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Development Justice

Empowering women to use law as an instrument of change and promoting women's human rights in the Asia Pacific region.

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Dear Readers

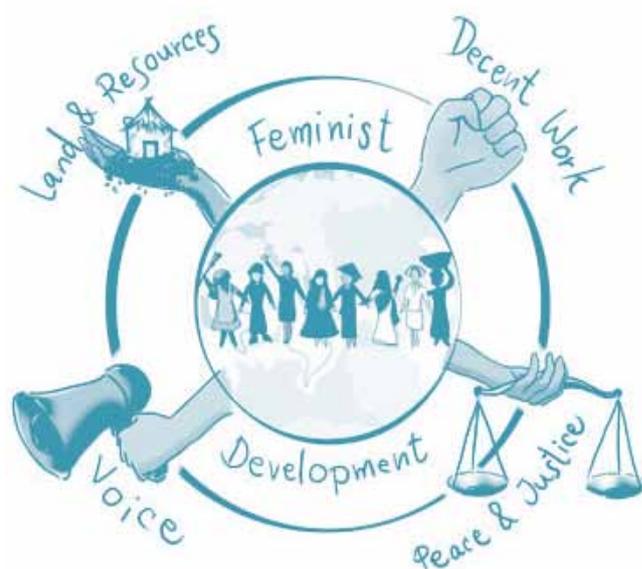
This edition of Forum News focuses on development justice. APWLD's work has always focused on development but in the past two years we've been doing more work to define a feminist visions for development justice. We know that the fusion of patriarchy with neo-liberal globalisation, fundamentalisms and militarism are responsible for gross, systemic violations of women's rights. We also know that our existing global economic and governance systems are part of the architecture that sustains these systems. But these structures are in no way inevitable. They are designed, constructed and historically new. Many alternatives exist. Alternatives that are just, sustainable and democratic.

There is no shortage of evidence that the world has become more unequal than it has been for centuries. It is no longer even accurate to talk about the wealth monopolisation of the 1%. The richest 85 people on earth now own more wealth than the bottom 50% of the population¹. Eighty five obscenely wealthy people own more than 3,500,000,000 people. That's less than 0.000001%.

Economic growth in Asia, the world's growth engine, has relied on, and stimulated, gender wage inequality. (Jayatri Ghosh). Women's labour has always been de-valued but globalisation has made the exploitation of women's labour, paid and unpaid, the pillar upon which economic growth and wealth accumulation rests.

The good news is that the depth and growth of inequalities has generated global outrage.

¹ Oxfam, 2014. "Working for the Few: Political capture and economic inequality" accesef from <http://www.oxfam.org/en/policy/working-for-the-few-economic-inequality>



Across the Asia Pacific region it is clear that the people who are relied on to produce this wealth –poorly paid women workers, women and men who have been displaced from their lands and communities to make way for wealth extraction, women suffering climatic disasters caused by over consumption, women who have been denied a voice in development decision making, are demanding a change. The overwhelming evidence that humanity has already exceeded safe planetary boundaries necessitates a more equitable world, where production and consumption patterns are based on sustainable, equitable development rather than profit. The claims of the rich on the world's resources, on its environment, on the labour of the poor must end.

That outrage can be converted to demands for a new model, but it may also simply lead to technical adjustments, designed to ameliorate some elements of inequality.

It is time to transcend profit driven, competitive economies designed to channel wealth to a tiny, obscenely rich minority. We need to invent new economies, new systems of governance that place premium on public space, on full living, on social time, on community, on reciprocity, on care, on enriching lives.

This edition contributes to efforts to strengthen regional and global solidarity to chart a new course. It includes coverage of the development justice framework that has been adopted by 100 civil society organisations in the region in the preparatory meeting ahead of the Asia Pacific intergovernmental meeting on post2015 spearheaded by the Campaign for People's Goals for Sustainable Development.

A new development model will require significant re-thinking in all areas of life. The Development Justice model identifies five big transformative shifts required for the shift: Redistributive Justice, Economic Justice, Social Justice (including Gender Justice), Environmental Justice and Accountability to the Peoples. APWLD's campaign for four priority goals within the new framework are essential to development justice and remain priorities. Those goals are: a goal to ensure and redistribute access and control of land and resources; a goal to guarantee decent work and a living wage; a goal to achieve peace and security at home, in the community, nationally and globally; a goal to ensure women's voice in all decision making from the home, in the community, nationally, regionally and internationally.

This edition includes coverage of some of the activities APWLD has organized in pursuit of development justice, including the People's General Assembly in New York, a first for APWLD. And it contains articles from members and partners working on various elements of development justice. With land, labour, peace and voice driving the focus we highlight the plight of garment workers in Bangladesh, land rights activism in Indonesia and the Philippines, and migrant worker's movements. We've also included a piece on the political economy of ICT for development. While the UN has called for a 'data revolution' for development, Nandini Chami asks who will control the data in this revolution, who will have the power to restrict knowledge and profit from it.

The forces against development justice are powerful. It will take a concerted global effort to bring about real change. Feminist movements must be key drivers of that change. We need multiple, yet coherent, approaches and they need to be generated from the struggles and alternatives of grassroots movements. Those movements must embolden and empower new forms of political leadership and accountability. The future of billions of people and the planet depend on it.

Please get in contact Leanne Sajor in the Secretariat if you want to be part of the development justice campaign: Leanne@apwld.org

Kate Lappin
Regional Coordinator
Asia Pacific Forum on Women, Law and
Development



APWLD Members in the News

Nepal needs a new development agenda—OP Ed in Kathmandu Post

Below is an excerpt from the opinion column of Renu Rabjhandari, Chairperson of the National Alliance of Women Human Rights Defenders, that appeared in the Kathmandu Post on 16 September 2013

At the UNGA, Secretary General, Ban Ki Moon, will table his report, "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015". This report is important because it will lay the foundation for the creation of sustainable development goals and give direction to proceeding discussions and programmes that will frame future development strategies.

