

Maldives

Chaired by Dr. Rinchen Chopel
Executive Director
National Commission for Women and Children,
Department of Health
Royal Government of Bhutan



H.E. Ms. Zahiya Zareer, Minister, Ministry of Gender, Family Development and Social Security (MGFDSS), Government of Maldives, said that since the Fourth South Asia Regional Ministerial Conference to Commemorate Beijing at Paro, Bhutan in May, 2003, Maldives has concentrated on working towards gender equality and equity. The current gender and development policy broadly focuses on:

- Gender mainstreaming through a structured gender management system for effective inclusion of gender concerns in all policies, programmes and projects so as to ensure gender equality in political and socio-economic development.
- Elimination of all existing gender disparities through effective gender mainstreaming, active promotion of gender equity and equality and, where necessary, affirmative action.

The Minister said that Maldives' priorities for achieving gender equity and equality include: gender mainstreaming and sensitisation, strengthening the gender management systems through capacity-building, advocacy and marketing, increasing male participation in achieving gender equality, identifying present and emerging gender issues to eliminate discrepancies, allow for equity, establish equality and address gender-based violence.

To implement the Beijing Platform for Action (BPFA), the Maldives government has tried to improve and lobby for some of the issues highlighted in the Bhutan Forward-Moving Strategy, 2003. With the recent transition from an empowerment and integration approach to a gender equality and mainstreaming approach, gender issues are now the responsibility of all the Ministries, government departments, NGOs and the private sector and not just the sole responsibility of the Ministry of Gender, Family Development and Social Security.

The Gender and Development Section of the Ministry of Gender, Family Development and Social Security acts as

the lead agency in advocating and mainstreaming of gender issues and promoting women in all spheres of the society. The current National Development Plan reaffirms gender mainstreaming as a priority policy and incorporates gender as a cross-cutting issue. To strengthen the Gender Management System (GMS) established in 2001, gender focal points, members from women's development committees and project staff involved in different development projects of line ministries are being sent for overseas training in gender mainstreaming and analysis.

The Minister informed the forum that a National Gender Policy has been formulated and endorsed by the Cabinet. Gender sensitisation / orientation activities continue to be organized for various government departments at all levels. Also, the first ever codified Family Law came into effect in 2001. In 2004, the Ministry of Gender, Family Development and Social Security carried out a review of the impact of the law. The findings of the review, to be published shortly, will be used for advocacy and legal reform.

The literacy rate of Maldivian women, at over 95%, is among the highest in South Asia. There are no differences in the school enrolment rates between boys and girls at primary and secondary levels. Although there are fewer women in tertiary and vocational education, the number of women completing higher education is growing at a steady rate. There is no discrimination in the access to educational opportunities but geographical and social factors hinder the girls' attainment rates and also their ability to utilise the available facilities.

The Minister reported that the country has made considerable advances in health over the last decades which is reflected by the increase in life expectancy rates for both sexes-71 years for women and 70 for men in 2003 and decrease in maternal and infant mortality rates. Although the Maternal Mortality Rate (MMR) has been gradually decreasing in recent years, it is still at 97 per 100,000 live births in the year 2003. The high MMR can be attributed to the difficulties in providing maternal health service and facilities due to the geographical constraints and lack of human resources. The government recognises that the health of mothers and children is a priority area and a number of measures are being implemented in the area of maternal, child and reproductive health (RH) and family planning (FP). The areas of focus include nutrition, disease control and immunization, maternal and child health, reproductive health and family planning and, food safety.

To protect and preserve the human rights of its citizens, the Human Rights Commission of Maldives (HRCM) was formed by a Presidential Decree in December, 2003. The HRCM is in accordance with the Islamic jurisprudence, the constitution of Maldives and international covenants. To

give the commission more autonomy and legal status, a bill has been submitted to the Parliament and is currently under discussion.

With regard to violence and women, the government mentioned that a qualitative study on the incidence of violence and the Maldivian societies, attitudes and cultural practices has been conducted in 2004 and its preliminary findings have been disseminated to stakeholders. The main focus of the Ministry at present is to establish a multi-sectoral support system to address gender-based violence and assist the victims of violence based on an action plan that was drawn up in consultation with medical doctors, judicial personnel, NGOs, community activists and the staff of MGFDDSS. As per the Action Plan, social workers (male and female) were trained at the community-level to assist victims of violence. Consultations and sensitisation trainings were conducted with health sector personnel in 2004, to establish a mechanism of treatment and referral for victims of violence. Nurses from the main teaching hospital in the capital and twelve regional hospitals were trained in 2004 to provide initial counselling sessions for victims being treated at the hospital. Consultation and sensitisation workshops have been carried out with health and legal personnel as well as the police and women development committees. In addition, the Government mentioned that the Attorney General's Office, with the help of international consultants, is reviewing the current legislation from a gender perspective. It is also reviewing and recasting the criminal justice and juvenile justice system.

The Government of Maldives had ratified CEDAW in 1993. A multi-sector action plan has been formulated in order to incorporate the principles of CEDAW in all the government sectors. The government is currently studying its laws in relation to CEDAW and other relevant standards. The combined second and third CEDAW report has been prepared. The government was pleased to announce that MGFDDSS is seeking to broaden its commitment to CEDAW by acceding to the Optional Protocol Convention which will reinforce the rights of women in the domestic sphere as set forth in CEDAW.

The Minister reported further that the number of women at the professional and decision-making levels has been slowly increasing, due to the increase in girls completing tertiary and technical education. Women from three atolls successfully participated in the leadership training course specifically designed for decision-makers at the island-level. Although the number of women in decision-making is still low, the fact that women are being appointed as atoll chief, island chiefs and heads of economic institutions shows that there is a greater acceptance of women assuming posts which were traditionally ascribed only to men.

To sensitise the media, from 2003, a series of gender sensitisation workshops have been held each year for media personnel from television, radio, print media, filmmakers, actors, actresses and others from the performing arts to advocate on gender issues such as violence against women, male participation and women's rights and, responsibilities in religion and law. To promote women's rights, Maldives' biannual magazine *Hiyala*, containing information on the islands and situation of women elsewhere in the world, is published and distributed to all government departments, schools, NGOs, wards and island women's development committees.

A major challenge has been the aftermath of the December, 2004 tsunami that displaced thousands of people with thirteen islands having to be evacuated. The tsunami destroyed infrastructure and affected service delivery. Livelihoods, particularly of women, have been affected as tools and implements have been washed away. Few livelihood opportunities for women in the islands and restricted mobility means limited alternative sources of income. Misconceptions and traditional beliefs about gender equality, coupled with the geographical constraints, hamper development efforts.

The Ministry of Gender, Family Development, and Social Security does not have adequate technical capacity and resources to carry out its gender mainstreaming and advocacy mandate and needs to be strengthened.

Response from Civil Society

Ms. Husna Razee, Executive Member, Foundation for the Advancement of Self-Help in Attaining Needs (FASHAN), congratulated the Government of Maldives for its commitment to gender equality. She noted the progress made in terms of mechanisms to empower women for gender equity, in particular, the actions taken related to gender mainstreaming, institutionalising women's development and engendering media. Ms. Razee observed that the most significant intervention has been in the area of violence against women. Even as recent as two years ago, this was an area that was shrouded in a 'culture of silence'. However, violence against women has now been officially recognised as a problem. It is being addressed in the public media and a survey has been implemented to assess the situation. This is a major step as acknowledging a problem is the first step to addressing the problem and successfully resolving it.

While commending the progress made in implementing the Beijing Platform for Action, Ms. Razee pointed out a few areas where there is a need for concerted efforts if Maldives is to successfully meet the commitments of the BPFA. These are:

Political Participation

While there has been some progress in the area of political empowerment of women, only two of the eighteen cabinet Ministers are women, holding portfolios which are traditionally considered as women's domains (health and gender). The government needs to introduce affirmative action, especially for representation in the parliament, to ensure more equal representation of women in politics, otherwise, she feared it would take a long time for women's development. At the same time, there is a need to provide support, in terms of information and resources that enable women to be politically active and not silent participants. Support should also include skills required for advocating for gender equality

and effective representation of women's needs in political fora.

Research

Ms. Razee also suggested research to assess the effectiveness of strategies and mechanisms that are in place in the Maldives, as the country report is not clear as to how effective these strategies are in terms of achieving gender equality. Research, especially in relation to engendering media, empowerment of women, institutionalising women's development and the impact of all gender sensitisation activities to assess the effectiveness of measures that are in place is critical to achieving the goals.

Nepal

Chaired by Dr. Rinchen Chopel
Executive Director
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H.E. Ms. Durga Shreshta, Minister, Ministry of Women, Children and Social Welfare, Government of Nepal, expressed her appreciation of the efforts of UNIFEM South Asia region in organising this forum for promoting regular interaction between the South Asian countries for the successful implementation of the Beijing Platform for Action. On behalf of the delegation of Nepal, she also thanked the Government of Pakistan for hosting the meeting and took the opportunity to reiterate Nepal's commitment to the Beijing Platform for Action (BPFA).

The Minister stated that poverty, malnutrition, illiteracy, lack of adequate maternity and reproductive health services, trafficking in women and girls and HIV/ AIDS has crippled the living conditions of millions of women and children, particularly in the developing countries. These problems are more acute in the conflict-ridden countries, where women and children are the ones most affected by conflict, violence and anarchy.



Nepal is a signatory to the CEDAW and CRC, and submits regular periodic reports to the various committees. Nepal also played a key role in preparing the SAARC Convention Against Human Trafficking and is active in the regional and international fora for promoting gender equality.

At the national level, the meeting was informed that Nepal is guided by the internal situation of gender disparity including social, economic and legal discrimination against women. Gender equality has been a policy priority and one of the instruments for alleviating poverty, especially among women, and a multi-pronged approach has been adopted in this regard, which includes affirmative action, legal instruments and a National Plan of Action. The NPA adopted in 1997 and updated in 2004 is under implementation and addresses the twelve key areas

of concern. There is a national action plan against trafficking of women and girls for sexual and labour exploitation and an action plan for CEDAW. A ten-year national plan has just been formulated for the protection of child rights. Several institutional mechanisms have been set in place by His Majesty's Government for the overall advancement of women. These include the Ministry of Women, Children and Social Welfare, the National Coordination Committee and the National Women's Commission.

The government programmes and plans focus on livelihood, health, education, minimising the effects of conflict within the society and creation of an enabling environment to replicate and expand its best practices. The government is guided in its programmes by the BPFA and the MDGs.

The Minister mentioned that Nepal's 10th Five-Year Plan's primary goal is poverty alleviation. This plan aims to reduce poverty and the whole document is gender-sensitive. The document, for the first time in the history of Nepal, is using the Gender Development Index (GDI) as one of the indicators of poverty alleviation. The 10th Five-Year Plan has a three-pronged approach to mainstream women.

In 2002, the Ministry of Women and Social Welfare was renamed to include children. The Ministry has the mandate to formulate policy and action plans, including coordination and monitoring of all the concerned sectoral programmes/agencies.

The Minister mentioned that the government has gender focal points (in all the government agencies) which act as an implementation arm of the Ministry. The Ministry, currently, has a Department of Women's Development, which runs a women's development programme through its field office in all seventy-five districts of the country. In addition, various committees have been formed at various levels from national to village levels, for example: the National Coordination Committee for Women's Development, chaired by the Minister for Women, Children and Social Welfare, National, District and Municipality/Village Level Task Forces (against Trafficking of women and children), Central Child Welfare Board in 75 districts of the country. Recently, Gender Management Committee, which reports to the National Planning Commission, has been formed for the overall management of gender-related issues. Women and Children Cells have been established at the headquarters of Nepal's nineteen police stations, with a view of subjecting the offender to thorough police interrogation. In addition, Women's Development Offices in seventy-five districts, under the department of Women's Development, are the key gender focal points for ensuring coordination and monitoring of gender-related activities in various institutions.

The Government informed the forum that Nepal had ratified the CEDAW Convention. Presently, Nepal has prepared a gender equality draft bill which is in the process of being approved. Also, a new act to control domestic violence, sexual harassment, witchcraft and dowry systems is in the process of being formulated.

