

Asia Pacific Regional Consultation with UN Special Procedures: *Framing Development Justice*

27-29 October 2013

OVERVIEW OF THE CONSULTATION

Introduction

The 2013 Asia Pacific Regional Consultation with UN Special Procedures (2013 Regional Consultation) provided the space for approximately 45 women activists from thirteen countries in the Asia Pacific to reflect on the challenges that they and their communities face in achieving the full realisation of their economic and social rights. They were invited to articulate the impacts of the current development framework on the enjoyment of their rights and fundamental freedoms, and to envisage a more just and equitable model of development.

Like annual consultations in the past, the 2013 Regional Consultation brought women from the Asia Pacific together with UN Special Procedures mandate holders and UN treaty body experts. Not only did this allow for the documentation of emerging trends and concerns among women in the region and the provision of critical first-hand information on women's economic, social and cultural realities, it also served to strengthen participants' engagement with international mechanisms; their advocacy skills; and their networks.

This report provides an overview of the consultation, including salient points from the presentations and discussions, and makes recommendations to the UN Working Group on the issue of Discrimination against Women in Law and in Practice (UN Working Group). The programme and concept note have been annexed for further reference.

The countries represented at the Consultation were: Indonesia, the Philippines, India, Bangladesh, Myanmar, Vietnam, Pakistan, Sri Lanka, China, Korea, Kazakhstan, Fiji, and Papua New Guinea.

THEMATIC CONCERNS OF THE CONSULTATION

The theme of the 2013 Regional Consultation—Framing Development Justice—coincided with the thematic focus of the UN Working Group in its report to the Human Rights Council in 2014: women's economic and social life. In seeking to assist participants to define a development model that is responsive to their priorities, the Consultation built on AWPLD's framework for development justice, which was recently endorsed by almost 100 civil society organisations from across the Asia Pacific. This model of development justice is framed by five foundational shifts:

- **redistributive justice**, which aims to equitably redistribute resources, wealth, and opportunities;
- **social justice**, which aims to eliminate discrimination, marginalisation, and exclusion;
- **economic justice**, which aims to develop economies that enable dignified lives, accommodate needs, and facilitate capabilities, employment and livelihoods;
- **environmental justice**, which recognises the historical responsibility and corresponding obligations of countries who have principally contributed to environmental crises; and

- **accountability to people**, which requires democratic and just governance that makes institutions accountable to all people.

SUMMARY of KEY FINDINGS

The relevance of this framework was affirmed by the principal concerns raised at the Consultations and the key recommendations made to the Working Group

- The Working Group should expand its field of inquiry and address the discriminatory impact of macro-economic policy making, both globally and nationally;
- The Working Group should pay specific attention to all elements of the decent work agenda, including the provision of a living wage. The focus in this field should be on industries where women are most exploited including informal sectors, domestic work, garment work, agricultural sector and on wage setting mechanisms;
- The Working Group should address the totality of measures which are likely to diminish women's access and control over land and resources including land-grabbing, registration, inheritance;
- The Working Group should address issues of governance and decision making including the exclusion of women from economic policy-making processes and the need for effective accountability.

A cross-cutting concern raised throughout the Consultation was the need for greater integration of women with disabilities in the discussion and decision-making processes connected to each of these issues.

These concerns inform the recommendations that AWPLD wishes to make to the UN Working Group, which promote a human rights-based approach to development and a substantive view of equality.

Neoliberal economic policies

Despite rates of economic growth that have focused international attention on the Asia Pacific, inequality, insecurity, and disadvantage continue to define the experience of the majority of women in the region. Approximately 60%-70% of the world's poor are women,¹ and women's social and economic realities are shaped by the neoliberal economic ideology that has been embraced by the majority of governments. The discriminatory impact on Asia Pacific women of neoliberal economic policies is evident in relation to each of the tenets of neoliberal reform: trade liberalisation; privatisation of public assets and services; and deregulation, particularly of the labour market. Each of these undermines the capacity of governments to respect, protect, and fulfil human rights and has demonstrably contributed to the erosion of the enjoyment of economic and social rights of women in the Asia Pacific. Indeed, a recent Expert Group report for the UN Commission on the Status of Women concluded that "the prevailing neo-liberal economic model is incapable of supporting gender-equitable sustainable development."²

1. Trade liberalisation

Trade liberalisation broadly refers to the abolition of barriers to trade, including tariff and non-tariff barriers, the reduction of domestic subsidies, and the promotion of exports. While these policies may not appear on

¹ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [77].

² UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls (2013) 17.

their face to be discriminatory against women, there is an indirectly discriminatory impact on women who, as a result of embedded gender norms, are more at risk than men of losing their livelihoods.

One way in which the livelihoods of women are undermined is the impact of trade liberalisation on domestic small-scale agriculture. Women make up the overwhelming majority of agricultural workers in the Asia Pacific³ and are widely employed in small-scale or subsistence production. As a result, their welfare is directly affected by imports of cheap agricultural products and the reduction of domestic subsidies, which makes it even more difficult to compete with the large-scale commercial, input-intensive farming of multinational producers. Women are at a particular disadvantage for several reasons: first, structural barriers they face to accessing resources such as credit, technical assistance, and transport significantly constrains the ability of women farmers to compete in open markets and they are frequently the first to lose employment or income. Second, the expansion of export-oriented crops has led to the decreasing availability of land for subsistence agriculture,⁴ making it even more difficult for women to sustain their livelihoods. Research confirms that the promotion of cash crops to improve agricultural efficiency exacerbates the marginalisation of women agricultural workers, as managing cash crops is considered to be a task for men (while subsistence crops are considered “female” crops).⁵ Third, the expansion of commercial agriculture leads to the depletion of communal land and resources, which women frequently rely on for the collection of fuel, water, and fodder for medicinal purposes.⁶ The discriminatory impact on women of a liberalised agriculture sector is also fundamentally tied to women’s inability to own or access land in a number of countries because of legal or customary norms [discussed further in the section below on Access to Land].

Open markets also challenge the viability of women-run or owned small and medium-sized enterprises (SMEs), which account for a significant source of employment for women in the Asia Pacific.⁷ Exposure to foreign competition requires SMEs, which are generally accustomed to operating in a protected market, to quickly adapt operationally and technologically.⁸ A recent report by APEC illuminates the legal and cultural biases faced specifically by women-run or owned SMEs that impede them from accessing trade and growth, including structural barriers to accessing finance, a lack of access to critical information on key issues such as land titling, and the impact of social support systems for businesswomen including childcare and education.⁹ This is backed up by research in 141 countries that documents legal frameworks that support the capacity of men, but not women, to engage in work and set up their own businesses, often through directly discriminatory laws.¹⁰

Finally, as highlighted by the UN Independent Expert on the effects of foreign debt on the enjoyment of human rights, the reduction of trade tariffs means that States—particularly developing States—lose an important source of revenue. This is balanced by reduced public spending and increased taxes which are

³ Women constitute 90% of the rice cultivation work force in South-East Asia, and 70% of the total agricultural force in Asia.

⁴ Jane Korinek, *Trade and Gender: Issues and Interactions*, OECD Trade Policy Papers No. 24 (2005).

⁵ Bharati Sadasivam, *The Impact of Structural Adjustment on Women: A Governance and Human Rights Agenda*, 19 *Human Rights Quarterly* 3 (1997)

⁶ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [70].

⁷ APEC, *The Asia Foundation, Access to Trade and Growth of Women’s SMEs in APEC Developing Economies* (2013); UN Women, *Effects of Trade on Gender Equality in Labour Markets and Small-scale Enterprise* (2010).

⁸ UN Women, *Effects of Trade on Gender Equality in Labour Markets and Small-scale Enterprise* (2010).

⁹ UN Women, *Effects of Trade on Gender Equality in Labour Markets and Small-scale Enterprise* (2010).

¹⁰ Nabila Kabeer, *Women’s economic empowerment and inclusive growth: labour markets and enterprise development* (2012) 13.

frequently regressive. Because women make up the majority of the poor and tend to earn less than men, these policies detrimentally affect women's enjoyment of their economic and social rights.¹¹ Reduction of funding for the public sector also disproportionately affects women because women are overrepresented in the public sector workforce and are most vulnerable to job cuts. As stated by the Independent Expert, women are often the first to lose jobs and the last to be re-hired because they are assumed to be secondary breadwinners.¹²

2. Privatisation of public goods and services

The privatisation of public goods and services is integral to neoliberal economic reform. While it is premised on the idea that private service providers will be more efficient and flexible, privatisation of essential services has in fact exacerbated gender-based inequalities in access to these services and created significant additional stresses for poorer women.¹³

