is silent on sexual abuses committed by co-workers. [↑](#footnote-ref-290)
290. AI Submission [↑](#footnote-ref-291)
291. See CEDAW Concluding comments since 2005 [↑](#footnote-ref-292)
292. Equality Now Submission [↑](#footnote-ref-293)
293. The Constitution of Solomon Islands 1978 No. 783: Section 15(5)(d). [↑](#footnote-ref-294)
294. See Annex C legal pluralism examples [↑](#footnote-ref-295)
295. See Annex C fundamentalism and law examples [↑](#footnote-ref-296)
296. EQ submission [↑](#footnote-ref-297)
297. EQ Submission [↑](#footnote-ref-298)
298. In India, the Criminal Procedure Code (Amendment) Act, 2009 restrains the police from arresting a person for criminal offences for which the maximum sentence is up to seven-year imprisonment impacts many offences for gender specific crimes. [↑](#footnote-ref-299)
299. See generally, (Bardhan, 2005) (Chattopadhyay, 2005) (Duflo, 2004) (Figueras, 2005) (Mukhopadhya, 2004) (Majumdar) (Mukhopadhyay, 2005) [↑](#footnote-ref-300)
300. Shamima Sultana and others vs. Bangladesh and others, Writ petition 3304 of 2003. [↑](#footnote-ref-301)
301. BBC News, Iran 'targeting' women activists 28 February 2008 **retrieved 30/8/12** [↑](#footnote-ref-302)
302. See (Turquet, 2011-2012) 1996 sakshi study on Indian judges attitudes and Population Council on police attitudes also (UN, 2010) on Afghan police. [↑](#footnote-ref-303)
303. See Annexure A [↑](#footnote-ref-304)
304. P.F: India's economy: A Bric hits the wall Economic Times PUNE May 31st 2012, 13:03 [↑](#footnote-ref-305)
305. Tasha [↑](#footnote-ref-306)
306. UN Women submission [↑](#footnote-ref-307)
307. Ibid [↑](#footnote-ref-308)
308. In India, the struggle for the Right to Information Act had Aruna Roy, a prominent women’s activist in the lead committee and the India Against Corruption campaign has Kiran Bedi and Medha Patkar in the lead. Hundreds of women have been active, individually allover India. Corruption is also an issue in Timor L’este and Solomon islands. [↑](#footnote-ref-309)
309. They may promise more egalitarian representation for both women and men. Women perform varied non-traditional roles and learn skills they would otherwise never have learnt. They may perceive women warriors as role-models. Some decide to fight for change Poverty, forcible recruitment, lack of education or other employment opportunities, are all drivers. [↑](#footnote-ref-310)
310. See UN HDR 2010 chapter 3; pp116,117 ; (Sundarayya, 1972) (Tasha, 2010) (Pettigrew, 2004) [↑](#footnote-ref-311)
311. CEDAW Committee expressed concern on “the continued prevalence of violence particularly against *Dalit* women. Similarly, the Committee expressed concerns, particularly on *Dalit* women’s low representation in high-level decision making positions, the public services, the judicial and the diplomatic service, in the National Human Rights Commission and at the local level. (OHCHR, 2011) [↑](#footnote-ref-312)
312. A Truth and Reconciliation Commission, modeled after South Africa's, was launched in 2009 to investigate crimes and address impunity connected to the 1998-2003 violence. Source: Freedom House [↑](#footnote-ref-313)
313. UN Women transitional Justice [↑](#footnote-ref-314)
314. Refer to annexure B for the case studies [↑](#footnote-ref-315)
315. As in the Maoist movements in North-east India, and jn Central and Eastern India, or in Nepal, or in the nealy 35 year long struggle of the LTTE in Sri Lanka. [↑](#footnote-ref-316)
316. (Nalini Burn, 2001) [↑](#footnote-ref-317)
317. Recently, Emerging Leaders Forum Alumni, a group of young Fijian women, were prevented from making their presentation to the public consultation on the Constitution drafting process, convened by the government . APWLD press release 18 th october 2012www.apwld.org accessed 19/10/12 [↑](#footnote-ref-318)
318. Benazir Bhutto was twice accused of corruption, mostly leveled against her husband. [ BBC Country Profile] Macapagal Arrouyo is being tried for electoral fraud. Teresa Cerojano‘Gloria Macapagal Arroyo, Former Philippine President, Charged With Electoral Fraud’ Huffington World Post Manila 11.18.11 www.huffingtonpost.com accessed 20/10/12. Indira Gandhi was called the only man in her cabinet. (Davis, 1997) [↑](#footnote-ref-319)
319. E.g. in Iraq, and Timor L’este [↑](#footnote-ref-320)
320. In 2007 elections Syrian women retained 31 seats (12%) in a system with no quotas or reserved seats due to participated in the regional project supported by UNIFEM. (Waring, 2010) In 2006, an unprecedented number of women candidates participated in the country’s second elections ever held[ 18/207] and one woman was elected unopposed, due to training and media campaigns by NGO’s and the government. (Waring, 2010) [↑](#footnote-ref-321)
321. Gillard speech on sexism forces dictionary to redefine 'misogyny' Wednesday, October 17,2012 Zeenews.com <http://zeenews.india.com/news/world/gillard-speech-on-sexism-forces-dictionary-to-redefine-misogyny_806087.html> accessed 17/10/12 [↑](#footnote-ref-322)
322. In Afghanistan,[ (Constitution, Article 83).] and Nepal. (Constitution, Article 63 [5]).East Timor(Law on Election, Article 12 [3]) Mongolia (Article 27.1,Election of the Parliament ([State](http://www.quotaproject.org/uid/countryview.cfm?ul=en&country=147) Great Hural), December 15, 2011. [↑](#footnote-ref-323)