So what is Nepal's vision for a new development agenda? How should the global economy be re-framed to benefit the poor, women and the most marginalised? How should development address endemic problems like violence against women, trafficking and forced migration? I have seen little evidence of these questions being discussed in Nepal...

So will our government have the courage and political will to go to the UN and demand a genuinely transformative agenda—one that is not driven by the World Bank or by multi-national corporations but by people? We should send representatives to the UN with a different vision, a vision of development justice...

Read the full article here: http://www.ekantipur.com/the-kathmandu-post/2013/09/15/related_articles/travel-matters/253657.html

Malaysian women's organisations, APWLD members win UN award

The Joint Action for Gender Equality Group, a coalition of nine women's organisations in Malaysia, was awarded the United Nations Award 2013 for 'Millennium Development Goal' Three: Promote Gender Equality and Empower Women. JAG also includes several APWLD members, from Tenaganita, Sisters in Islam (SIS), Women's Aid Organization (WAO) and Women's Centre for Change, Penang (WCC).

Ivy Josiah from Women's Aid Organisation said: "Collectively, as a part of a larger civil society movement, JAG believes that rights are indivisible. We have raised the debate on civil, political and cultural rights including religious freedoms". See more at: <http://www.wao.org.my/>

Malaysian gov't complicit in migrant domestic worker abuse--Tenaganita

Our Malaysian member Tenaganita spoke against the government's complicity with recruitment agencies in perpetrating violence against migrant domestic workers. An article in Free Malaysia Today expresses their concern for domestic workers' rights, excerpted below:

PETALING JAYA: The government has been chided by Tenaganita for remaining complicit on violence against domestic workers.

Its executive director Irene Fernandez said that both the Malaysian and Indonesian governments have demonstrated that they believe the lives of Indonesian women should be placed in the hands of agents and recruitment companies.

This was illustrated when both governments agreed for recruitment agents to be given the power to resolve deep-rooted issues surrounding the recruitment of domestic workers.

According to recent newspaper reports, both governments maintain that market forces should determine the recruitment and wages of domestic workers.

"How can money be the deciding factor when this entire process affects the rights and lives of women?"

"Are domestic workers now on sale to be traded as commodities to the highest bidder sanctioned and approved by the Indonesian and Malaysian governments?" said Fernandez in a statement.

She added it was important to realise how recruitment agents have been key culprits in violating the rights of domestic workers.

"Women's bodies are not commodities to be traded. The work of domestic workers needs to be valued and respected. Governments who fail in doing that must face the severest consequences of their actions," she said.

'Govt trades away rights for money'

Alyaa Azhar

December 21, 2013

Free Malaysia Today website

<http://www.freemalaysiatoday.com/category/nation/2013/12/21/govt-trades-away-rights-for-money/>



Photo Credit: Licadho

The Development Justice Model

In the past 30 years one model of development has been promoted and ensconced globally: Market driven, neo-liberal development. This model assumes that 'development' and growth are synonymous. The more profit extracted from enterprise, the more resources extracted from the earth, the more people consume, the more developed, it is assumed, a country will become. Governments facilitate this process by reducing public spending, privatising public assets and services, reducing any regulations on industry, promoting cheap and flexible labour and re-framing their role as primarily a lubricant for free markets and foreign investment.

This model of development has completely failed the majority of the Earth. It has channeled wealth from working people to the rich, from developing countries to wealthy countries. It has contributed to the warming of our Earth, caused displacements of millions of people, lowered real wages, increased labour migration and caused the crises of finance, environment, food and energy that devastate the lives of women in the global south.

The world needs a new model of development. We need a model that asserts the right to development for all people over private profit.

A model of Development Justice should be framed by five foundational shifts :

Social Justice aims to eliminate all forms of discrimination, marginalization and exclusion that pervade our communities. It recognises the need to eliminate patriarchal systems and fundamentalisms, challenge existing social structures, deliver gender justice, sexual and reproductive justice and guarantee the human rights of all peoples.

Redistributive justice aims to redistribute resources, wealth, power and opportunities to all human beings equitably. It compels us to dismantle the existing systems that channel resources and wealth from developing countries to wealthy countries, from people to corporations and elites. It recognises the people as sovereigns of our local and global commons.

Economic justice aims to develop economies that enable dignified lives, accommodate for needs and facilitate capabilities, employment and livelihoods available to all, and is not based on exploitation of people or natural resources or environmental destruction. It is a model that makes economies work for people, rather than compels people to work for economies.

Environmental Justice recognises the historical responsibility of countries and elites within countries whose production, consumption and extraction patterns have led to human rights violations, global warming and environmental disasters and compels them to alleviate and compensate those with the least culpability but who suffer the most: farmers, fishers, women and marginalised groups of the global south.

Accountability to peoples requires democratic and just governance that enables people to make informed decisions over their own lives, communities and futures. It necessitates empowering all people, but particularly the most marginalised, to be part of free, prior and informed decision making in all stages of development processes at the local, national, regional and international levels and ensuring the rights of people to determine their development priorities.

With these five principles providing the foundations of a new approach to development, goals, **targets and indicators** can be developed. Indicative goals for the new framework could include:

A goal to reduce wealth, resource and power inequalities between countries, between rich and poor and between men and women with indicators utilising existing inequality measures (Gini co-efficient or other multi-dimensional indices). A target to equitably distribute access and control over land and resources to local communities, particularly women should be a central feature and include an indicator to measure land-grabbing . It should set a target to eliminate tax havens and establish global tax minimums.

A goal to realise women's rights should be complimented with integrated gender indicators across the framework. It should include indicators on the levels of violence against women and the existence of legislative and policy responses to eliminate violence and eradicate discrimination, as well as indicators to reallocate military spending to social services.

A goal to achieve decent work for all should include all elements of the decent work agenda including; a living wage indicator, specific indicators for informal sector wages, a gender pay gap indicator, collective bargaining density indicators, comparison of minimum wage to median wage. It should set targets to redistribute the burden of unpaid care labour provided between women and men.

A goal to deliver universal social protection should aim to provide all humanity with a dignified standard of living regardless of their employment, citizenship or other status.