An example of the indirectly discriminatory impact of privatised services is the extra burden women must bear when governments privatise services that affect women's unpaid care work, such as the provision of affordable childcare, health care services, and basic amenities such as piped water. Women in the Asia Pacific are primarily responsible for obtaining and storing water for their families and communities for the purpose of drinking, food preparation, cleaning, washing, and waste disposal. Privatisation of the provision of water—like other utilities—frequently results in price increases or the elimination altogether of services in less profitable areas, which means that poor women may have to travel further to collect potable water, or risk using water of a lower quality that risks exposure to common water-borne illnesses.¹⁴ This can greatly increase the burden on women as caregivers and household providers. Similarly, women are at particular risk when health care is privatised and user fees are introduced. This is because women are at a significant disadvantage when it comes to protecting themselves from, and coping with, ill health. Biological and physical factors as well as violence against women, harmful traditional practices, and the prevalence of poverty among women reinforce women's vulnerability to poor health. The introduction of out-of-pocket health expenditure not only puts access to essential amenities such as contraception out of the reach of many women, it also causes high levels of personal debt that can lead to extreme poverty or homelessness.

3. Deregulation

Market regulations can exist to protect interests of the poor, to protect standards, to protect the environment, to preserve culture. Deregulation requires the removal of price ceilings that may apply to food, agricultural and manufacturing inputs and essential services. Food price increases have been found to have an immediate effect on the rate of maternal malnutrition caused by deeply embedded gender inequalities that mean women

¹¹ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [40], [60].

¹² Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [58].

¹³ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [46]-[51]; UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls (2013) 22.

¹⁴ Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights (2012) UN Doc. A/67/304 [54]-[56].

are the first to reduce calorie intake during economic downturn and the last to increase during stronger economic periods.¹⁵

The deregulation of labour markets and globalised production have significantly re-defined women's work across the Asia Pacific. While the reorientation of economies towards labour-intensive, export-focused industry has increased rates of women's participation in the labour force, Asia continues to have the highest gender pay gap in the world, and the majority of women work in employment that lacks basic security, benefits, and working conditions.¹⁶ In Bangladesh only 14% of all trade union members are reported to be women and one study found that none of the 17 unions had a woman as general secretary and only two had women Presidents. The researchers found that barriers to women's membership and leadership in trade unions included legislative provisions, the structures of trade unions and the culture of patriarchy within workplaces, the community and family.¹⁷

The prevailing perception that the comparative advantage of economies in the Asia Pacific is cheap, flexible labour has generally translated into a gendered demand for labour. For example, garment manufacturing sectors across the region are overwhelmingly comprised of women workers who are generally less unionised and have lower bargaining power over their wages and working conditions.¹⁸ This is apparent in countries like Bangladesh and Cambodia, where women make up over 80% of each country's highly profitable garment manufacturing industry and are paid a fraction of a living wage. In addition to the exploitative conditions under which these women frequently work, workers in these industries are vulnerable to job losses when the competitiveness of local enterprises declines or multinational corporations search for cheaper labour elsewhere.

Labour market deregulation has also diminished the role of national wage setting mechanisms and promotes devolving wage setting to market based mechanisms. Minimum wages, where they exist, are increasingly seen as a safety net, rather than a process to set living wages. Deregulation also places restrictions on freedoms to associate and to strike, prohibits compulsory unionism and makes it difficult to unionise un-unionised and informal sectors.

Women garment workers in Bangladesh

The Consultation naturally considered the experiences of women working in the ready-made garment industry in Bangladesh and heard how women, who comprise over 80% of workers in the sector, are denied their internationally-protected rights in the workplace, including the rights to a fair wage, safe and healthy working conditions, freedom of association, protection of their right to organise, and a broader entitlement to just and favourable working conditions. (continued overpage)

¹⁵ Shrimpton et al, 2009 cited in United Nations Standing Committee on Nutrition, Sixth report on the world nutrition situation,

¹⁶ United Nations, The Millenium Development Goals Report (2009);UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls (2013)8.

¹⁷ Bangladesh Institute of Labour Studies, 'Women's Participation in Trade unions in Bangladesh: Status, Barriers and Overcoming strategies', 2009.