In 2001, Nepal signed the Yokohama Global Commitment to ensure the human rights of children by preventing them from being trafficked and abused. In addition, Nepal is a signatory to the SAARC Regional Convention on Combating Trafficking of Women and Children for Prostitution.

Joint Initiative Against Trafficking (JIT) is a project which is aimed at controlling trafficking of women and children. This project's activities are being carried out at the national, district and community levels and focuses on capacity-building, training, establishing and managing rehabilitation homes for trafficking survivors and, development and dissemination of IEC materials. In addition, the government is running a gender-responsive governance programme aimed to uplift the status of women.

The Minister stated that while Nepal has made significant progress in increasing female life expectancy and improving female literacy levels as well as primary and secondary completion rates, large gender gaps persist. The 11th Amendment in the Civil Code of Nepal guarantees women reproductive rights including abortion in certain circumstances. In addition, it gives equal rights of inheritance to property between son and daughter.

A comprehensive minimum standard for the care and support of children and women in need of special protection has been prepared basically aimed at safeguarding their rights. On the same lines, Citizen Charters are prepared and implemented for ensuring the service to needy women and children.

With regard to women's political participation, the Minister stated that according to the Local Self-Governance Act of 1999, there is a provision of 20% representation of women in the local bodies. Therefore, approximately 40,000 women can participate in the local body's elections.

The Ministry is imparting gender-sensitive training, seminars and workshops for women to prepare them for the final exams of the Public Service Commission. Recognizing that women's representation in the Civil service is very low, the Government has set a target of 20% women at the decision-making level through the introduction of affirmative actions. The Government has a postgraduate scholarship programme in Women's Studies for poor girl students.

The Minister especially mentioned some of the initiatives undertaken with the support of UNIFEM, including gender audit and budgeting, engendering the census process, creating a sex-disaggregated database and, advocacy programmes.

The Minister noted that the long period of conflict and acts of terrorism in the country have created security issues that have resulted in social and economic problems and that women and children were most severely affected by the armed conflict. It was observed that their rights to education, health, among others, have been affected.

The Minister concluded with the remarks that development and gender equality can only be achieved in the context of peace and, therefore, peace and security is the main national agenda.

Response from Civil Society

Dr. Ava Shrestha, Gender Specialist (SAMANATA), Ms. Sapna Malla Pradhan, (Forum for Women, Law and Development) and Ms. Tula Lata Amatya (Beyond Beijing Committee) made a number of useful comments.



Nepal's 10th Plan is based on the PRSP which draws from the Medium-Term Expenditure Framework (MTEF) and MDGs which require an engendering process. The Government of Nepal recently calculated the requirements for achieving MDGs in respect to agriculture, education, health and drinking water which revealed gaps. There are not enough resources available and it has implications for women as resources will be readjusted from programmes to meet the gaps in the targets for the MDGs.

There was also the question of ownership. The civil society participants from Nepal were of the view that the National Planning Commission and UN agencies should not be the only agencies who should own the MDG process in the country. Further, that all the ministries should not only have knowledge of what MDGs are but also on how to integrate them into the overall development planning process.

Concern was expressed at the gender dimensions of the continuing conflict, which should not only be seen as a

security issue. A decrease in the age at marriage has been noticed, as young girls were being married off to protect them from kidnappings. Parents marry them off to security forces that move into an area temporarily and when they leave, they abandon the women and the children. These children do not know who their fathers are. Parents also give away their daughters to the insurgents, in order to protect and save their son. Rape and violence against women has become an everyday occurrence. Trafficking of women and children, especially girl children, is also on the rise. The issue of citizenship of children of trafficked and abandoned women is also a concern.

There were many problems for single women and Dalit women displaced through armed conflict. The number of orphans and widows has increased, requiring rigorous interventions to address their problems. There is a need for employment opportunities and training for rehabilitation of trafficked women. Similarly, increasing violence in society is reflected in the increase in domestic violence, harassment and sexual abuse in the home and the workplace, which needs to be addressed.

Pakistan

Chaired by H.E. Ms. Khurshid Zahan Haque
Minister of Women & Children's Affairs
Government of Bangladesh

Mr. Suhail Safdar, Secretary, Ministry of Women Development, Government of Pakistan, noted that Pakistan had taken a number of actions in line with its commitment to the Beijing Platform for Action. The Government had identified four priority areas for women's empowerment, e.g. political, legal, economic and social empowerment. Pakistan's National Plan of Action for the twelve critical areas of concern of the BPFA lists 184 actions, of which fifty-nine are policy-oriented actions, twenty-five are legislative actions and a hundred are finance-related. There is a National Policy for Development and Empowerment of Women, which was announced in 2002. A National Commission on the Status of Women was set up in 2000.

The five-year assessment of progress against the MDGs in Pakistan shows that there has been significant progress in terms of political participation of women, while areas of concern are maternal mortality, literacy, sanitation, and access to safe drinking water. These areas have been identified by organisations and bodies working in the social sector and also by the Pakistan Development Forum who examined the overall policy and planning of the government.

Pakistan had approximately 47 million people below the poverty line. The Government recognises the different dimensions of poverty, inclusive of, but not limited to, income poverty, such as lack of opportunities for educational advancement, appropriate health facilities, poverty of opportunity in general and employment opportunities. Pakistan's Poverty Alleviation Programme is attempting to address all these various aspects of poverty. There is an extensive programme of Bait-ul-Mal worth over Rs.7 billion which provides safety nets to 1.2 million households or approximately 8 million persons, including women. The First Women's Bank, a dedicated institution created by the Government of Pakistan in 1985, provides credit to women entrepreneurs. Micro-finance is also undertaken through the Khushali Bank,

which has a presence in 64 of the 104 districts in the country. Also, the Pakistan Poverty Alleviation Fund provides funds to institutions that provide micro-finance. The government regulates all the micro-credit institutions through the State Bank of Pakistan in accordance with the Micro-Finance Ordinance.

To address rural poverty, the Government had created a special fund, e.g. National Fund for Rural Women with Rupees 100 million to support women below the poverty line. Three model projects of micro-finance initiative have been launched and the focus is to add value in the production chain through capacity-building and vocational training. For example, there is a project to support fishermen's wives in preserving and/or refrigerating the produce and, linking them to the national markets and eventually to the international export markets. Under the Jafakash Aurat Programme for rural women, three projects have been approved for disbursement of credit to groups of women without collateral.

The Government of Pakistan has launched the education sector reforms and the 'Education for All' policy. The education policies are aimed at reducing the gender gap in primary and higher education. Through legislation, compulsory primary education has been introduced in all provinces and federally-administered tribal Areas. Curriculum reforms from grades one to twelve have been undertaken. Between 1994 to 1998, female literacy grew at 38% compared to male literacy which grew at 16%. The non-formal schooling system provides basic education with more girls enrolled (75%). Free text books have been provided in the largest province, Punjab, to approximately 90% of the middle schools. The GDP allocation on education is increased to 2.7% in 2004 and, next year, the spending on education will cross 3% of the total GDP. Public-private partnership in education is encouraging and, currently, the private sector is meeting 21% of the countries' educational requirements. However, there are challenges, e.g. only 37% of primary teachers are women, 45% of primary schools are girls' schools, 70% of the girls are non-literate and, the female survival rate in grade five is just 44% and the overall survival rate is 50%.

The Secretary stated that the health indicators for women were not encouraging. The maternal mortality rate remains high at 350 women per 100,000 live births, and approximately 20,000 women die due to pregnancy-related causes each year. There are only fifteen doctors for every 10,000 population. The expenditure on health and especially reproductive health as a percentage of GNP remains low. A successful intervention has been the Lady Health Workers Programme of the Ministry of Health through which comprehensive health services are provided to women and children at the community-level. There are 80,000 Lady Health Workers at present and the



number will be raised to 100,000 by the end of 2005. The National Health Policy and the National Population Policy both have a focus on maternal and neo-natal health. The Health Policy also aims to improve primary and tertiary level care, remove the urban rural bias in services and promote public-private partnerships to achieve its goal of 'Health for All'.

The Government is working towards a zero-tolerance policy with regards to violence against women. To deal with this issue effectively, the government is working with all the stakeholders and, the committees and institutions set up to address violence against women at the national and the provincial levels. Crisis centres have been set up and more are planned. These have to be strengthened, formalised as well as linked with multiple agencies, e.g. health, police and legal agencies. Separate complaint cells have been established for women and are being introduced in all police stations. The previous experience of having dedicated women police stations did not prove to be an effective strategy. Legislation has been passed criminalising honour killings and various other discriminatory practices. Discriminatory laws are being reviewed for amendments.

The government has set up a Women's Chambers of Commerce for women entrepreneurs and the 'Small and Medium Enterprise Development Authority (SMEDA) has a special cell for providing micro-credit to women entrepreneurs. The Rural Support Programmes and the Pakistan Poverty Alleviation Fund is trying to mainstream women into economic and social development activities. Labour force participation rates for women lag behind men but are gradually improving. Proper education and training of women is not yet a reality. Socio-cultural norms that marginalise women's productive role remain a challenge and, lack of secure mobility, childcare facilities, among others, hinder women's fuller participation in the economy. The Ministry of Women Development plans to submit a proposal for the full adoption of UN System of National Accounts.

With regard to women and decision-making, women's representation in parliament is 22% in the National Assembly and 17% in the Senate. There are seven women ministers, eighteen senators, seventy-four members of the National Assembly and one-hundred forty-one members of the provincial assemblies. One third (33%) of seats in local government are reserved for women and 36,105 women councillors were elected to the local bodies in 2000. To encourage and train women politicians, the Ministry had initiated a Women's Political Participation Programme, which has evolved as the Women's Political School in its second phase. The idea of the Women's Political School was to institutionalise women's political participation. It is a novel idea which consists of a virtual school based on the philosophy of mentoring and

nurturing. Six modules have been developed to provide training to women councillors at the local tiers of the government. The purpose is to empower women in public offices so that they can set their own agendas. Its \$4.5 million programme was launched in October last year, for a three-year period.

To encourage women's employment in the public sector, the Government has approved 10% quotas in the civil service for women over and above the open competition. There is a 5% mandatory quota for women in all recruitment across the Government. The government has proposed that in the corporate sector, there must be at least one woman on the Board of Directors.

The Government was pleased to dedicate a national machinery to the empowerment of women, the only country in the region to do so. Other portfolios concerning Children or Social Welfare are no longer combined with it. This re-organization took place in September, 2004. There is a need for strengthening the Ministry and improving the status of women. The Ministry has initiated gender reforms through a programme designed over a period of eighteen months in consultation with all the stakeholders, e.g. civil society, government, NGOs and donor agencies. Through the programme, the 'Gender Reform Action Plans' (GRAPs) will be incorporated in the governance structure of the country. The GRAPs will facilitate, in partnership with various Government departments, the design, analysis and implementation of programmes and projects with a gender perspective. In the first phase, the Government plans to have institutional structuring policy, physical reforms and capacity development initiatives. In phase II, women's political participation amendments will be made to the electoral system. For example, reform on the political participation process through amendments in the political parties' act, electoral reforms and institutional reforms, e.g. changing the very rules of business of the Government. In the first phase, the government has selected six ministries, e.g. Establishment, Information and Planning etc. to undertake the initiatives. The Election Commission and the National Commission on the Status of Women are the implementing partners.

An inter-ministerial gender mainstreaming committee, chaired by the Advisor of the Ministry of Women's Development, will meet every six months to report on the progress with regard to gender sensitisation and mainstreaming in their respective ministries and departments. A gender-budgeting initiative has been undertaken with the Ministry of Finance and Planning.

The Secretary noted that women are playing an increasingly active and prominent role in the media. All PTV (the state-run television) stations have special programmes devoted to women, their issues and concerns and, its women employees are sent regularly on deputation

to BBC and VOA to enhance their skills. A gender-sensitive code of ethics for media exists and there is, likewise, one for the advertising industry to prevent disrespectful & insensitive portrayal of women. Leading newspapers and electronic media allocate more space for women's issues and there is an increase in initiatives of women's media groups, media watchdogs, etc. However, there are challenges. The vernacular and regional press persists in insensitive portrayal of women. Advertising industry does not always adhere to the "code of ethics".