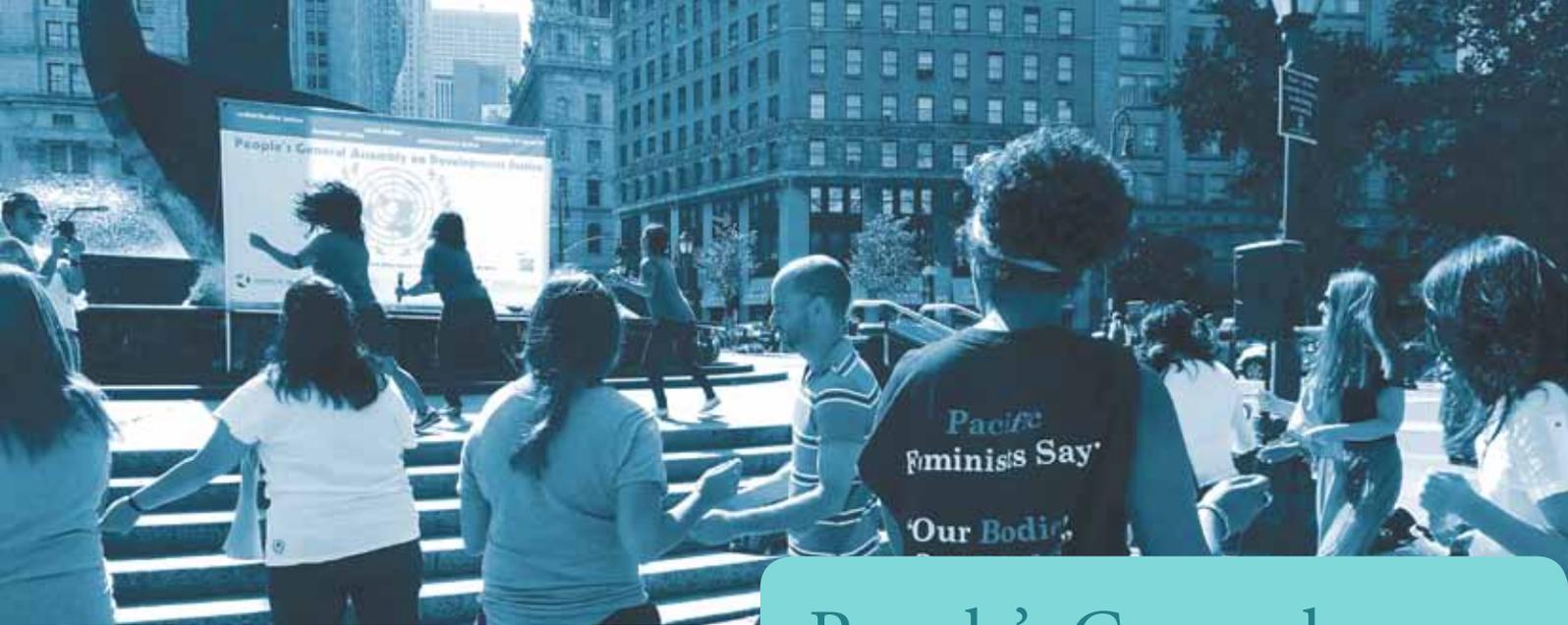
A goal to create sustainable economies should aim to return economic control to people and accountable governments. It should include targets for the elimination of corporate subsidies, for progressive tax reform, particularly over short-term capital gains, high income, wealth and inheritance; promote local, productive and sustainable economies over speculative economies; eliminate transfer pricing and ensure profits are distributed within local economies.

A goal for universal public services including education, health care, including sexual and reproductive health care, water and sanitation and sustainable energy.

An accountabilities goal that establishes new, democratic global and national accountability mechanisms for governments and a binding accountability mechanism for the private sector. The goal should include disaggregated targets for genuine civic decision making around development.

A goal to restore the Earth's ecosystems to sustainable levels should include a target for more equitable carbon redistribution, targets for the reduction of fossil fuel usage and targets for the use of renewable energies. Targets to preserve and restore forests to the control of local people, to reduce the use of harmful chemicals and provide local food sovereignty.

A goal to provide the means of implementation for development should include targets for global taxes to fund development and redistribute wealth. This includes taxes on speculation, on arms trade, on shipping on extractive industries and a minimum guaranteed corporate tax rate.



People's General Assembly on Development Justice

On 21 September 2013, The People's GA provided the space to share local stories of global problems. The event, which was held at Foley Square Park, New York, USA, engaged the general public to increase awareness for the need to transform development approaches. It was an opportunity for civil society organisations from the global south and global north to come together to deliver stories and experiences and demand justice, human rights and accountability in solidarity of each other's work. The People's General Assembly also presented cultural performances and a photo exhibit of the lives of garment workers in Bangladesh and the organising work against land-grabbing in Cambodia. Furthermore, in solidarity with the work of our members and partners for the International Assembly of Migrants and Refugees, FIRE initiated a flash mob, dance tutorial on the theme of migrant rights.





Asia Pacific women say NO to WTO!

Bali, Indonesia (6 December 2013) – Over 150 women from different countries in the Asia Pacific region gathered at Bajrasandhi Field, Renon for the Feminist Carnival Action against the World Trade Organisation, that was meeting a few miles away in Nusa Dua, Bali.

Chanting "Women resist WTO! Economic Justice Now!" "Burbakan WTO!" women farmers, domestic workers, migrant workers, activists and peasants marched in the streets of Bali in feminist batik sarong and traditional costumes. The Feminist Carnival included a cultural parade of Asia and the Pacific women, protest dance and speak-outs calling for the total rejection of the WTO and the undemocratic free trade regime.

We are opposing the WTO because it channels wealth and power away from poor women and gives it to foreign governments, corporations and domestic elite. WTO triggers land grabbing, forced evictions, exploitative labour migration, reduces food sovereignty and robs women of their livelihoods.

We are demanding people centered trade where local communities and elected and people centered governments have sovereignty over their own economies.