¹⁸ UN Women, Effects of Trade on Gender Equality in Labour Markets and Small-scale Enterprise (2010).

Wages in the Bangladeshi garment sector are the lowest among all the garment sectors in the region and are one of the lowest among major industries in Bangladesh. Even with the newly-formed government Wage Board's offer to raise the monthly salary of workers to Tk 4,000 (approx. USD50), workers would be earning less than a third of a living wage in Bangladesh. The extremely dangerous conditions under which workers operate is clearly illustrated by the recent collapse of Rana Plaza and the numerous factory fires that have swept through garment factories and cumulatively claimed more than a thousand lives. While employment in the garment industry has given many women, particularly from rural areas, a chance to be financially independent for the first time, prevailing cultural norms that dictate that women should not work outside the home and are not entitled to the same rights as men deprive women of the full enjoyment of their newfound independence. Sexual harassment, for example, is prevalent in factories, and Consultation participants discussed cases of compensation paid to female workers being misappropriated by their husbands or husband's families.

Intersections of class and gender inequalities mean the RMG industry has the potential to both reinforce pervasive inequalities as well as shift them. When the RMG industry began in Bangladesh, work there was considered akin to domestic work and employees were often former domestic workers. Women were subjected to harassment and considered 'immoral' when walking to and from work. Trade unions did not regard it as real work and the industry developed as a low paid, unregulated and un-unionised, women dominated industry. Yet over time the women reported a growing respect for garment workers and even changes in their capacity to negotiate dowry payments, the age of marriage and children.

These changes are also taking place without any change in the gender division of unpaid labour in the domestic or care economy, and in the context of reductions in essential services such as healthcare (discussed above) which fundamentally affect women's enjoyment of the right to decent work. Women remain responsible for the unpaid work that sustains their families, including childcare, caring for the sick and elderly, and domestic activities such as food preparation and production, fuel and water collection, etc.¹⁹ Women workers therefore assume a double burden of work which renders their equal enjoyment of a range of rights impossible; not only to decent work, but to education, health, leisure, and participation.²⁰ This is a deeply unequal outcome that is ignored by neoliberal models of growth.

Rural women's unequal burden of work¹

Rural women in the Asia Pacific make a critical contribution to the food security of their communities and comprise the majority of the agricultural workforce in a number of countries.¹ Because of gendered divisions of labour within the household, however, women are also primary care-givers within their households and responsible for sustaining household production. (continued overpage)

¹⁹ Nabila Kabeer, Women's economic empowerment and inclusive growth: labour markets and enterprise development (2012) 16; UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls (2013) 8.

²⁰ UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls (2013) 32.

Poor access to basic services, such as water and sanitation, further intensifies the labour of rural women, extending their hours and burden of work well beyond those of men. For example:

- A study of women in Nepalese hill districts found the women had heavy workloads and high levels of physical vulnerability, working for about 16 hours per day compared to only 9-10 hours for men. In addition to being overworked, the study found that many of these women also were hungry.
- In Pakistan, not only are rural women's responsibilities for water fetching, food preparation, and other household duties physically demanding, but they also rob girls of the opportunity to attend school. Further, the "invisibility" of women as farmers means that dangerous aspects of their work are ignored, such as the detrimental health effects of pesticides on Pakistani cotton pickers who are exclusively female.
- In China, a village study in Yunnan Province found that women are responsible for fetching fuel wood and typically spend two to three hours per day carrying 70-80 kg of fuel wood from far mountainous areas to their homes.
- In Vietnam, while women and men spend roughly the same amount of time on income-generating activities, women were found to spend time as much time as men on household work.

In the last decade, the largest growth in employment for women has been in informal work, particularly domestic work. Domestic work is the most common occupation for women in the Asia, accounting for one-third of all female employment, and up to 90% of domestic workers are women.²¹ Domestic work is also one of the largest drivers of female labour migration in the world.²²

Although domestic work makes a significant contribution to the economic and social development of countries, particularly in the form of remittances, gendered notions of work that link women with the "private" sphere of nurturing and service mean that domestic work is among the lowest paid, least valued, and least organised forms of work. Further, because of the isolation of domestic workers and the lack of recognition of domestic work as a form of employment, domestic work is largely unregulated and labour laws fail to protect the rights of domestic workers. As a result, domestic workers are regularly exploited and abused. Migrant domestic workers are even more vulnerable to exploitation because of their doubly subordinate status as women and as foreigners.²³