Reporting on the status of women and the environment, the Secretary disclosed that the Ministry of Environment is drafting a gender strategy on environment that requires all programmes to be gender-sensitive and ensure participation of women in all phases of environmental projects and policies. A sex-disaggregated environmental database is planned. Awareness of gender perspectives in the environment has improved and there is increased research on environmental issues, including issues on women and environment. The increase in demand for capacity-building on environment issues is a positive trend.

The National Commission on Child Welfare and Development is the national machinery for promotion and protection of the rights of the child, particularly the girl child. Education indicators show improvements, in some aspects more for the girl child than for the boy child. The Government initiated the Tawana Pakistan School feeding programme for girls in twenty-nine poorest districts of Pakistan, targeting more than half a million girls with the objective of providing nutrition and increasing enrolment.

In conclusion, the Secretary emphasised that the Government of Pakistan is fully cognisant that women's rights are human rights and is striving to ensure them.

Response from Civil Society

Ms. Khawar Mumtaz, Shirkat Gah Collective, acknowledged the efforts of the Government since Beijing, including the recognition at an official level of the problems women face. Ms. Khawar asserted that the development of the National Plan of Action had been a collaborative exercise between the Government and civil society, reflecting civil society perspectives. She commended the Government for the initiatives taken and the ones being planned, especially the gender-budgeting and the electoral reforms. However, there are fundamental structural issues which were impeding women in all spheres of life, some inherited from the system and others are customs and practices that have been re-enforced through legal means, specifically the discriminatory legislation that has to be repealed as recommended by the National Commission on the Status of Women.



Concern was expressed at the fate of projects and initiatives that tend to collapse when the project ends. The need is to mainstream these into the planning process and to assimilate the activities into the line departments. Also, knowledge from the federal level does not always trickle down to the local level, for example, MDGs were not known at the local level.

Maria Rashid, Rozan, commended the Government for setting up crisis centres to respond to women in need and cautioned that the physical infrastructure is only the first step but, trained staff that is able to respond to the psychological needs of survivors of violence and provide rehabilitation support is crucial.

Shamim Kazmi, Association of Business, Professional and Agricultural Women (ABPAW), stated that the Women's Political School is a good concept but that men also need training, particularly with reference to creating an enabling political space for women and men.

Khalida Saleemi, SACH, appreciated the Government and NGO collaboration and, commented that both the Government and NGOs have to learn to work together to address difficult issues like protection.

Dr. Farzana Bari, Pattan, commented that violence against women is a structural issue that requires a comprehensive mechanism including legislation and the support structures. She suggested that the Government should not address it at only a functional and superficial level.

Participants wanted to know the proportion of the national budget that is allocated to the Ministry of Women Development, whether it has increased or decreased and the reasons for it. There was also concern on the delay in the appointment of a Chair for the National Commission on Women.

In the response to the issues raised, the Government agreed that structural issues needed to be addressed and stated that there is a need to strengthen all the institutions, including the Ministry of Women Development and the National Commission on the Status of Women. The delay in the nomination of the Chair was a result of the transparent, non-political process adopted by the Ministry. The Government undertook pilot projects but,

expected that the support agencies would replicate them. The Government reported that the provincial government in Punjab plans to have crisis centres for women in all its districts over the next two years, and these will become sustainable as a permanent fund has been created for it. The provincial governments, donors and philanthropic organizations will be requested to contribute to it as well.

The Secretary stated that while the Ministry required more resources, that is not the only criteria for ensuring that the gender agenda is implemented. The implementing ministries for each sector should have larger budgets for gender.

Sri Lanka

Chaired by H.E. Ms. Khurshid Zahan Haque
Minister of Women & Children's Affairs
Government of Bangladesh

Ms. Sita Rajapakse, Secretary, Ministry of Women's Empowerment and Social Welfare, Government of Sri Lanka, emphasised the commitment of the Government of Sri Lanka to the Beijing Platform for Action by referring to the National Plan of Action, aimed at coordinating and monitoring the work of the state agencies as well as evaluating their performance in terms of the Beijing Platform for Action. Sri Lanka is a signatory to most of the UN Conventions including the Optional Protocol of CEDAW.

The Secretary stated that the period under review was characterized by the growing attention paid to the promotion of women's rights, actions taken to mitigate violence against women and promote their empowerment. This has resulted in a phenomenal increase in the participation of women in education and socio-economic activities. Community-based initiatives bear testimony to the visible empowerment of women in the rural sector.

Numerous far-reaching policies and legislative changes have been introduced to ensure promotion of the rights of women. A women's rights bill has been drafted to strengthen the institutional arrangements for monitoring women's rights.

The Government stated that studies undertaken on gender-responsive budgeting have paved the way for the Government to allocate 10% of the Ministry's budgets for programmes to improve the status of women. The national budget of 2005 has made provisions to extend maternity leave benefits from the previous period of three months to nine months. Three months with full pay, three months with half pay and three months with no pay. The earlier regulation providing this facility for the first two live births has been extended to cover all live births. The new regulations also provide the continuance of payments of half salary for the widows of soldiers in the event of their remarriage.



The Secretary mentioned that important legislations have been introduced in favour of women, the most notable being the Penal Code amendments, introducing punishment for offences hitherto not included and increasing punishment for sexual offences. The Domestic Violence Bill was presented to Parliament in February 2005 and will be presented again with proposed amendments. With regard to the elimination of sexual and gender-based violence, steps have been taken to establish police desks for women and children. To carry out their work effectively, the law enforcement agencies, mainly the police, the army and the judiciary have been gender-sensitised. Discrimination against women in land and property has been eliminated through amendments and citizenship laws as well as the land development ordinance.

Sri Lanka has a literacy rate of 97% for women. Girl's participation in primary and secondary education has surpassed that of the boys'. In 1998, Sri Lanka made education compulsory for ages 5-14 years, with equitable education facilities for both boys and girls. Gender parity, as given in the MDG goals, has been achieved already. Enrolment of girls in schools has increased from 49.9% in 1997 to 50% in 2001. The percentage of women students at university has increased from 44% in 1996 to 51.5% in 2002. Women's participation in arts and law courses is very high (60-70%) and very low in engineering and technical subjects (16% in 2002). There is also a tendency of more women joining secretarial and commerce courses. The gender gap in the IT field is also gradually narrowing.

An enlightened health policy providing free health services and easily accessible island-wide network of primary health care services has contributed significantly to the promotion of women's health. Gender equity is maintained in the new reproductive health policy. More emphasis was paid during this decade to awareness-raising on reproductive rights, girls working in the free trade zone and vulnerable groups. The Government also introduced 330 well-women clinics for women between thirty and sixty years and, wider coverage to control STD and AIDS.

Participation of women in the labour force has risen to 34% in 2003. Women have secured one-third of government sector jobs and nearly 50% of the jobs in the private sector. The majority of the 45,000 graduates recruited for the public service are women. In the last ten years, there has been a visible rise in women's participation in agriculture, fisheries and forestry.

Expansion of the industrial sector and employment opportunities to the Middle East and other countries in the wake of globalization has provided accelerated employment opportunities for skilled and unskilled women. Women account for 65% of the jobs in the

industrial sector as skilled and unskilled labourers. In these vocations, they are subject to unhygienic living conditions, occupational health hazards, insecurity, long hours of work, gender subordination and sexual harassment. The Ministry of Women's Affairs set up a hostel that accommodated 300 girls working in the Free Trade Zone area in 2001.

The Government stated that it enacted laws to regulate employment agencies in 1997 to safeguard the rights of migrant workers. The law stipulates that contracts entered into by migrant workers and foreign agencies should be binding by law and, embassies in the recruiting countries should register these agencies. In addition, the Sri Lankan Foreign Employment Bureau expanded its activities to oversee the welfare of migrant women by providing education to their children, pre-departure training, free insurance and appointing welfare officers in the receiving countries who would look into their problems.

With regard to the informal sector, women are engaged in self-employment activities of poverty-alleviation programmes conducted by the Ministry of Samurdhi, Ministry of Empowerment and Social Welfare and the Ministry of Skill Development. Samurdhi, the main poverty alleviation programme of the Government, was started in 1995, covering approximately 1.8 million population and provided income-transfer, compulsory saving insurance cover and credit for self-employment. The policy framework for the Government prepared in year 2000 specifies that economic growth is the main means to alleviate poverty. The policy and the programmes are gender neutral but in all these poverty alleviation programmes, women constitute 80% of the participants. These poverty alleviation programmes were a model for smaller groups at the village level and formalised access to credit and savings. The Women's Bureau has established Women's Banks for micro-credit and expanded them to nine divisions with a membership of 4,250 since 2001. The accumulated savings amount to Rs. 3 million. The State and private banks have started exclusive credit schemes for women on concessional rates or loan schemes.

With regard to women's political participation, the Secretary said that women's participation in parliament is 4%, in provincial councils 2% and only 1.7% in Pradesha Sava. As a result of lobbying since 1995 both by government institutions and civil society groups, the cabinet had approved a 33% quota, in principle, for local government institutions this year. However, culture, tradition, money and 'muscle-power' retard the upward mobility of women in power-sharing and decision-making, especially in politics. Women's representation at the highest decision-making levels is gradually improving but the gap is still sizeable, particularly in politics.

In terms of women's workforce participation, the Secretary claimed that in 1997, women consisted of 9% senior officials and managers, 10% professionals, 20.3% in the judiciary and 13% in universities. Women have penetrated the exclusive fields occupied by men such as the armed forces, though in small numbers.

Sexual and gender-based violence received the highest priority from the Government in the recent years. In addition to legal measures, the Ministry of Women's Affairs and NGOs created awareness on the issues through media campaigns, development of database, lobbying for policy changes and expansion of counselling and shelters for women. The National Committee on Women established a gender complaint centre in 1999 and the Human Rights Commission (established in 1995) also responds to gender complaints, resolved through conciliation and mediation. The National Committee on Women and the Women's Bureau conducts legal literacy and awareness programmes for the community to deal with violence at the community-level. Law enforcement officers, particularly police, and the judiciary have been sensitised through workshops in implementing the reformed laws that address violence against women. The Women's Bureau handles psychosocial problems of women in the Free Trade Zone areas through seven Counselling Centres.

Internal conflict, on-going for over 18 years now, has affected women in the form of loss of life, loss of loved ones, displacement and psychological trauma. The number of war widows is approximately 50,000 and 300,000 internally displaced persons are living in camps. About 80% of these refugees are women and children. The ceasefire agreement between the Government and LTTE took place in 2002, with a view to establishing peace in the country. A separate gender sub-committee to advise the main committee handling the peace process was appointed to help resolve gender issues.

Sri Lanka has prepared several programmes and action plans for the development and protection of the environment, which has a direct bearing on women as caretakers of the environment. Women's participation was evident in the committee of water supply, sanitation projects and clean settlement projects for the urban poor.

The Government of Sri Lanka noted that the progress in education, health and human development is quite impressive. However, socio-cultural and patriarchal norms hinder women's empowerment. The government was concerned in particular about violence against women and recognises that effective advocacy with law enforcement agencies and civil society is needed. It must also be ensured that victims are able to report violence and seek help. Illegal abortions, malnutrition in children and

pregnant or lactating mothers, lack of awareness of HIV/AIDS are health issues that require attention.

Women need more opportunities to participate in the peace-making processes. The impact of globalisation on women's livelihoods, retrenchment and protection of migrant women are challenges that need to be addressed. The Government also recognises that the care economy, the unpaid labour of women, needs to be valued and reflected in the GDP.

The tsunami devastated three-fourths of the coastal belt of the country in December, 2004, and this had serious repercussions on the lives of women who form a majority of those displaced. The Minister of Women's Empowerment and Social Welfare has obtained cabinet approval to mainstream gender in post-tsunami relief and recovery work. The Government is especially focusing on land rights, appointment of women to disaster-management committees and other decision-making roles, providing livelihood assistance, meeting health and reproductive needs, safety of women and providing psycho-social support to victims. The Government acknowledged the financial and technical support extended by UNIFEM to engender post-tsunami activities.