Framing Development Justice for Women in the Readymade Garment (RMG) Sector of Bangladesh

Photo Credit: APWLD

Introduction

On 24 November 2013, one year has passed since the disastrous incident of Tazreen Fashions Factory that left 112 workers dead and many others injured. Since then, fire accidents in garment factories continue to kill workers, most of whom are women. The collapse of Rana Plaza on 24 April 2013, is one of the worst industrial disasters in recent history, where more than 1200 people died and thousands were injured. It is estimated that since 2005, over 1,800 workers have died in factory fires, stampedes and building collapses in the garment industry because of poor safety standards.

The Context Setting:

The Readymade Garment (RMG) sector of Bangladesh is at the heart of the country's export boom and has remained so ever since the first factory opened in 1976. This industry has been growing consistently over the past 35 years, and today accounts for 80% of Bangladesh's total exports. There are almost over four thousand garment factories in Bangladesh employing over three million people. This sector at present is the major destination of Foreign Direct Investment (FDI) which accounts of more than \$1,000 million compared to only \$2.4 million in 1986. Today, one third of foreign direct investment comes from European companies, principally from the United Kingdom.

Women in Readymade Garments sector: Some Key Facts

- RMG sector is based on the theory of cheap labor and it is significant to mention that these women who are basically illiterate or having less than a primary education are the main source of cheap labor for this sector.
 - Women mainly from lowest income families work in this sector. Struggling with poverty, financial hardships and social inequalities these women in rural areas have no other choice but to migrate in the urban localities in search of workplace in the RMG sector.
 - Women are employed in a highly exploitative context. They remain at the bottom of the supply chain where men are given higher position and better wages. They work mainly as helpers, machinists and less frequently, as line supervisors and quality controllers. Men dominate the administrative and management level posts.
 - Basic maternity rights are also denied to women though the existing Labour Law protects the fundamental rights of women workers, including the right to maternity leave. The Constitution of Bangladesh guarantees equal rights to women and men and at the international level, Bangladesh has also ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as ILO Convention 111 on Discrimination in Employment and Occupation.
 - In most cases the employers engage garment workers, mainly women, in the factory without any formal agreement or job contract. Thus they can be easily hired and fired and no compensation is offered when they are laid off in the interest of factory owners.
 - Sexual harassment is a key source of mental stress for women workers. Usually the
- In the Readymade Garment sector women are the main workforce which constitutes more than 85% of its workforce.

incidents of sexual harassment are under reported as women workers doesn't want to share these experiences because of shyness and also fear of losing job.

- Trade unions are either absent or dysfunctional so that workers voices are not heard properly.
- Most of the garment factories have failed to ensure occupational safety and health condition for the women workers. Taking the advantages of workers' poverty and ignorance the owners forced them to work in unsafe and unhealthy work place overcrowded with workers beyond capacity of the factory floor and improper ventilation.

In spite of all these loopholes, it is also fair to say that this growth has provided economic opportunities to millions of women who would have very few other options to escape extreme poverty. The garment sector, despite an extremely-low paying industry, has positively transformed the lives of many women in Bangladesh by providing economic empowerment which is threatened in the face of recent developments.

After the incident of Rana Plaza the United States cancelled the GSP (Generalised System of Preference) 'priority entry rights' in exporting of RMG in June 2013. The United States' cancellation was an indication that Bangladesh has not been serious about ensuring occupational safety, labour standards and improving the conditions of the workers of garment industry. This may encourage other countries and regions to withdraw trade privileges which will lead Bangladesh to lose its competitiveness in the global garment business. The industry will shrink and many factories will be closed. Millions of women will be jobless.

Consultation with Special Procedures Mandate Holders

In search of exploring the conditions of RMG workers in Bangladesh and also framing development justice for them, a national level consultation was held on October, 30th, 2013. It was a consultation with the special United Nations Mandate Holders on "Framing Development Justice" for women in the Readymade Garments (RMG) sector of Bangladesh. The day-long consultation held in BRAC Centre Inn Auditorium in Dhaka, Bangladesh. The consultation was organised by the Asia Pacific Forum on Women, Law and Development (APWLD), Ain o Salish Kendra (ASK) and Nijera Kori.

Reflections from the Consultation Process:

Measuring Living Wage for RMG workers to improve their professional, social and economic conditions. The pay structure for the garment workers is not competitive enough which forced them to live hand to mouth. As compared to pay structure with other developing countries, it is considered as one of the lowest in world. The demand of the garment workers and local trade union leaders for ensuring minimum wage has always been ignored in the past by the factory owners. International organisations, labour rights activists have also been demanding to ensure minimum wage which should provide adequate food and shelter for the family members of garment workers.

The workers insisted to be given tk8000 per month as their minimum wages but after lot of discussions, in November 2013, the government and BGMEA have agreed to give taka 5,300 with 5% increment on basic every year.

During the consultation process, Kate Lappin, Regional Coordinator of APWLD informed that, the notion of living wage is the calculation of expenditure based on a combination of food and non-food costs. It is the minimum income required to meet the basic costs of living for a family of two adults and two childrens, without requiring overtime work. She showed that the calculated living wage for Bangladesh is Tk. 13,254. Fahmida Khatun- Director, Centre for Policy Dialogue Bangladesh in this regard mentioned that, the garment workers receive the lowest minimum wage among all major industrial sectors in Bangladesh, and there is constant pressure from buyers and manufacturers to keep wages down in order to ensure their own profits. Making matters worse are the subcontracting factories that compete with manufacturers for low cost, resulting in a race to the bottom that further contributes to the injustice.

Demand for Increasing Roles of Regulatory Authorities to Improve Working Conditions of Women RMG Workers:

The government and relevant authorities have failed to take appropriate actions to ensure workers rights of a safe workplace. The regulations we have in regard to building safety are not sufficient to provide real protection to workers.