The adoption of the ILO Convention on Domestic Workers (C189) in 2011, despite the opposition of India, Bangladesh, and employers organisations, was a critical—albeit imperfect—step towards the protection of domestic workers rights.²⁴ However, governments in Asia have remained resistant to ratifying the Convention and embedding domestic workers rights into their national legal framework; in fact, the Philippines is the only country from the Asia Pacific to ratify the Convention. Bangladesh and Thailand continue to deny domestic workers the right to form their own trade unions, and in Malaysia and Singapore, migrant domestic workers can join local unions but are not permitted to establish their own organisations.²⁵

²¹ APWLD, CARAM-Asia, UFDWRs, *The Right to Unite: A Handbook on Domestic Workers Rights across Asia* (2010) 11; Ip Pui Yui, Asian Domestic Workers' Network, 'Asian Domestic Workers' Network' 2010, available at <<http://en.domesticworkersrights.org/?q=node/3>>

²² UN Population Fund, *The State of World Population 2006: A Passage to hope: Women and International Migration* (2006) 25.

²³ APWLD, CARAM-Asia, UFDWRs, *The Right to Unite: A Handbook on Domestic Workers Rights across Asia* (2010) 13.

²⁴ For analysis of the Convention, see: APWLD, CARAM-Asia, UFDWRs, *The Right to Unite: Analysis of the ILO Proposed Convention and Recommendation on Domestic Work*.

²⁵ ²⁵ HRW, IDW, ITUC, "Claiming Rights: Domestic Workers' Movements and Global Advances for Labour Reform" (2013) 24.

“My employers slapped me on my face, kicked me and pulled my hair, and threw shoes at me. Sometimes they hit me with [a] stick. They said I was too slow. I worked all the time. I had no rest day. Sometimes they would give me dinner but I would not get lunch. I went to bed without food sometimes. My neighbours saw this and they used to give me bread. One day, I jumped from the fence and ran away.” *Chey Srey Lina, Cambodian Domestic Worker recounting her experiences working in Malaysia at age 16.*¹

Access to land and credit

Discriminatory policies and practices that obstruct women’s access to, and control over land are among the primary causes of poverty of rural women in the Asia Pacific. Although women make up the overwhelming majority of subsistence farmers and agricultural producers in the region, including 90% of the rice cultivation workforce in south-east Asia,²⁶ only 5% of agricultural holdings are held by women. Without guaranteed access to land, the food security and livelihoods of rural women are extremely precarious.

Women’s inability to secure their rights to land stem from a number of factors,²⁷ each of which is rooted in directly and indirectly discriminatory laws and norms. The first factor is laws and customs that prohibit women from owning or inheriting land independently of their husbands or male relatives, or that confer ownership on men even when women are custodians of the land. Vandhna Narayan from the Fiji Women’s Crisis Center noted at the Consultation that there are discriminatory land ownership laws in a number of Pacific Island states, such as in Tonga where women are not legally permitted to own land. Second, women’s lower income relative to men frequently precludes them from participating in land transactions. Third, women’s physical vulnerability leaves them open to violence and threats of violence around land deals, such as property-grabbing from widows. Finally, women are systematically excluded from decision-making processes that regulate land ownership and access, whether at a community or State level.

Women’s inability to assert ownership or control over land leaves them particularly vulnerable to corporate and government land-grabbing. This was a particular concern of participants at the Consultation. Approximately 19.2 million hectares of land in Asia have been acquired in deals involving foreign investors in the last decade.²⁸ In PNG, for example, there has been an unprecedented surge in land grabs by foreign companies for the production of palm oil. 5.2 million hectares—an area equivalent to one-tenth of the total land mass of PNG—has been acquired, most of which was community-held forest. Helen Hakena of PNG’s autonomous island of Bougainville, spoke of the particular impact this has on women because of discriminatory gender norms, even though the Island is a matrilineal society. Participants also gave a number of examples of governments encouraging land-grabbing by passing laws to facilitate foreign ownership of land, including in Indonesia and Myanmar.

A connection was also drawn between the acquisition of small farms in Indonesia and an increase in the migration of women to seek work, often resulting in them engaging in extremely insecure forms of

²⁶ Women constitute 90% of the rice cultivation work force in South-East Asia, and 70% of the total agricultural force in Asia.