In conclusion, the Secretary appreciated the dynamic role of the women's NGOs in the promotion of women's rights in the country. She hoped that the deliberations on issues common to the countries and strategies for empowerment would lead to an updated National Plan of Action for the advancement of women in Sri Lanka.

Response from Civil Society

Dr. Sepali Kottegoda, Coordinator, Sri Lanka Women's NGO Forum, stated that the Ministry of Women's Affairs has been very active as is evident by the fact that it drew up the National Plan of Action immediately after the Beijing Conference and revised it in 2000 and, has made efforts to mainstream gender. She expressed concern about the implementation of the Plan of Action, which is dependent on political will, and the capacity of other ministries to absorb the Plan into their own budgetary allocations and plans. The Domestic Violence bill

(presented to parliament in early 2005) was commendable but, it was not enough, as the resistance articulated on cultural grounds by the parliamentarians raises concerns about its implementation.

Dr. Sepali Kottegoda noted that the lack of sex-disaggregated data at the national level was brought to the fore in the aftermath of the tsunami as there were no figures on how many women and men were affected or how many female-headed households were displaced during this disaster. The efforts of the department of statistics to address this issue and of integrating gender concerns in the post-tsunami activities by the Ministry of Women's Development were appreciated.

The Government has agreed, in principle, to providing 30% quota for women's representation in decision-making. Sri Lanka has very good indicators for education but there is a need to examine the quality and gender-sensitivity of the curriculum. Efforts need to be made to support the National Committee on Women to get abortion legalised especially in the case of rape, incest or congenital abnormalities.

Ms. Nimalka Fernando, Director, IMADR-Asia, stated that the on-going armed conflict was a major problem that affected development planning. Policy planners need to take this into account, particularly as women are not a homogenous group and the effect of conflict on women of different ethnicities and regions would differ. She expressed concern that Sri Lanka did not have a separate Women's Ministry and the portfolio has been attached to different ministries, e.g. Health, Social Services, etc., even the Transport Ministry. She recommended a separate Women's Ministry which would have adequate resources, among other considerations.

Ms. Feroze Begum, Mayor, Karnool Municipal Corporation, Andhra Pradesh, recommended that the Sri Lanka Government introduces a special fund for women who want to stand for elections. A case in point are the Norwegian countries who have adopted this policy and, because of which, a greater number of women have been able to stand for public office. Further, women needed to join the political arena so that they could lobby for important concerns. This was supported by a number of the participants.

Afghanistan

Chaired by H.E. Ms. Khurshid Zahan Haque
Minister of Women & Children's Affairs
Government of Bangladesh

H.E. Dr. Masouda Jalal, Minister, Ministry of Women's Affairs, Government of Afghanistan, conveyed warm greetings on behalf of her Government and people, particularly the women in Afghanistan, to the governments and women of South Asia. She thanked the organisers of the meeting for the privilege and, for giving space in the meeting for Afghanistan in spite its limited experience as a young nation. The long-term war and conflict in the country had badly affected all walks of life, e.g. political life, cultural life and social life. Women



were affected the most and it was only until three years ago that they did not have any rights as human beings to live a normal life.

The Minister stated that over the past three years, women's position and participation has improved in different fields, e.g. economic, political, cultural and social. The policies and programmes of the government are gender-sensitive and inclusive of women as reflected in the Bonn Agreement, which put together the institutional framework of sustainable democratic governance and, further, in other significant documents such as the Berlin Plan of Action called 'The Way Ahead' of the government, the development budget and the new Constitution and, in all the legal frameworks of Afghanistan, women's empowerment and advancement has been taken into consideration and gender equality has been promoted.

The capacity of women over the past decade, particularly during the crisis, has been adversely affected. Even so, women have responded to the encouragement by the government and surveys reveal that women are working in governmental organisation, in different ministries and in the military. The Ministry of Women's Affairs has taken the initiative of building the capacity of women to enable them to implement gender policies. The Ministry has also established gender units in a number of the ministries to reflect gender policy in their plans, programme,

policies and strategies. She stated that the government is now establishing a gender database to support gender planning and gender monitoring in the governmental system.

The Minister mentioned that with the swearing-in of the new parliament of Afghanistan in September, efforts are being made to ensure that women also stand for public office. Currently, women are actively participating in two *loya jirgas*, e.g. constitutional *loya jirga* and emergency *loya jirga*, for the election of the president and approval of the new Constitution of Afghanistan which will assure 25% participation of women in the parliament. There have been women candidates for the presidential elections and women ministers during the past three years in three cabinets, in the interim administration during the transitional period and in the current elected government. At the moment, Afghanistan has three elected women Ministers in the Cabinet. Other achievements are that women have rejoined the educational sector as teachers and as students and, one-third of the six million boys and girls in schools are girls.

Women are participating in forming civil foundations, in forming political parties and non-governmental organizations. Afghanistan has hundreds of NGOs being run by women as well as specific programmes focusing on women.

While Afghanistan has made significant progress in incorporating women's rights in the constitution and other documents and celebrates the achievements, there are also many challenges facing women in Afghanistan. The Minister requested women of South Asian countries to help in resolving these.

Though a number of interventions have been made, yet the condition of women in Afghanistan is still the worst in the world. Sixty percent of the girls of school-going age are outside the educational system due to lack of schools, teachers, teaching materials and lack of awareness of parents about the importance of education.

The MMR in Afghanistan is dismal, e.g. 1900 for 100,000 live childbirth and in some provinces of the country, it is 6500 for 100,000 childbirth which is the highest in the world. The Minister expressed regret that in spite of the presence of the international community inside Afghanistan, a mother dies every twenty minutes, it was like a quiet tsunami, a tragedy that women could not be provided with their fundamental rights, e.g. life through timely ante-natal care. Recent statistics show that everyday seventy mothers and seven hundred children die because of lack of reproductive health services and clinics, lack of trained reproductive health workers, materials and equipment and also because of poverty and a lack of awareness among families and women.

As in many other third world countries, poverty has a female face in Afghanistan, although, there is equality of rights for men and women in the Constitution. CEDAW has been ratified by the Government and all negative traditional practices are discouraged but, in reality, women are subjected to all kinds of violence, e.g. forced marriage, domestic violence, among others. In order to translate the values of the new Constitution of Afghanistan and address violence against women, improved security and resources are required.

The Minister invited Dr. Noeleen Heyzer and Ms. Chandni Joshi from UNIFEM to visit Afghanistan before

the parliamentary elections to observe how women, who are 90% non-literate, are ready to take part in politics.

In conclusion, the Minister called upon the seven ministers from the South Asian countries to visit Afghanistan and see the situation for themselves, to ask why mothers were losing their lives and why there wasn't any education and, to extend help and encouragement. She proposed that the seventh South Asian Regional Ministerial Conference be held in Kabul, as the next one is being hosted by Bangladesh.

Gender, Livelihoods and Resources in South Asia

Presentation by Dr. Govind Kelkar

Chaired by Dr. Radhika Coomaraswamy

Dr. Kelkar's study attempts to address the following questions:

- Have the livelihoods of women changed during the last decade?
- What impact have these changes made on women's right to resources and power, well-being and gender relations?
- What strategic interventions are needed to advance women's position and transform gender inequalities?

The study is based on existing research on gender and livelihoods, a research conducted by herself and a fellow economist and drawing from policy documents including project appraisal reports of IFAD, UNIFEM, etc.

Poverty is a human condition characterised by low income, lack of voices, sustained deprivation of capabilities, choices and power that are necessary for the enjoyment of fundamental human rights. In the new concept of poverty reduction, access to livelihood resources, capabilities-building, security against vulnerability and gender equality have come to be viewed as one integral process of the national plans of macro-economic and social policies to promote growth and reduce poverty. However, there is deep dissatisfaction over poverty assessment, particularly in the PRSP, for failing to incorporate women's concerns or overlooking gender relations of inequality. Poverty must be measured against the full range of rights, standards of social equality and non-discrimination as well as obligation of the state and other development actors, including civil society organisations, community management bodies and corporations. Measures like GDI (Gender Development Index) and GEM (Gender-Related Empowerment Measures) have not been able to capture the position gained by women in accessing livelihoods. The adoption of Poverty Reduction Strategy Paper (PRSPs) approach and the Millennium Development Goals (MDGs) has led to an increased need for systematic analysis of poverty and its linkage with gender inequality.

South Asia is not homogenous and there are variation in inequalities and in culture and tradition, as well. For example, even in Bhutan's matrilineal systems, women were excluded from the decision-making due to tradition and customs. Despite numerous cases of success in managing the village-level governance and micro-finance or self-help groups (SHGs), rural women of

South Asia have significantly less access than men to livelihood resources, assets, health care, education, technology and community management. The most extreme form of gender inequality is the fact that



over 79 million women are "missing" in South Asia, largely due to familial neglect of girls, sex-selective abortions, social practices like dowry, property-related murders, 'honour killings', acid throwing and trafficking in women and girls (Human Development in South Asia, 2000).

Dr Kelkar observed that disparities between women and men in their access to and control over resources are associated with women's systematically lower access to community governance, health and education facilities and less than optimal participation in economic decision-making.

Dr Kelkar assessed changes in livelihoods through the following:

Gender Division in the Workforce: Women's economic activity rate in most countries of South Asia did not show much improvement, although, none of them regressed in women's economic activity rates. There is a marked improvement in Pakistan which, however, started on a much lower level of women's economic activity and this remains at 44 percent, the lowest of all South Asian countries in comparison to men's economic activity rate. The highest comparative levels are attained in Bangladesh and the Maldives, with 76 per cent and 80 per cent, respectively. What this shows is that: 1) progress in most of South Asia has been very slow or has only kept up with increases in the labour force; 2) There is a long way to go to match the performance in South East Asia where there is a movement in the direction of women becoming income earners and salary workers and account workers, and not just the contributing family workers.

The country that has made economic progress is Bangladesh, which has developed a large-scale garment industry. The rest of South Asia, India and Pakistan, in particular, have failed to develop labour-intensive export sectors like Bangladesh.

The Information Technology (IT) Workers: Dr. Kelkar also looked at another area of change in women's livelihood, e.g. information technology. But, how could one assess women's livelihood in the IT Sector? According to the data from the National Association of Software and Service Companies (NASSCOM), an apex body, women consist of 21% of the total IT workforce in India. This is higher than their participation in the national economy as a whole. In a recent study undertaken for

UNDP (2004), of nine Asian countries (China, India, Indonesia, Malaysia, Mongolia, Pakistan, Sri Lanka, Thailand and Vietnam), the authors noted that despite the absence of gender-disaggregated data at national levels, the role of IT industry in promoting gender equality was positive.

The key question was, what has changed for women working in the IT industry? Has structural inequality in gender relations changed and have roles been redefined? A brief example: Women only work largely in the call centres. This has led to greater mobility and their say in household matters has increased. As more and more young women commute to work in the call centres, often late at night, Delhi has become relatively safer at night. However, women still continue to be primarily responsible for reproductive work, which also limits their professional mobility.

At the same time, women's groups in various parts of Asia are able to keep in touch with each other and with groups in other parts of the world through email and other such communications system. IT constitutes the basis of the redefinition of traditional gender norms. Nevertheless, they function within the dominant interests of the market and the state. This provides a non-threatening mobilisation of women's labour for the benefit of their families and communities.

Informal Work: Women's entry into the workforce in South Asia has largely been in the informal economy, with an estimated 70-90% of women engaged in a variety of informal work. This has tremendously increased from 44% to 75% in Bangladesh, as well as in India and Nepal where a high proportion of informal workers were found in trade, hotels and restaurants and followed by manufacturing. According to 1991 figures for Nepal, of the majority of informal workers, 83.7% women and 69.5 % men were self-employed. A study of Pakistan reported that approximately 100,000 women worked in brick kilns, but were not officially employed because, although the entire families worked, only the men were registered as the head of the households.

The UNIFEM-SEWA workshop organized in New Delhi in December, 2002, noted three distinct outcomes of the current economic reforms and associated deregulation process, viz: the growth of the informal sector; greater feminisation of labour market with widening gender wage differentials; and, the re-emergence of home-based work as an important constituent of industrial production. It is thus important for policy makers to focus on the informal economy.