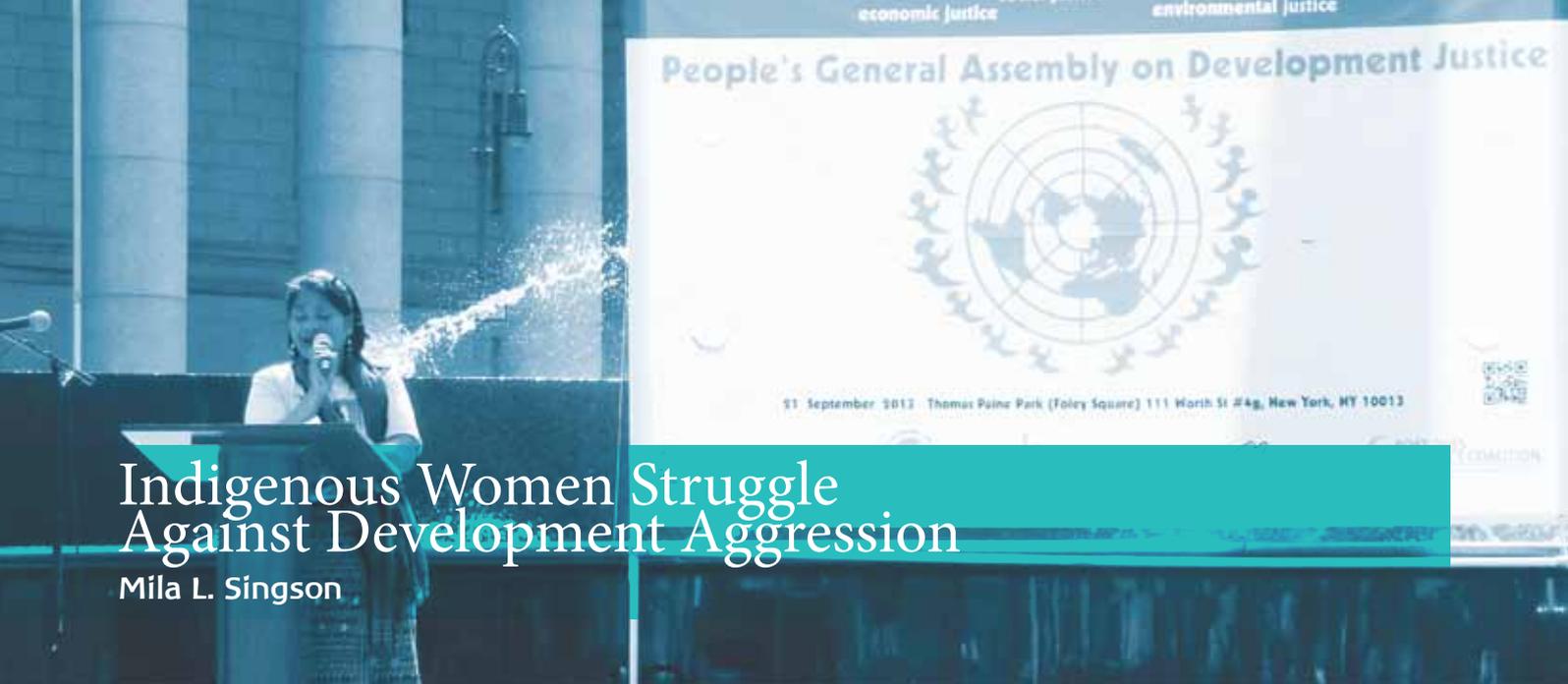
Furthermore the government's ability to enforce even these limited regulations is not satisfactory at all. All of the incidents in the garment factories could have been avoided if proper and effective regulation and inspection systems were in place.

In the consultation, Md. Aminul Islam- Deputy Secretary (Labor), Ministry of Labor and Employment, Bangladesh admitted that, there were many flaws to manage disaster at this massive scale. He also added that, the government is working for ensuring compliance in the RMG sector by providing policy support and by enforcing laws and regulations. But the activists and workers who were present in the consultation express their deep concern and dissatisfaction about the government initiatives and disaster management arrangement. They wanted that the government should adopt some stern actions to ensure safety at workplace for the workers.

Recommendations:

- Government should follow international human rights standards since it is party to several international treaties protecting the rights of workers. Grassroots organisations providing further information on these incidents can write to the government with recommendations on how to increase the effectiveness of its remedial efforts and prevent similar disasters from arising in the future.
- The UN Guiding Principles on Business and Human Rights, signed in 2011, provide a framework for defining the roles and responsibilities of both governments and businesses in regard to human rights. The UN Framework can and should be applied to the issue of hazardous workplaces and states and business therefore have responsibilities to take action to protect and respect the workers.
- The activists also emphasised the importance of ratifying the ILO Convention C121, concerning "Benefits in the Case of Employment Injury".
- Investment is needed from manufacturers, buyers and development partners to improve skill and efficiency of workers and to modernize factories with improved technology and working conditions, all of which will contribute towards increasing productivity.
- These investments need to be carefully monitored to ensure accountability and transparency. In addition, subcontracting firms should be integrated into the supply chain in order to remedy the compliance and capacity issues of these factories.
- The wage should be calculated on the basis of the take-home pay earned during normal working hours, without counting overtime that diminishes the workers' health and well-being.
- Existence of trade unions is vital. Trade unions are a must if we want to guarantee the rights and security of workers and give them bargaining power. Labors should be empowered to speak their minds and express themselves freely so they can demand justice and ensure their rights to decent employment.
- The wage should be calculated on the basis of the take-home pay earned during normal working hours, without counting overtime that diminishes the workers' health and well-being.
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- The discrimination experienced by young women employed in this sector needs to be incorporated into the compensation system.
- Short-term priorities should include- a) publication of the probe committee report and DNA report in order to regain public trust and identify the accountable parties for the systemic violations, b) addressing the stigmatisation of the men and women fighting for the rights of the victims as foreign agents, and c) necessity of discussing the UN Guiding Principles on Business and Human Rights with BGMEA representatives.
- The civil society and the legal sector need to work together to create pressure on the authorities and the government to ensure workers' rights. Responses should focus on improving working conditions rather than shifting the industry that plays such a vital role in the economic growth of Bangladesh.