²⁷ Elizabeth Daley & Sabine Pallas, *Women and Land Deals in Africa and Asia: Weighing the Implications and Changing the Game*, *Feminist Economics* (2013) 6.

²⁸ <http://www.oxfamblogs.org/fp2p/?p=5328> [accessed 24/10/13]

employment, such as domestic work (discussed above). Of 4.2 million Indonesians currently working abroad, 90% are estimated to be women.²⁹

In addition to large-scale land acquisitions, participants from the Philippines, Indonesia, India, Pakistan, Sri Lanka and PNG discussed the impact of development projects on their local communities, encompassing projects funded by governments, international financial institutions, and corporations. They identified numerous violations of women's human rights, including their economic and social rights and right to information, resulting from these projects. The building of a new road—financed by the Asian Development Bank—and the development of tourism infrastructure in Goa was criticised by AWPLD member Albertina Almeida for not respecting the right of affected communities to free, prior and informed consent (FPIC). REDD+ projects in Indonesia were also considered by representatives of Solidaratas Perempuan and GRAIN to frequently fail to engage with forest-based communities in fulfilment of the requirements of FPIC. Contestation of land rights was said to contribute to the increasing number of agrarian conflicts in Indonesia, which have claimed the lives of 44 farmers since 2004.

Participants emphasised the need to integrate gender safeguards into corporate and government policies governing such projects, particularly women's rights to be involved in decision-making processes and consultation. Women in communities must be fully apprised of the risks of projects for their consent to be legitimate. Communal negotiation strategies were identified as an important tool for communities.

Indigenous women and Chevron's geothermal project in Western Uma, Lubuagan, Kalinga

The Cordillera Women's Education Action Research Centre (CWEARC) recently completed a feminist participatory action research project around the impact on the local indigenous community of a geothermal power project in the Western Uma, Lubuagan province of Kalinga in the Philippines. The project is being financed by Chevron and a consortium of 14 foreign and domestic investors (GMC-APEC) and is being implemented in a region in which corporate projects have historically been secured by the military. The Investment Defense Force, for example, is an entity that was formed under the Armed Forces of the Philippines to protect large-scale mining and agricultural operations at the request of corporations. In the past, the militarisation of communities has led to various human rights violations, including the rape and sexual harassment of local women.

In negotiations with Chevron, the Uma tribe have voiced their opposition to the development of the geothermal power project on several grounds. Participants in the research project were convinced that the project will cause them to be displaced from their land and that the land and resources on which they depend for their livelihood and culture will be destroyed. While Chevron only disclosed the advantages of the project to the community, the community is aware that geothermal plants may result in surrounding air, water, soil and crops being polluted by minerals that are ejected by the wastewater disposal and exhaust system. Contact with such chemicals is also harmful to human health and local ecosystems. (continued overpage)

²⁹ Elly Burhini Faizal, 'Returning Migrant Workers dogged by mental problems' Jakarta Post, June 26 2012: <http://www.thejakartapost.com/news/2012/06/26/retu-rning-migrant-workers-dogged-mental-problems.html>

Participants were also concerned that tension between the Uma tribe and a neighbouring tribe, which had not agreed to the project, would be exacerbated if the project went ahead and may lead to conflict. Further, in view of the history of militarisation of project sites in the region, the community fears that the military will be deployed to their community, resulting in various human rights violations as it has in the past. Finally, participants in the research project stated that Chevron's claim (facilitated by the National Commission on Indigenous Peoples) that the community had given its free, prior and informed consent to the project was fraudulent and failed to reflect community consensus.

Women have been at the forefront of community efforts to block Chevron's project, including by leading a human barricade in May 2012 to stop further expansion of Chevron's activities on Uma territory.

According to Chevron's latest press releases, Chevron is expected to start drilling exploratory wells by the end of 2013. Uma women are committed to continuing to resist the project.