Agricultural workers: In South Asia, approximately 3% to 10% of rural women own land which they cultivate, while in matrilineal societies like Bhutan and Maldives, women own a higher proportion of the land. In Sri Lanka,

25% of women own the land whereas in Pakistan, India and Bangladesh, women's ownership of land is very low. The exclusion of women from the allocation of intra-household resources limits their power of control over land-based livelihoods. This is further reinforced by: 1) socio-cultural perceptions of physical and biological constraints on women's work; and 2) patriarchal property ownership practices where land/ property is inherited from father to son (or another close male relative in the absence of son) in most of South Asia, with exceptions in Bhutan and partly in Maldives.

There is also the issue of the increasing feminisation of agriculture workers, while most cultivators are men working their own fields. In terms of wage disparity between men and women, there is no change, with the exception of Bangladesh where there is substantial change in rural women's wages in proportion to men's wages rising from 48% in 1984-1985 to 70% in the year 2002. The two important factors that have contributed to this change in agricultural wage are the micro-financing institutions and savings groups in the countryside of Bangladesh leading to an increase in economic activity and, secondly, the expansion of the garment industry where rural women come to work and get a better wage. Micro-finance has become a source of capital for women to acquire access to land (the case of Bangladesh). In India, the Deccan Development Society (DDS) has deliberately used savings and credit to enable groups of women to take land on lease. In the state of Andhra Pradesh, India, the government agencies like the Integrated Tribal Development Authority and Scheduled Caste Development Corporation have purchased land from owners wishing to lease the land and have transferred it, free of any charge, to the landless. All such land can only be transferred in the names of women. Instead of waiting for a state-enforced land reform, women are making use of access to capital and the market system to acquire land.

Dr. Kelkar referred to the phenomenon of farmers' suicides which reveals that farmers have to understand market mechanisms and also adopt multiple-cropping and other ways of minimising or reducing risk. The government should also introduce financial, insurance and safety net measures as it promotes the commercialisation of agriculture.

Forest-based Livelihoods: There is some evidence that in forest-based (patrilineal) communities, because of their involvement in gathering from forests and their marginal dependence on agricultural produce, women are economically more independent and have a higher status than their counterparts have in the rest of India. Leasehold forestry was initially tried out through the Royal Government of Nepal - IFAD project. Seeing its success in improving the livelihoods of poor women and in

increasing tree cover, leasehold forestry has been extended all over Nepal. There are also examples of Community Forest Management in India where women have played an active role in initiating forest protection and several cases where women's committees (Mahila Samitis) are managing forests.

Migrant Workers: The importance of migration can be seen in the poverty reduction role of remittances by migrant workers. It is the largest or second-largest source of foreign exchange in a number of South Asian countries, including India, Sri Lanka, Bangladesh and Pakistan. In Asia, as a whole, there has been an increasing feminisation of migration, with women constituting 1.5 million or more than 16 percent of total Asian migrant workers in 2000. Of the total migrants, it is also estimated that 30 to 40 percent are 'irregular' migrants, who have no legal status and, consequently, no protection of their rights. Migration then has clearly emerged as a livelihood option.

In addition to migration for meeting the household's basic needs for food, shelter and economic security, the needs or motivations for women to migrate include (1) "elements of society that limit a woman's personal development, marriage with dowry, etc".; and (2) "escape from stigmatisation/violence – incest, rape, former sex worker, divorced, widowed, etc." (IOM, 2003).

Tourism and Livelihoods: Studies that have followed the growth of tourism industry have focused upon the motivations of tourists. Relatively, little attention has been paid to human institutions and understanding of gender relations in the communities that receive tourists. For women of the receiving communities, economics of tourism is seen in sex tourism that is an emerging phenomenon in South Asia. It is, however, only one of the many roles women play in the tourism industry. In China, for example, women have the function of hosts, tourist workers, house-keepers, boat rowers, craft and snack vendors, small entrepreneurs and managers of cottages, guest houses, night clubs, etc. The tourism industry has provided various 'decent' livelihood opportunities for women, 'decent' in terms of dignity and security in the workplace, as stated in an ILO study.

Micro-Finance and Local Markets: There are different debates about micro-finance: whether this puts the poor rural women in debt or whether it increases their economic agency. Micro-finance in India covers over 11.6 million poor households accessing banking services through their 77 million self-help groups. There is a close link between banks and a self-help group as saving does create capital accumulation– not only for individual women but, also, for the society. A very good example is the revival of the sick banks due to women paying back their loans. Bangladesh women talk about how earning money gives them 'weight' within the household, and for rural women

in Bangladesh, respect or *samman* no longer depends on being in seclusion (*pardah*) but attaches to being an income earner, working outside the home and being able to travel on their own.

Conclusion: The changing patterns of livelihoods, whether as wage workers or own account producers, provides a role for women as income-earners, one which is different from their former and traditional status as dependent family workers. There is the increase in dignity that goes along with being a wage earner, often even the major income provider in the family, and often with greater bargaining power. Policy-makers need to improve women workers' conditions in globalised market, in both the informal and the formal sectors.

The study recommended:

- The provision of childcare, lighting, garbage disposal, sanitary conditions and health care as well as the provision of maternity leave, in the formal and the informal sectors, state commitments to a basic package of services such as child care facilities, primary education and health care.
- Marketing facilities: Ensuring women's participation in markets by promoting women's enterprises, whether as retail providers or as centres for processing and other value-addition, tea and garment tailoring shops, etc and by giving them a voice in market management to ensure their continued access to market spaces.
- Education, along with capital and land, is one of the key resources for improving livelihoods.
- Promoting women's control over their incomes and resources would help boost growth and development
- Interventions are needed at both sending and receiving country levels for reducing vulnerability and ensuring the right to safe migration of women.
- There is a need to develop strategies to prevent violence against women which makes them most vulnerable.
- Building and strengthening grassroots institutions and using participatory approaches for enhancing women's participation in the village institutions / decision-making processes in the community and redefining gender roles by addressing structural factors that influence women's position of inferiority.

Discussion

The paper was highly appreciated by all the participants. Ms. Khawar Mumtaz pointed out that the study on poverty in Pakistan found that women earn the most in the informal sector partly because, with globalisation, certain types of production have gone down to the village level. Moreover,

it is the volume of earning that makes an impact on women's social status and confidence, specifically, according to the research, the critical factors which influenced women's social status was based on how much she earned with reference to the household needs and other peoples' earnings. Thus, discriminatory wage differentials need to be addressed.

Ms. Salma Khan referred to the phenomena of migration as an option for livelihood. For example, it has been noted that even though Sri Lanka has excellent indicators for women, educated women are still leaving the country to do menial jobs in other countries.

Dr. Shalini Bharat felt that the informalisation of women's work in the context of globalisation cannot be assessed as a 'forward movement'. It is characterized by women taking up low paid work, without health or other cover, vulnerable to sexual exploitation, etc. Similarly, in terms of increase in household income, there is a lot of social science literature in South Asia to show that it really hasn't changed women's authority significantly, partly because men are not giving them the right but women are also not taking over such decision-making roles for themselves. Neither has there been a shift in gender division of labour and roles. All this is related somewhere to the gender norms and the kind of attitudes we still continue to have towards each other and, men and women continue to have towards women's work.

Prof. Pam Rajput averred to the fact that in the era of globalisation, market forces control livelihood options more than ever. A recent ban in one of the Indian states on women dancers in bars has led to a dilemma: should there be freedom or should the state intervene (which is equated with moral policing). For the women, it is a question of livelihood but, is this 'decent livelihood' with dignity and security? Or, should there be alternative livelihoods for these women?

Mr. S.K Nath noted that workforce participation was higher for women in the informal sector as more women are abandoned by husbands and have to earn their livelihoods. Imposing any minimum wages or other labour standards may lead to their being unemployed, possibly pushing them into 'indecent' work or suicide. He also cautioned that studies and data collection system has to be streamlined so that comparisons or extrapolations are not misleading.

Dr. Sepali Kottegoda clarified that the majority of women migrants from Sri Lanka were educated only up to Grade V or so and, for them, migration is a livelihood option. To address exploitation and the issue of 'decent' work, bilateral agreements with receiving countries is an important challenge.

Ms. Nigar Ahmad expressed concern that women in the informal sector are also affected by competition as borders

open up for goods, not people, and women are being pushed from skilled work to the unskilled, filling match boxes. Similarly, in agriculture there used to be some level of food security but, now, there is a move to corporatise agriculture and, access to commons for livestock or for water or fuel for small farmers or tenants is going to be reduced as more and more land is enclosed for corporatisation. The governments need to realise what is going to happen to these two major sectors employing women, as more people are pushed below the poverty line. The fact that 30% of Pakistan's population is below the poverty line and cannot get the minimum calorie intake is the biggest violence.

Dr. Ava Darshan noted that the Government of Nepal has set the minimum wage in the agriculture sector and the informal sector but, it is not implemented in the rural communities. She also noted that access to credit does not lead to control by women or decreased violence and, finally, how can sexual harassment be reduced in the 'formalised' informal sector. She questioned whether economic empowerment is the only way forward.

Dr. Kelkar clarified some of the issues raised by the participants. On migration as a livelihood option, she noted that there is a need to improve the working conditions at home, women will not migrate if conditions are better. Sri Lanka and India are the only two countries that allow women to migrate. In Nepal, women are struggling for citizenship rights. Bangladesh and Pakistan have illegal migration. The point to note is that steps to regulate exploitation of migrant women should not result in curtailment of women's fundamental right to mobility.

Dr. Kelkar conceded that there are exploitative conditions in micro-credit. Micro-finance organisations have become big corporations, on what is not their money; essentially, it is really the women's contribution to economic development. Women have also complained that interest rates are too high.

The World Bank did a study and found that a large number of women decide about their own earnings among the garment workers. If they are not employed in the factory they can't get micro-credit; if they do not earn, they are liable to suffer violence at home. Report after report shows incest, beatings, honour killings, acid throwing and dowry murders. There is a need to address this and critique this type of culture. A lot of the agencies are involved in poverty reduction but women's own collective agency needs to be developed.

With regard to women working in bars, if they are not exploited and they are 'decent' entertainers, then there is no problem. But, they are exploited and, the fact is that, the same dances are also in the movies. Yet, the bottomline is that, if it is close to sex tourism and women are seen as commodities, then it is not decent work –

the provision of decent work is the solution. The definition of decent work is not from a moral perspective but in terms of dignity, minimum wages and standards it provides.

Some women are not willing to exercise their decision-making and economic rights. Perhaps, the difference comes with access or control over resources: these are the knowledge resources and the economic resources. Economic empowerment is a fundamental issue, it is not the only solution to improving women's status. However,

you cannot be dependent and also demand gender equality; independent access to resources is an important aspect.

On the impact of globalisation, we know that the informal sector has been increasing and pockets of pauperisation and wage disparity have deepened. Discriminatory, exploitative cultural conditions before globalisation have to be addressed, as not all problems have started with globalisation.



The Varied Contours of Violence against Women in South Asia

Presentation by Dr. Radhika Coomaraswamy

Chaired by Ms. Salma Khan
CEDAW Committee Member

Dr. Coomaraswamy referred to the comments of the Prime Minister of Pakistan at the Inaugural Session and what other speakers have pointed out that there are many things South Asians could be proud of. South Asia has some of the most ancient civilizations in the world that predate the West by centuries, India being the oldest. It is also the largest democracy in the world and the most long-lasting democracy in Asia. But, it is also true that in other areas, we need to turn the search light inwards. Asia, in general, and South Asia, in particular, has been classified according to UNICEF as the worst region with regards to the indicators on violence against women (VAW). The incidence of violence against women in the region is the highest in the world.

In addition to the common problems of violence against women, South Asia has particular cultural and religious practices that also accentuate the problem of VAW in the region. The general low status of women in the region and the entrenched nature of discriminatory structures have led to what is seen as a lifecycle of VAW. Even before birth, women suffer from sex-selective abortion, at infancy they may face female infanticide, as young children they will have to put up with incest and son-preference, as adolescents they may be sexually-abused or trafficked, as young women they may suffer rape, sexual harassment, acid attacks, as wives they may experience domestic violence, dowry-related violence, marital rape or honour killings, as widows they may be required to self-immolate or be deprived of property and dignity. The vulnerability to violence at every stage of the life cycle makes VAW a terrible South Asian legacy that requires concerted regional, national and local-level action.