Ain o Salish Kendra (ASK) and Nijera Kori
30 October, 2013 Dhaka, Bangladesh



Indigenous Women Struggle Against Development Aggression

Mila L. Singson

Photo Credit: APWLD

At present, Innabuyog and the Cordillera indigenous women are in a hot pot of anti-people government programs. Development aggression, plunder and militarisation threaten to remove the Cordillera indigenous people from their beloved land.

Development aggression in the form of large scale mining, large energy infrastructure projects, land conversion, forestry programs cover the Cordillera. The Philippine government actively advertise the country's resources to foreign investors. The government displays the country's resources open for plunder. It implements laws, policies and programs for development, such as mining, energy projects and plantations in ancestral lands that do not correspond to the needs and situations of the indigenous communities.

Operations of large-scale mining by local and transnational corporations are the biggest threat to the right to ancestral land and self-determination of indigenous peoples. The Mining Act of 1995 institutionalised and legalised mining plunder by allowing 100% foreign ownership of mineral lands. For over a decade, the Mining Act has justified the devastation of ancestral lands and the pillage of the country's national patrimony. Compounding the violation of indigenous peoples' rights to land is the use of military, paramilitary, police force, and other state-sanctioned armed groups to quell resistance to these projects.

The government actively peddled the country's mineral resources in mining road shows around the world to attract foreign investment—heedless of the turmoil caused by mining in affected communities. Taken from government data, there exist at least 184 approved mining applications in

areas occupied by indigenous peoples covering an estimated 595, 058.11 hectares of ancestral lands in 28 provinces.

Philippine President Benigno Aquino released Executive Order 79 in July 2012 that pertained to reforms in the mining sector. Though EO 79 is but a reaffirmation of the liberalised mining industry, what it accomplished is to buttress existing mining laws and policies. Rooted in the Regalian Doctrine and the Mining Act of 1995, the national government placed itself in charge of appropriating mineral lands for mining development, undermining indigenous peoples' rights to ancestral territories.

The Private Public Partnership also prioritised the privatisation of the energy industry. The construction of energy projects such as hydroelectric dams, geothermal power plants, and coal plants dotted the country. There are at least 27 hydro-electric dams built, in construction and in the pipelines today that will inundate indigenous communities all over the country. One of the largest is the Pulangi Dam that straddles Bukidnon, Agusan, and North Cotabato that is aimed to provide 300 megawatts of electricity in Mindanao. Now on its fifth stage of construction, it will affect 23 villages including the vast tracts of Lumad and Moro ancestral territories.

Kalinga in the Cordillera in Northern Luzon is also affected by \$300 million Chevron Corporation geothermal project. In 2010, the giant energy company announced its intention to dig up several exploratory wells in the ancestral lands of the Kalinga people in Lubuagan Pasil and Tinglayan, by 2011; the Philippine government announced its support on the operations, despite the indigenous

peoples' rejection of the destructive project.

Massive land-grabbing in the form of plantations, economic zones, and Eco-tourism projects are also rampant and widespread. In Northern Mindanao, for example, Higaonon peoples are being ejected in their farmlands to give way for a 20,000 hectare palm oil plantation owned by the A. Brown Company. In Aurora, in the eastern Luzon, the Aurora Pacific Economic Zone and Free Port Authority will take over 13,000 hectares of land, discounting the vast areas of fishing grounds and beaches. It will displace thousands of peasants and Dumagat people in its construction, and bear away their sources of livelihood.

These projects cause environmental destruction, physical and livelihood displacement and aggression that violate the rights of the indigenous people to their ancestral domain. It worsens the poverty and hunger situation of the indigenous people. These development aggressions are directly grabbing the ancestral land of indigenous people.

On the other hand, development aggression also threatens the indigenous peoples' knowledge and practices. Along with development aggression comes Western values and cultures that slowly overtake the existing indigenous culture. Displacement of indigenous people from their ancestral land also threatens the preservation of culture.

The development projects in ancestral territories are attended by heavy militarisation that makes the communities more vulnerable to human rights abuses. It claims that the on-going internal conflict is demonising the local indigenous people, justifying the State's relentless violence. In the recent years, the State openly promotes militarisation to have a "peaceful" operation for the foreign investors. Militarisation has accompanied the implementation of destructive mining, logging, and energy projects because of the people's opposition to them. Army troops are regularly deployed in the territories of the Agtas, Aetas, Mangyans, Lumads, and Igorots. Military, paramilitary, police forces, and other state-sanctioned armed groups plague the indigenous communities.

Development aggression, plunder and militarisation threaten to remove the Cordillera indigenous people from their beloved land.

The militarisation in the countryside has brought more harm than good. There is a constant harassment of mass leaders in the community. The counter-insurgency program of the president, the Oplan Bayanihan, is deceitful program. Oplan Bayanihan uses Civil-Military Operations in the community to cover up human rights violations. Since

its implementation in 2010, there have been 37 indigenous people victims of extra-judicial killings, 5 of which are children. Last year, Juvy Capion and three of her children were killed in their house by men of the 27th Infantry Battalion. Their bodies were dragged outside for people to see and to coerce people into giving up Juvy's husband, a Lumad tribal leader who is an ardent organiser against mining projects in their land.

Organisations, mass leaders and common people are victimised by vilification and trumped up charges. Student leaders find themselves with outrageous accusations ranging from catnapping to kidnapping. Women leaders and organisations are not spared. A women's cooperative in Abra was foreclosed by the military due to accusations of support for the New People's Army.

In February 2012, Isabel, not her real name, was raped by Capt. Danilo Lalin of the 86th Infantry Brigade. Isabel is raised in mining community where there is a going struggle against destructive mining. She was 16 at that time and about to march for her high school graduation. She came home dishevelled and confused. Her medico-legal stated that her lacerations and the amount of semen coming out from her suggest that she may have been raped by more than one person. Living in a poor condition, her family had high hopes for Isabel. Now, Isabel is suffering from amnesia due to severe stress from the incident.