Access to credit

The prevalence of micro-finance in countries in the Asia Pacific underscores the status quo of exclusion of women from institutional finance. While proponents of microfinance, including international financial institutions, claim that it provides women with incremental gains in their livelihood, microfinance is not a substitute for institutional credit on normal terms, which is what generally allows productive assets to be created and viable economic activity to flourish.³⁰ Moreover, the microfinance model assumes that women are autonomous borrowers who can make independent decisions; an assumption that ignores the reality of gender dynamics and male dominance in families and households. One study in rural Bangladesh found that, in almost 90% of cases, men controlled the loans that women received and frequently used them for their own purposes.³¹

The impact of micro-finance on women in India—specifically, the role of for-profit institutions in exacerbating women's economic and social vulnerability—was a focus of discussion at the Consultation. Participants called for the regulation of for-profit micro-finance institutions, which frequently charge high interest rates and use coercive methods to ensure repayment. Moreover, there was recognition that the structural causes of women's economic vulnerability needed to be addressed, including government support for women's land ownership; employment assistance for women; and programs to strengthen women's food sovereignty.

Micro-finance in Tamil Nadu

In Tamil Nadu, profit-oriented micro-finance institutions (frequently operating as NGOs) target vulnerable and marginalised women such as Dalits and other minorities. High interest rates charged on loans reportedly push women into deep cycles of indebtedness, frequently forcing them to take out further loans for the purpose of making repayments. The implications of this are devastating: in Tamil Nadu, there have been cases of women discontinuing their children's education to save money and being forced into prostitution in order to meet their debt burden. A recent public hearing in Tamil Nadu documented thirty cases of suicide by women who were unable to repay their loans. Aasha Ramesh, an APWLD member from Tamil Nadu, shared an anecdote about a woman named Laskshmi who had taken out seven loans in order to repay her debt. She ultimately committed suicide after loan sharks harassed her daughters to prostitute themselves to repay their mother's debt

³⁰ UN Women, *Economic Crises and Women's Work: Exploring Progressive Strategies in a Rapidly Changing Environment* (2013) 53-54.

³¹ Lamia Karim, *The Hidden Ways Microfinance Hurts Women* (2012), available at: <<http://www.brandeis.edu/magazine/2012/fall-winter/inquiry/karim.html>>

Participation in policy-making and the demand for accountability

Women in the Asia-Pacific are routinely excluded from spaces in which economic policy is debated and determined, consistent with cultural norms and practices that often confine women to the so-called “private” sphere. A low level of women’s representation in Parliaments in the region is only one aspect of this problem;³² women are in fact marginalised of all levels of political and economic decision-making, including in regional and international fora.

The preference of State and corporate actors to deal with male representatives of local communities was raised at the Consultation by participants from Myanmar and the Philippines. Participants spoke of the denial of women’s involvement in the peace process in Myanmar. If women are unable to participate at this stage of Myanmar’s political transition, it is feared that space for their participation in the post-transitional political context will be completely foreclosed. In the Philippines, community-level governance structures that lead negotiations with companies seeking to access community land or resources are still overwhelmingly dominated by men, despite the formation of women’s organizations within indigenous tribes. As described by Vandhna Narayan, the suppression of women’s voices is facilitated in the Pacific by cultural norms that encourage a culture of silence and acceptance of patriarchal authority. This exclusion is compounded by the fact that documents pertaining to land and other transactions are often difficult for women to access and comprehend.

Consistent with the relegation of women in these processes, participants also expressed the need for accountability for the actions of State and private actors that affect women’s lives. The lack of transparency around the actions of private companies and international financial institutions involved in land acquisitions, for example, was raised by a number of participants. Maria Theresa Lauron, representing IBON International from the Philippines, demanded more democratic governance of multilateral development banks, including increased accountability. Heisoo Shin, Expert Member of the UN Committee on Economic, Social and Cultural Rights confirmed that this is particularly challenging because the means to monitor such institutions is very limited, as no treaty or UN mechanism has been conferred with the authority to do so. In the absence of formal or State-based accountability, Khushi Kabir of Bangladesh’s Nijera Kori spoke of the potential power of community-based mechanisms. Despite the culture of impunity and corruption that normally prevails in Bangladesh, Khushi gave examples of social movements led by women that had achieved significant progress in the fields of education and healthcare, and that had increased the participation of women in dispute-settlement mechanisms and local government structures. Central to these achievements were the use of Public Audits and the enforcement of communities’ right to information.

The potential for information and communications technology (ICT) to provide an unfettered space for women to form cross-community and cross-national alliances, to mobilise, and to articulate their rights and demands was addressed by Nandini Chami, a representative of the India-based organisation IT for Change. Participants agreed that significant opportunities exist for women to explore and strengthen their political identities online, and to challenge traditional suppression of women’s voices. However, it was cautioned that many of the power structures that exist in the real world are replicated in virtual spaces, illustrated by the prevalent commodification of sexuality online and class divisions that are mirrored in access to ICTs.