Armed conflict, whether it is in Nepal, the Afghan border, the North East of India or Kashmir, affects women in several ways. Firstly, there is the direct violence which women suffer, e.g. sexual violence and murder, especially when the armies target the other side for punitive action. Rape during wartime is one of the oldest war crimes and is now clearly prohibited by the Statute of the International Criminal Court.¹ However, none of the countries of South Asia have become parties to the ICC. There have also been some prosecutions for custodial violence in South Asia.

Women are affected in war times as refugees and as internally-displaced persons (IDPs). Eighty per cent of the world's refugees and IDPs are women, who suffer social and economic deprivation of rights, e.g.

education, health and, food in the camps and homes that they live in. It was noted that there is a higher incidence of harassment and sexual violence in these camps.



Women and children in these camps continue to have psycho-social problems and long-term adjustment problems. When the armed conflict is over, resettlement is an even longer process; their lands and homes are occupied or destroyed.

Several studies have shown that women suffer as war widows and, mostly, have to bring up their children on their own while experiencing bureaucratic harassment, sexual harassment and social stigma. Women are affected by the fact that in areas of armed conflict, there are always armed camps with young men and, therefore, trafficking emerges.

The U.N. Security Council Resolution 1325 requires that women be actively involved in the peace process, be negotiators but, in Sri Lanka, all the main negotiators are men. Due to pressure from civil society, a gender committee was set up to deal with this issue.

Trafficking is another kind of violence that most of the countries in South Asia want to prevent by having strong laws and punishment. But, trafficking and sex work as a livelihood option is also a reality of South Asia. For example, in one instance, sex workers were deeply offended when asked if they would like to be rehabilitated. They earned enough money to send back to their homes. What they wanted was to have education for their children and protection against AIDS and other health facilities.

In South Asia, there are different frameworks that exist for trafficking. In Pakistan, there is a moralistic framework where everybody is criminalised, from the victim, the middleman and everyone who is involved in the sex trade. To the abolitionist framework, which operates in most parts in South Asia, the victim is seen as being rescued and the rest of the trade is criminalised. What South Asia has is non-implementation of abolitionist law. There are other frameworks for dealing with sex work that come from Europe, e.g. human rights framework and one that focuses on labour laws and/or other protections. South Asia doesn't have any of those latter frameworks. But, the debate continues because if sex work is legalised, there is data to show that the industry proliferates. But at the same time, if the sex trade is not legalised, the sex workers become extremely vulnerable to abuse and violence.

There is a close link between trafficking and migration. Only four per cent of people in the 1940 who migrated for work were women, now it's 50%. Women migrate

¹ Article 7,8 of the ICC

across borders for work. Often they leave because of violence and abuse, poverty or discrimination. They are sometimes subjected to trafficking and exposed to horrendous immigration regimes. To counter trafficking by preventing women's migration is to lock them into domestic systems of oppression. Measures taken to prevent women from migrating such as requiring permission of male members of the family or government sanction may actually compound the problem. What is needed is an effective system that prevents women from being abused during the process of migration and this can only take place if the approach to trafficking is designed within a human rights framework. The issue that emerges at the root of the trafficking problem is not that of a woman but that of an undocumented worker, as women who are abused and can't go back because they are undocumented.

Pages of newspapers in South Asia are full of tales of domestic violence. In 2002, 450 honour-killings were reported in Pakistan, 15,000 young brides are burnt to death every year in India, and ten women a week are subject to acid attacks in Bangladesh.² Violence by intimate family members is one of South Asia's darkest legacies. Forty percent of all sexual abuse cases in India are about incest. In a survey on violence against women in India, 94% of the cases involved an offender who was a member of the family.³

According to international standards, Governments have due diligence duty to prevent, punish and prosecute those who commit acts of violence against women for whatever reasons including customary practices. Is there legislation in place to fight these problems? Referring to the 'pending phenomena' in South Asia where all the relevant laws are pending forever - sexual harassment, rape, etc - domestic violence legislation has also been added to the list.

The lack of economic independence on the part of women and their inability to move out of a violent situation and state inaction against perpetrators of violence perpetuate an ideological belief that violence may even be justified and, if it is not, it is not a terrible matter that requires concerted action.⁴

The insensitivity of the criminal justice system has also been highlighted in many studies. A survey of judges in the region pointed to the fact that 48% of judges agreed that it was justifiable for men to beat their wives. Seventy-four per cent endorsed the view that even in cases of violence, the preservation of the family should be the primary concern. In South Asia, there is a lot of sensitisation work to be done, but mainly in the urban areas and at the highest level.

Other related issues to be considered are the existing support services, e.g. shelters and other kinds of services a country should maintain. In South Asia, shelters are often

like jails. In the last two decades, there has been a heavy reliance on legislation and law-based advocacy to address VAW. An interdisciplinary approach is required, as experiences from Latin America show.

The failure of the law is particularly relevant when it comes to customary practices in the region that are violent towards women. South Asia is perhaps the region with the largest number of customary practices that are violent towards women. In response to the international critique of our practices, we have had mixed local responses. One is to say that this is an internal issue and not a concern to the rest of the world; that some of the practices can be justified by the internal logic of our cultural systems and that any attempt to critique and eradicate such customs is part of the arrogant legacy of colonialism and westernisation. However, women's groups within these societies have also taken up these issues and highlighted them as evidence of the low status of women in South Asian societies. These customary practices are in conflict with the international obligations that South Asian states have voluntarily taken upon themselves. The charge of westernisation is also disingenuous since many of these societies are rapidly globalising and the question of culture seems primarily relevant only to the subordinate position of women.

Some of the terrible customary practices referred to in a study are bride burning, acid throwing, honour killing, forced marriages, child marriages, *sati*, etc. The failure of the state to criminalise such practices, often due to political reasons, has led to their being seen as 'normal'. Violence against women is linked to economic independence, to class and caste issues, to South Asian attitude towards female sexuality and to models of masculinity.

All the Governments of the SAARC region have responded positively to the challenges posed by violence against women in the region and there has been a great deal of advancement, especially in the area of standard-setting and the enactment of policies and programmes. The policy framework has been developed in most of the countries of the region though much may not have changed at the local level. Ten years after Beijing, it is still a concern that, except for India where a bill is pending with the legislature, none of the countries of the region have adopted domestic violence legislation or made the necessary changes to anti-trafficking legislation. However, programmes and policies are in place and a great deal of activity has been conducted by women's ministries, national commissions and individual government departments. There have been many training programmes

2 OXFAM study

3 UNIFEM p. 10

4 OXFAM

also for senior-level policy officers and other members of the criminal justice system.

The changes in South Asia have also been made possible by the activism of civil society and the foresight of many women's NGOs. Research from around the world point to the fact that violence against women can only be combated if there is a healthy partnership between women's groups and the state apparatus. While women's groups must protect their independence, on certain issues they have to work effectively with the criminal justice system, joining forces to protect the rights of women victims. Moreover, law is an important tool but, only as one of the many strategies available to us. While fighting for justice through the legal system, we should also try and put in place education policies, health strategies and community-level programmes that promote equality between men and women and teach non-violent methods of resolving conflict. A multi-pronged approach to violence against women will result in far-reaching changes, transforming attitudes and practices so that men and women can live in equality and dignity.

Finally, religions and cultures are not static and can be transformed and have been interpreted in diverse schools throughout the centuries. But, when any school or culture claims that its survival is linked to the oppression of women, then it has ceased to be a culture worthy of respect. As women and as nations, there is a need to strive to ensure that the religion one believes in, the culture we grew up in, aspires for the highest standards and works towards the dignity of all human beings. People who believe in human rights must never give up the struggle to fight for the soul of our religious and cultural traditions.

Panel Discussion

Dr. Shalini Bharat, the first discussant, touched upon three aspects of violence. Firstly, psychological impairment is as important to address as physical harm and pain since, often, women are suffering mentally and psychologically. Secondly, the issue is not of any drastic consequences but, of a gradual process of health impairment, e.g. infertility, STIs, HIV and unintended pregnancy are some of the consequences of violence inflicted on women. Thirdly, violence is not just the actual act of violence as the threat and fear of violence are as damaging as the act of violence.

The speaker emphasized the link between violence against women and HIV. The Government data in India shows that there are 5.4 million HIV cases; however, given the stigma attached to it, the figures may be much more with many cases of infection being undetected. There is feminisation of HIV/AIDS as the region has the highest

number of HIV positive cases among women of 16-19 years and 20-24 years. The gap between the male-female ratio is narrowing from 4:1 to 3:1. Increasingly, younger married women are now becoming HIV positive. Hence, marriage is not really a protection; in fact, in many countries of Africa and in South Africa, it was found that sexual coercion within marriage and stable relationships increases HIV cases as much as six to eight times. Intimate partner violence or domestic violence is linked to HIV infections, too. Further, sexual coercion during armed conflict, insurgencies and riots increases the risk of HIV.

It is also important to understand the links with reproductive health. The risk of HIV/ AIDS is also more whenever there is an age gap between partners as young women and adolescence girls have immature cervix and, vaginal lacerations during sexual coercion that heighten the risk of HIV. It has been noted that in the South Asia region, female sterilisation is the major method of birth control and women as young as twenty-four years of age opt for it. The younger the age of sterilisation, the more important it is for women to be protected, but this is not happening. The other reality is of widow 'inheritance' who then passes on HIV infections to other family members. HIV infections among women cause violence, which includes in many parts burning of women and extreme forms of physical assault.

Legal mechanisms to curb violence are not effective. The health systems need to manage sexual coercion and rape victims proactively and provide ARV (Anti-Retro Viral) treatment for rape victims and victims of sexual coercion.

Sapana Malla, the second discussant, noted that violence is taking place at various levels from the home to the community and not only by state actors but also non-state actors. The victims are not only adult women but children, too, and there are also cases of female foeticide.

Even though Governments in the region have been taking initiatives like reforming the law, fulfilling some of the commitments made in Beijing and in relation to the CEDAW Convention, the goal to end violence against women is yet to be achieved. Does law respond to society or does society respond to law? Law can be an initiator of change, an indicator of change and it can be an interrogator of change. In South Asia, the present discriminatory laws and implementation of laws have made women more vulnerable towards violence. Denial of equal economic rights has left women without any choice and forces many to remain within violent relationships. Denial of equal citizenship rights has challenged women's identity and affects the exercise of women's rights. Lack of right to sexuality makes women vulnerable towards HIV/AIDS.

Another problem prevalent in South Asia is that, on one hand, Governments may recognise that violence against women is a violation but, either there is no law to punish acts of violence against women or the law is not implemented and no one gets prosecuted. The state, in effect, encourages commission of VAW and violators remain unpunished. The problem is that there are gaps in the law on sexual harassment, a very narrow definition of rape and of trafficking being used in the region.

Currently, there is a debate going on in India and in Sri Lanka vis-à-vis the domestic violence bill, whether to provide mediation or a protection order first. The question Governments need to look at is: without protection, how will women have the right to negotiate? The legal system, with all its complexities, makes it difficult for women to get justice thus, accounting for the low reporting rates as well as conviction rates.

The challenge is to design an appropriate framework so as to create an enabling environment for women to exercise their right. Organisations and agencies need to challenge patriarchy, masculinity, normative values and religious beliefs especially in the context of a globalised open market situation, particularly in the current political context of 'controlling terrorism', in the context where imperialism and fundamentalism are increasing. The inadequacy or absence of laws puts a question to the commitment of the Governments, particularly when it has been acknowledged in the Beijing Declaration that gender-based violence is a barrier for peace, equality and development.

Barrister Zafar-ullah Khan, the third discussant, focused on Pakistan's response towards violence against women. The Government of Pakistan has introduced an amendment in the Penal Code, recognising the crime of 'Honour Killing.' This is based on the principle that honour killing under any pretext is considered murder. But, this law will be implemented through a court procedure or the perpetrator is awarded 'punishment circumstances', e.g. the customary practice of 'swara' where women and girls are exchanged to settle disputes, or in lieu of a compromise as in the case of murder, the criminal system is followed.