In the past three months, the AFP subjected the indigenous people of Abra and Sagada to indiscriminate airstrikes. In the morning of June 1, the 503rd Brigade of the AFP conducted airstrikes in Malibcong, Abra. They were said to be chasing the rebel army from an encounter the day before. The two young girls who were out to gather food for their families were nearly hit by the indiscriminate bombing when one of the bombs dropped 10 meters away from them.

The military also poses a daily threat to the community. In most area of the indigenous in the Philippines, the military erected barracks and camps within the community. During operations, some military even stay within the residence of the community people. Children grow fear with the presence of the military. Afraid of being harmed or used as intelligence agents by the army, some of the children refuse to attend school.

What must be done?

Indigenous peoples of the world must unite; resist development aggression and imperialist globalization. We must defend our land, life and resources, and assert our right to self determination and liberation.

If we want to survive as indigenous peoples we have to resist development aggression, imperialist plunder and globalisation and defend our ancestral lands and territories, including our culture, indigenous institutions and traditional knowledge, which is the material base of our existence as a distinct people.

Our Specific Calls:

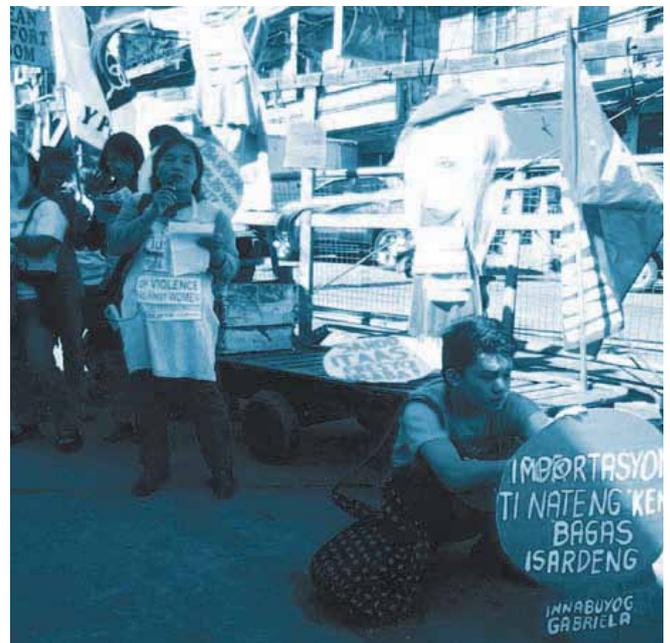
1. Repeal the Philippine Mining Act of 1995, revoke Executive Order 79 and support the passage of an alternative mining law in Congress that will provide for the rational management of minerals while upholding the rights of indigenous peoples;
2. Respect and uphold the issuances of mining moratorium by local government units, consistent with local government autonomy.
3. Declare a moratorium on large-scale mining nationwide and strictly regulate small scale mining;
4. Prohibit the involvement of state military and police forces in the implementation and operation of mining projects; stop using military elements as investment defence forces to protect the interest of large-scale extractive industries in the country; and dismantle existing paramilitary groups.
5. Stop militarisation of indigenous people's communities and ensure justice and indemnification for the victims of human rights violations including indigenous women and children.

6. Stop the planned construction of mega dams within ancestral lands such as the Laiban Dam, Pulangi V, Jalaur Dam and Agus Dam.
7. Hold accountable all corporations that have caused destruction of the environment, rivers, forests and our livelihood. Ensure that these corporations rehabilitate what they have destroyed and compensate those who have lost their sources of livelihood.
8. Ensure support for vulnerable indigenous communities affected by natural disasters and calamities, which have been aggravated by large-scale and destructive mining and logging operations.
9. Ensure the effective consultation and participation of Indigenous Peoples in the peace talks between GPH-NDFP and GPH-MILF and create appropriate mechanism for Indigenous Peoples to be able to forward their concerns to the Government of the Philippines, National Democratic Front of the Philippines and Moro Islamic Liberation Front;

Quote from our Tribal Leader and Martyr

“What is the most precious thing to man? Life. If life is threatened, what ought a man to do? Resist! ... If we fight, we die honourably. Because we are willing to fight now, our children may live and keep this land; and the land shall become even more precious when nourished by our sweat and blood.”

- Macliing Dulag





“I am ready to die to keep my home”

Nim Chray

Photo Credit: Licadho

My name is Nim Chray and I am 35 years old. I am married with a 9 year old daughter and I live in Phnom Penh, the capital of Cambodia.

A little over a year ago, I was just a fruit seller from the village of Thmor Kol, a small community located along the southern fence of Phnom Penh International Airport.

I never dreamed that one day I would become a land-rights activist. But this changed after June 25, 2013, when local authorities sent a letter to my community, informing us that we had seven days to leave our homes. The reason was to make space for airport development led by the French-Cambodian developer, Société Concessionnaire de l'Aéroport (SCA, also called “Cambodia Airports”).

Authorities also told us that we wouldn't be receiving any compensation. You can imagine how confused and distressed we were since most of us had purchased our land formally, with the documentation, signatures and thumbprints to prove it.

After receiving notice of our eviction, I was elected to be one of 10 community representatives responsible for negotiating with local authorities. When it became clear to me that they would not halt the eviction process or offer fair compensation and adequate relocation facilities, I began organising protests outside the airport, soliciting help from local non-government organisations (NGOs) including Mr. Sarom Ee who works for Sahmakum Teang Tnaut (STT), and petitioning the SCA to intervene.

When I learned that President Obama was visiting Cambodia November 2012, my neighbors and I painted large “S.O.S” signs on the roofs of our

houses hoping to capture his attention as he flew into the country. The day before he arrived, however, the police detained seven of us and erased our signs. The media was there to capture it all so despite the unlawful detention I believe we still managed to get our message across.

Sadly, some of the other community representatives don't agree with my tactics. One even accused me of being a troublemaker and tried to vote me out of my position. I'm not a troublemaker. I just want to protect my right to own land that I purchased.

Being a full-time land rights activist in Cambodia is not easy. I am blacklisted. I am followed around by the police. And at any moment I can be killed in what the authorities can call an accident.