³² Vandhna Narayan of the Fiji Women’s Crisis Center explained that women’s representation in the parliaments of Pacific Island states was exceptionally low: Women’s representation in Parliament in the Pacific Islands ranges from 0% (Vanuatu, Palau and the Federated Islands of Micronesia) to 6.7% (Tuvalu).

Moreover, governments continue to find ways to restrict and police expression online. In Bangladesh, for example, the 2006 Information and Communication Technology Act allows for the government to prosecute and impose heavy prison sentences on individuals who publish information that the government deems disruptive of public order.³³ Other participants also expressed the concern that a new generation of activists might limit themselves to online forms of activism without participating in broader, more meaningful kinds of mobilisation.

Initial Recommendations to the Working Group

Macro-economic policies and decent work

- Encourage governments to adopt macroeconomic policies aimed to reduce inequalities of wealth, resources and opportunities between rich and poor and between men and women. States should mainstream gender perspectives into economic policies, including revenue-raising and poverty reduction strategies.
- Recommend that governments address shortfalls in domestic revenue by implementing progressive taxation (such as progressive income taxes, capital gains taxes, and financial taxes) rather than through indirect taxes (such as a value-added tax, particularly on necessary consumption items) that disproportionately impact poor women.
- Urge governments in the Asia Pacific to ensure that women are able to fully engage in collective bargaining for the implementation of fair and equal working conditions.
- Urge the international community and governments to commit to living wage setting mechanisms for all industries.
- Urge governments in the Asia Pacific to introduce legislation that, at a minimum, implements the ILO Convention on Domestic Workers, including the right of domestic workers to form trade unions. The rights of migrant workers should be given particular attention, and policies and law should ensure that migrant domestic workers have effective access to regular channels of migration based on actual demand, to prevent smuggling and human trafficking.
- Urge governments to take measures to recognise and redistribute unpaid care work, including measures that promote equal sharing of unpaid care work within and beyond households and families, and promoting free and accessible public services (such as health-care and child-care) that reduce the burden of unpaid care work.
- Urge governments to remove restrictions on trade union formation, membership and representation.
- Urge trade unions to remove structural and cultural barriers to women's membership, participation and leadership within trade unions.
- Urge governments to commit to universal social protection that does not depend on current or past employment status nor on meeting behavioural targets.

Access to land and capital resources

- Investigate the impact on women of large-scale land acquisitions by governments, corporations and multilateral finance institutions (consider doing so jointly with the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises).

³³ Reporters without Borders, Concern about Reinforced Online Censorship Law (27 September 2013) <http://en.rsf.org/bangladesh-concern-about-reinforced-online-27-09-2013,45250.html>

- Urge governments to adopt procedural safeguards to protect the rights of women affected acquisition or expropriation of land. This may include revising tenancy and anti-eviction laws to strengthen tenure security and prevent displacement or dispossession.
- Urge governments to mandate human rights impact assessments with a specific gender focus for all business activities.
- Urge governments to revise laws and practices that directly or indirectly discriminate against women's ability to access capital or access and own land: for example, by reforming discriminatory laws governing marital property and inheritance.
- Investigate the impact on women of profit-oriented micro-finance institutions.

Women's participation in policy-making and the need for accountability

- Urge governments to promote the equal and active participation of women in decision-making processes related to development planning.
- Urge governments to establish transparent and accessible accountability mechanisms to review the actions of government and private actors, and to facilitate public access to information.
- Investigate online spaces that perpetuate and reinforce discrimination against women.
- Urge governments to refrain from policing and surveillance of online activity that represses or punishes women's political and non-political expression.

Recommendations on Working Group Process

- Develop materials that can be shared with States and civil society that clearly define direct and indirect forms of discrimination. This would assist civil society in particular to articulate instances of discrimination that fall within the Working Group's mandate.
- Consider instigating or supporting sub-regional consultations to strengthen the connection between the Working Group and civil society and to make the Working Group more accessible.
- In response to informal requests made during the Consultation, consider reporting on the situation of women in Fiji, Papua New Guinea, Myanmar, and Vietnam.