In the case of 'zina' or adultery under the *Hudood* laws, two amendments have been introduced: (1) no woman accused of Hudood case can be arrested without the prior permission of the court; and, (2) the investigation has to be done by a very senior officer.

The Government has also enacted a special law dealing with trafficking and special provisions have been made to deal with trafficking in women and children. Other laws relevant to violence against women include the amendments in certain laws with regard to 'burn' cases. This amendment in the legal procedure suggests that a

statement of the victim, which in 99% cases are women, is considered a declaration, and can be recorded by a doctor. Previously, only a magistrate could do so for it to be accepted as the basis of a conviction.

Presently, the Government is also considering a law on domestic violence based on an all-encompassing definition that recognises economic abuse, psychological abuse, emotional abuse and verbal threats as violence; it will include harassment, sexual abuse, stalking, denial of property rights and financial rights which a woman is entitled to, by law, in Pakistan. Protective mechanisms proposed include interim orders and interim injunctions. The Government is also considering enacting laws to have not only the penal sanctions in place but also the compensation built in.

Discussion

There was a lot of discussion on violence against women and some countries like Bhutan even saw it as the most critical issue which needed to be addressed. Other countries like Sri Lanka reported that when the bill for violence against women was being discussed in parliament, many parliamentarians said that it was against their culture to convict people for violence against women. It was evident that the domestic violence bill has not been introduced in most countries while in other countries it is still being debated in parliament. Participants noted that violence against women was a structural issue and it requires a comprehensive response mechanism which includes legislation along with support structures.

Strategies were shared, including legislation, establishing police desks for women and children, gender sensitisation of the police and the judiciary, land ownership, economic opportunities. It was suggested that a range of penalties/punishments should be introduced for perpetrators of violence against women. For example, in Pakistan, capital punishment is the only punishment for gang rape. Male judges are reluctant to award the punishment. Of course, the punishment should not be light but neither should it be very extreme.

Community strategies have also proved effective. In India, community workers had devised innovative strategies to deal with violence, e.g. like the peaceful 'Janta Courts'. Women beat kitchen utensils to attract attention of other community women when they suffer from abuse, and other women come to their rescue. Introducing mediation, counseling and involving communities have been shown to be more effective, as a first level of intervention. There was a need to link the community level activities, which supported the justice system, with the official criminal justice system.

Women's Representation, Effectiveness and Leadership in South Asia

Presentation by Ms. Khawar Mumtaz

Chaired by Government of India

South Asia stands out for its dynamic women leaders who reach the highest political offices in the region even where women as a whole are downtrodden, shackled by illiteracy and customary practices, denied mobility, inheritance and a voice in decision-making. Sri Lanka was the first in the region to elect a female Prime Minister, Sirimavo Bandranaike as far back as 1960. Since then, a string of distinguished women leaders have followed in India, Pakistan, Sri Lanka and Bangladesh.

The paper examines the context of women's political participation, the factors promoting women's participation and the facilitation of women's entry in the electoral process, the role of different institutions, non-government actors including men as enabling agents and the efficacy of tools and processes developed by them, the impact of women's reserved seats on gender-sensitive governance and their agency, the challenges to women's participation, and the way forward.

The elevation of women to the helm of national affairs has not translated into greater participation of women in politics or other avenues of decision-making. Currently, women's reserved seats provided for in the legislatures of Pakistan and Nepal and those in Bangladesh have lapsed in 2001, and, likewise, at the local government level in India, Pakistan, Bangladesh and Nepal⁵. Sri Lanka has no special provision for women's representation in any tier. Generally speaking, female participation in South Asian parliaments is steadily but slowly improving, as the five-year comparison below indicates:

Country	Total Seats in Lower Chamber	Seats held by Women 2004	% Seats held by Women 1999	% Seats held by Women
Pakistan	342	74	21.64	2.8
India	543	48	8.84	8.8
Bangladesh	300	6	2.0	12.4
Sri Lanka	225	10	4.44	4.9
Nepal	205	12	5.85	5.4
Bhutan	150	14	9.33	2.0
Maldives	150	3	6.0	6.3
S.A. Total	1982	167	8.43	7.4

Source: *Women Representation in Pakistan's Parliament (Background Paper)*. PILDAT, Lahore. 2004. P.12

Women's legislative representation declined in Bangladesh and Sri Lanka in recent years but, the overall regional figures show an increase due to the rise in the level of

women's representation in the lower houses of Bhutan, Pakistan and, marginally, in Nepal. The substantial improvement in Pakistan's case is attributed to the quantum leap made in the 2002 general elections, as a result of reservation of 17% seats in the national legislature (60 seats) for women. In addition, 14 women were returned on directly contested seats, partly because of the condition of a graduate degree for all parliamentary contestants that excluded a number of male politicians.



Perhaps the greatest impact of women's induction into politics has been the creation of critical space for them at the local government level – in India, through the 73rd amendment to the Constitution (1993), the Devolution Plan Ordinance in Pakistan (2000), the Local Self-Governance Act (1999) in Nepal and the Act Number 20 of 1997 in Bangladesh. Notwithstanding the progress made by some individual states, in South Asia as a region, the average membership rate of women in parliaments is one of the lowest in the world - lower even than that of East Asia and Sub-Saharan Africa.

Socio-economic indicators for women in the region are not encouraging. This is manifest in the gender gap in education. Economic activity and employment indicating subordination of women are the "most distorted sex ratios in the world -... only 940 females for every 1000 males."⁶ India, Sri Lanka and Pakistan have shown a decline in HDI rankings between 1998 and 2000. The gender-related empowerment measure (GEM) reflecting the extent of women's involvement in economic and political activities is also generally poor with the exception of Pakistan (0.414 %) that improved its position with the reservation of women's seats at different representative tiers in 2002. Where indices are relatively better, as in the case of Maldives and Sri Lanka, these have not translated into any substantive improvement in women's political representation.

Women's subordination in the region is acknowledged to be structural. As the *Human Development in South Asia 2003* report succinctly puts it, "the embedded

5 The Constitution in Nepal was suspended by King Gyanendra on 1 February 2005 for a period of 3 years. The parliaments had been dissolved in October 2002 following the massacre in the royal palace that led to the death of King Birendra. Nepal is discussed with reference to the suspended Constitution in this paper.

6 Mahbub-ul-Haq Development Centre, *Human Development in South Asia 2000*. Karachi, Oxford University Press. 2000. p.2

system of patriarchy in South Asia⁷ with the result that “discrimination against women in South Asia is far worse than in most other developing countries.” Women, especially those belonging to the powerless groups find themselves doubly disadvantaged and vulnerable. Hence, the sad reality in South Asia is that, even where the *condition* of women may have improved, their social *position* has remained largely unchanged.

The political context reflects the social framework. Political participation for women, from casting votes to contesting elections is, thus, fairly prohibitive (with some exceptions like that of Maldives where the voter turn out of women in the 1999 general elections was higher at 84% than that of men at 71%).⁸ By and large, political parties tend to keep women on the periphery, delegated to women’s wings where their major task is to mobilize female voters. They are not inclined to give tickets to women as candidates and those who are not part of the political elite do not have the necessary resources to contest elections. Women who have broken out of the mould belong largely to the elite where some of the barriers, e.g. of education and mobility, for instance, have been removed and kinship considerations have taken precedence over the party. Given the dynastic nature of politics in the region, it is not surprising that all women heads of government/state and most women in political leadership are from political families (as indeed most male leaders).

Determinants of women’s political participation: Women’s political participation in South Asia has been promoted and facilitated by a complex set of forces. Women’s entry into representative politics has been shaped by the experience of colonialism through the nationalist struggles, which legitimises women’s participation in the political arena and the space thus becomes available to them. The foundational principle of equality of all citizens adopted by each state in the region regardless of their form of governance, and women’s own agency for pushing for social and political rights, has been important. For example, in India, women are now lobbying for 33% quota in parliament as well. The international women’s movement that, in 1975, triggered and galvanised the women’s movements in the region as well played a role. The external pressure have been generated by the UN Conventions like the Universal Declaration of Human Rights and, subsequently, other instruments (CEDAW) and declarations (Cairo, Beijing) that the countries signed up on.

Essentially, the states of the region are patriarchal, sometimes benevolent and sometimes restrictive and discriminatory, being in a sense compelled by the needs of modernisation and integration into the global system to bring women into the public sphere but continuing to subordinate them at the same time.⁹ The impact of

political processes is mediated by class and other socio-economic factors as is evident by the catapulting into positions of power women like Sirimavo Bandranaike, Indira Gandhi, Benazir Bhutto, Sheikh Hasina, Khalida Zia and Chandrika Kumaratunga.

Women’s representation - the current situation:

Women’s representation in the South Asia region is at two levels, 1) in national and provincial/state legislatures, and, 2) in local governments. In the former, they can play a role as law- and policy-makers and in the latter, in development-related implementation. The experience of respective states reveals that, collectively, the number of women in legislatures has been lower than 9 percent over the last five years. This, despite Beijing Platform for Action’s goal of adequate representation of women in all decision-making bodies and the recommendation of creating a “critical mass” and “gender balance” in political decision-making.

In the case of Pakistan, the time-bound affirmative action of reserved seats lapsed after the election of 1988 and women were reduced to four and six, respectively, in the elections of 1993 and 1997. In Nepal, eight women were returned in the general elections of 1991 and seven in the 1994 mid-term elections in a house of 205 (less than 4%.) In Bangladesh, there were six women in parliament in 2004, after the lapse of women’s reserved seats in 2001. In India, women’s political representation at the legislative level has declined from 49 in 1999 to 44 in 2004 in the directly elected Lower House (*Lok Sabha*) whereas in the Upper House (*Rajya Sabha*) it increased from 20 in 1999 to 28 in 2004 — the cumulative rate still hovering at less than 9 percent.

The above picture reflects the dismal situation where women given their disadvantaged position in society are unable to enter or compete in the political arena. The expectation that they would overcome their constraints in a specified period has proven to be misplaced (as evident in the case of Pakistan and Bangladesh). It is obvious that women’s political participation does not occur in a vacuum but is determined by their status and position in society and the way their roles are viewed.

On the other hand, rather dramatically, South Asia has experienced the opening of space for the entry of large numbers of women in public decision-making through local government institutions in India, Pakistan, Bangladesh and Nepal. That this space is threatened and

7 Mahbub-ul-Haq Human Development Centre, *Human Development in South Asia 2003*. Karachi, Oxford University Press. 2004. p.80.

8 Usha Sharma, *Women in South Asia: Employment Empowerment and Human Development*. Delhi, 2003. p.248.

9 Shirkat Gah in Tambiah (ed), *Ibid*. p.183.

faced with hurdles and obstacles emanating from the deep-rooted patriarchal structures can also not be denied. Nevertheless, it is a window of opportunity to be grabbed for further mobilisation of women.

Effective Participation

Some of the issues related to effective participation are the modality of elections, e.g. direct vs. indirect. Indirect representation limits participation as women become dependent and participation is inhibited by party dynamics and politics. It has also been seen that a critical mass (currently less than 9% women in legislatures in South Asia, except Pakistan) is needed, as token participation is not enough. Only then can issues that are priority for women be taken up. At the same time, whenever the quotas and reserved seats lapsed, women's representation went down. In Pakistan, the quota has actually triggered off participation as sixteen women were elected to parliament on general seats.

Representation

The Challenges: Women's social subordination and deeply-entrenched biases (social barriers) continue to pose a challenge for even those women who have been elected. The intransigence of male colleagues including the *Nazim, sarpanch* or chairman who deny them the space to speak, are reluctant to include them in decision-making, do not share information nor take them seriously or acknowledge them as equal in the forum. This is compounded by inadequate knowledge of administrative systems and requisite skills for participation in the business of the institution.

The laws that enable women's access to political institutions often suffer from internal weaknesses. For instance, the indirect election on reserved seats opens the door for proxy representation and dynastic politics besides giving the dominant political party the opportunity to inflate its majority (e.g. Pakistan in the past, and Bangladesh). Women having to represent three times the size of constituency than men in union *parishads* in Bangladesh or their absence not affecting the quorum of meetings, leaves room for their deliberate exclusion and marginalisation.

Inadequate critical mass for effective participation, especially at national level, continues to hamper women's participation and leadership. Women also lack cooperation and support from male family members especially at the local government level. Once they are elected, the support of family members is withdrawn, especially when conflict between their reproductive and political roles arise.

There is an absence of level playing field (resources, access, information), which NGOs are trying to fill. The will is missing both in political parties and government to

mainstream women in the political process. The resources required for inducting women into formal structures (and not just elite women) are not forthcoming.

Good Practices

There are many examples of good initiatives, 'best practices' in the region, some of which are mentioned in the report, e.g. mobilisation of NGOs and activists to ensure women's participation, as in the case of Pakistan and India. There have been successful initiatives for building of consensus among women across party lines for a common goal and cause. Training programmes for women representatives in Bangladesh, India and Pakistan have reached out to thousands of women representatives. Support groups and networks have been developed to end isolation of and hostility to women representatives

The Way Forward : Achieving the Beijing Platform for Action's goal of adequate representation of women in all decision-making bodies for South Asia will require the following steps to go forward:¹⁰

- Introduction of affirmative action in the countries where it does not exist to reserve seats for women to ensure a "critical mass" (33 percent) at different tiers of representative bodies to be elected directly from their constituencies, with provisions for the inclusion of marginalised women, to continue until women's equal participation in the political process is achieved.
- Removal of distortions in the reserved seats system to create an even playing field by instituting direct constituency-based elections and mandating women's presence in committees and bodies to prevent their exclusion from decision-making. Removing any other anomalies that place a burden on women compared with men.
- Ensuring equal participation of women in political process through a mandatory 20 percent women's membership in political parties as a qualification for participation in elections; institution of a special fund for female candidates, irrespective of political affiliations, to contest elections at all levels.
- Capacity-building of women in local government, provision of information and skills for playing an effective role.
- Creating an enabling environment for women through gender sensitivity training for male members of local government, providing security against physical

¹⁰ This section represents an amalgam of thinking and recommendations contained in various reports, documents and discussions by NGOs, academics and official committees most of which have been quoted and referred to in the main body of this report..

threats, violence and harassment and provision of resources. NGOs should be facilitated to play a more coordinated role in linking elected women, catalysing platforms and networks of solidarity and support. All barriers to women's participation in political processes particularly of discriminatory legislations and structural barriers that entrench inequality between classes and gender should be removed.

**Presentation by Mehnaz Rafi
Member, National Assembly of Pakistan**

Ms. Mehnaz Rafi noted that women's participation over the years has increased but is still quite low. The speaker stated that the major reasons for women not participating in the overall political process are diverse, including negative social and cultural practices, discriminatory legislation/policies and programmes. Also, there is lack of political will and absence of a meaningful or effective affirmative action.

The speaker informed the group that in the past, women politicians have been involved in mobilising people to vote or running a campaign for their party leaders but have not been given a decision-making role. In some areas of Pakistan, women did not even participate as voters or as candidates, e.g. in the tribal areas. The representation of women in 1985 was 9.7% and, in 1988, it was 10.1%, in 1990, it was 0.9%, in 1993, it was 1.8% and in 1997, women's representation was at 3.2%. In the Senate, in 1985, there was 0% women's representation, in 1988, it was 1.1. %, in 1990, again 1.1%, in 1993, it was 1.1% and, in 1997, it was 2.3%. In the local bodies, there were 1,736 women and 13,853 male representatives who were elected.

Women's participation changed dramatically in 1999 when General Pervez Musharraf announced 33% seats would be reserved for women in all the tiers of the government. At the Union Council level, 33% seats were filled through direct elections. The local government election of 2000/2001 has changed the landscape of women's political participation in Pakistan. It was observed that almost 40,000 women had been elected in the local government elections. Of these, 32,000 came through women's constituencies based on direct elections at the Union Council level. These women are now the leaders of their communities, villages and towns, having overcome many challenges, constraints and barriers at all levels, from the household to the Council. They are literate, non-literate, poor, rich, housewives, social workers, political activists and professionals. For the majority of them, it is their first exposure to political life and they have a long way to go. Prior to the elections, there was a popular misconception that women would not want to contest the elections at the grassroot level.

Women in local government deal with decision-making at the micro-level and have contributed in terms of voicing women's concerns and demanding a share in the development funds for their respective area. A further 17% women came in through proportional representation at the national level, e.g. 73 women in a house of 342. In the Senate, there are 100 members and 18 of these are women. In the four provincial assemblies, of the total 1170 public representatives, 233 are women.

Ms. Mehnaz Rafi briefed the meeting about the number of initiatives taken by the government, such as the National Commission on the Status of Women, Gender Responsive Budgeting, National Committee on Violence and the Gender Reform Action Plans aimed at mainstreaming gender into government. She concluded that the high visibility of women needs to be sustained through their involvement in decision-making, media and civil society support.

**Presentation by Begum Syeda Fatima
Ward Commissioner, Dhaka City Corporation, Bangladesh**

Begum Syeda Fatima expressed her gratitude to those women who had dared to take the first steps for political representation, making it possible for others to follow.

She noted women's multiple roles and contributions to society, as home-makers, as workers, and as professionals. In 2001, Prime Minister Begum Khalida Zia took initiatives for women's empowerment, one of which was electing women to Union Parishads, Pouroshova and City Corporations. Currently, there are 12,000 women representatives working all over the country. These representatives work to improve women's position at home as well as in the society. They organise meetings and seminars to raise awareness and discuss barriers, be they social or legal. The Councillors have the authority to appear in Family Courts and to form a jury for a case; the City Corporation offers legal aid and legal counselling services to women. The speaker mentioned that the representatives of the City Corporation work with poor women in slums.

Women representatives have lobbied for rights and the government has taken initiatives such as free education up to higher secondary level for women, death penalty for acid throwing crimes, laws related to dowry, appointment of women in decision-making positions in the civil services, judiciary, etc. Due to the intervention of women councilors, women are able to access more opportunities in sports, in healthcare, in micro-finance, etc. Trafficking in women is a serious problem that has received constant attention. In conclusion, Begum Syeda Fatima noted that there are many challenges and social barriers and much more needs to be done for women's empowerment.

Presentation by Ms. L. Feroze Begum
Mayor, Karnool Municipal Corporation, India

Mrs. L. Feroze Begum shared her experiences, including problems faced and challenges met in providing improved civic amenities during her tenure as Mayor of the Municipal Corporation. Due to the reservation of 33% seats for women by the state government of Andhra Pradesh, the post of Mayor of Karnool City Corporation was reserved for women and she had the opportunity to contest the elections and was elected as the Mayor. She is the first woman Mayor of the city and also the first Muslim woman Mayor in India. Faced with the typical city problems of sanitation, street lighting, roads and drains, and resource constraints, she instituted revenue reforms to improve the financial position of the city corporation. Ensuring that the targets of the Central Government for the welfare of women and children are met is a key role of the Mayor.

Most of the women who come into politics are poor and non-literate and, they have inadequate knowledge. They face many problems from their constituents. Sometimes, she pointed out, the same family members who have supported them through the elections do not allow them to make decisions. She was of the view that the government should take appropriate steps to encourage women to stand for public office. There is also a need to train women to become independent decision-makers, so that they can act individually in their post.

Presentation by Ms. Mishree Giri
Ward Representative, Nepal

In an animated and passionate voice, Ms. Mishree Devi informed the meeting about her experiences as a Ward Representative of a Village Development Council in Nepal, recounting her own experiences of discrimination that reflects the societal norm. The situation is improving gradually with more parents sending girls to school, improved health-seeking behaviour for women, etc. Government policies and programmes in agriculture, education, health, expansion of infrastructure, etc has facilitated the change.

Approximately 40,000 elected and nominated women have served a term already under the special provision of the Local Governance Act. Women Development and the *Jagriti* programme of the Village Development Committees has facilitated self-help groups for savings and credit, coordinated by the Women Development Offices in all 75 districts.

Ms. Mishree Devi noted that the internal situation of conflict has an adverse effect on any gains that are made through the efforts of the government, NGOs and women activists and representatives. There is internal displacement, men migrate for work and women are left

to fend for themselves and their children. This also leads to increased violence against women, rape and abuse, and trafficking. She quoted the example of how women in her district are persecuted for witchcraft. There is a need to have more programmes that are sustainable and innovative to protect and promote women's rights.

Discussion

There was considerable discussion on women's political participation, with a focus on affirmative actions required to encourage women to join mainstream politics and on the need to create enabling environment for them. The existing culture of politics was discussed, e.g. that of patronage, of hierarchical structure, of politics based on money and muscle power and of increasing militarisation.

The issue of reserved seats was discussed at length. Ms. Salma Khan, Ms. Ayesha Khan and Ms. Nimalka Fernando raised the issue of the efficacy of reserved seats. It was shared that in some quarters, there are misgivings about reservation for women as it tends to hinder effective participation of women on critical issues. Worldwide experience shows that quotas and indirect elections are ineffective in the end. Examples of countries that have gained from women's political participation and have made it mandatory to give a critical mass nomination of at least 33% were also discussed. In the case of Sri Lanka, it was considered appropriate to introduce an electoral list, ensuring mandatory fielding of candidates. Examples of countries who have already been through the nomination process were discussed, e.g. Paraguay, Tanzania, Korea and Nordic countries where each government has made it mandatory for political parties to nominate only 40% of candidates of either sex. This would also preclude the practice in some cases, where parties nominate women in constituencies where they are likely to lose.

The deliberations also focused on the financial implications of running campaigns and networking prior to standing for public office. It was suggested that the government should create a budget and allocate it for each candidate who is nominated to stand in the elections. This mechanism has already been set up very successfully in many countries in the world, e.g. a country in Latin America where a woman who gets 30% or more votes in the election is provided matching funds by the government, regardless of whether she wins or loses.

In this regard, it was important for civil society groups and women's representatives to foster a movement for public funding of elections so that no black money enters politics and it is easy for women to enter politics on a level playing field.

The idea of women from different parties uniting on one platform in trying to lobby for important issues, as in

Bangladesh where women from different parties have come together on a one-point agenda of increasing representation in parliament, was likewise discussed.

There was an exchange of thoughts on the role of the women's movement in terms of research and of participating in the political process, considering that change from outside is more difficult and that women's groups have clarity of issues.

A best practice from Pakistan was shared, e.g. the Aurat Foundation's long running programme to get women into politics, train them and support them with information and resource centres and networks. However, capacity-building of women representatives should not only be seen as the task of civil society or of women's organizations. In addition, it is important that men are sensitised and trained as well.

In responding to some of the questions and issues raised, Ms. Khawar Mumtaz agreed that the issue of reserved seats is a contested one. It is not a level playing field and the politics of power, muscle and money and militarization makes it even tougher for women to enter the arena. So, affirmative action was extremely important and once women are in, they have raised women's critical issues in parliament. However, the problem for women remains: they are not being heard by policy-makers as well as by their contemporaries. But, they have to be in the political arena where the discourse is taking place to change the attitudes of men. There was a need to devise mechanisms to ensure that women's participation becomes meaningful and mainstreamed into the political party structure.

Currently, she claimed, the democratic processes are not being followed in the party themselves. Hence, a democratic election, where the political parties themselves are not democratic, is not possible. Ms. Mumtaz and other participants suggested a change in the political structure but stressed that change will only come with more participation of women. It is equally important to look at how women are viewed in society and that discriminatory legislation and discriminatory practices be banned.

Other concerns raised by the group:

- The political dynamics wherein women lack power needs to be addressed; governments need to devise mechanisms to ensure that women's participation becomes meaningful and mainstreamed into the political party structure and there is need for transparency in the political system;
- The dynastic politics in South Asia where women are elected on the basis of their family background or the death of husband or father in office, must be addressed;
- Lobbying for a critical mass of women to be elected and not limited to the 33% of the total seats;
- There should be special funds allocated during the election period to support genuine candidates, especially women, to stand for elections;
- Improvement in the political structure and culture where presently 'money and muscle' dominate, and violence is common and, particularly for women where gender-based violence is used to intimidate them.