As an activist, I am lonely. Fearing the loss of his job, my husband left me after his boss at the Ministry of Interior asked him to stop my activism. Now I care for my daughter alone. I fear that something will happen to her on the way back from school, or when she's at home. If I die, I hope someone will take care of her.

In my own community, few dare to join in protests because the police intimidate them. My neighbors are afraid that if they support me, the police will hurt them or will not give them the documents and signatures needed, for example, to take out loans from the bank.

Despite the danger, the loneliness, and the uncertainty, I can continue my activism because of support from a few committed members of my community. None of us have much. We contribute what little money we can to our cause, but most of all, we contribute our time. Some of the women used to be garment factory workers but they lost

their jobs because they took too many days of leave to protest.

We are not alone. NGOs give us valuable support by helping us to monitor the activities of police, providing us with materials for demonstrations, and teaching us about land and housing rights and how to organize protests. Sometimes, I am the only one who can attend workshops, so when I go back to my village, I share what I have learned.

I believe that our collective efforts have not been in vain. On May 22, 2013, we held a demonstration in front of the Phnom Penh International Airport. We also sent a petition to the International Finance Corporation (IFC), asking them to intervene on our behalf.

Because of all this the SCA agreed to meet with us on June 04, 2013. In this meeting, the SCA agreed to negotiate with authorities to offer us fair compensation in the event of an eviction. For the first time, the authorities allowed the media and NGOs to participate. We finally had a voice.



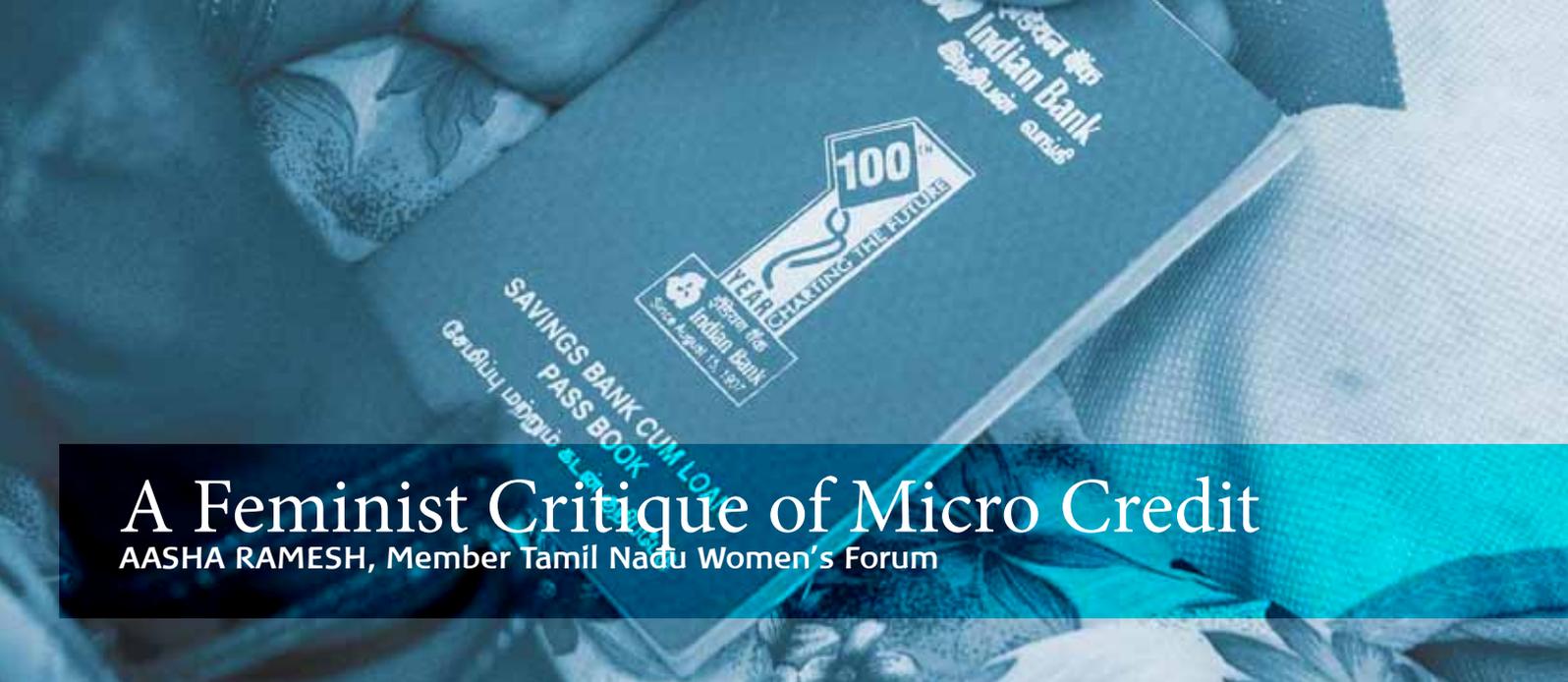
We also need to build networks with other communities. The more support we have, the bigger our voice can be during protests.

Illegal land-rights eviction in Cambodia is an important issue because without a home, there is no life. If children don't have a house, they will not feel at home. Development in Cambodia does not have to happen this way. I ask that local and international NGOs pay attention to Cambodia. What the government calls development is really a tragic story about forced evictions.

There is still a lot of work to do. NGOs should continue educating Cambodians about their land rights so they are not afraid to stand up to the authorities, or are cheated out of their homes. The authorities have used community representatives in my village to collect thumbprints, promising money. But no one received money, and no one knew what the thumbprints were for. I am concerned that the authorities will use them to say that my neighbors agreed to their own eviction. This is why being educated on the law and one's rights is so important.

We also need to build networks with other communities. The more support we have, the bigger our voice can be during protests. We can also learn from the lessons of other communities who have experienced forced land-evictions. Last year, the NGO Housing Rights Task Force (HRTF) took us to Phnom Bat – a "relocation" site where people from Borei Keila, which is another eviction site in the capital, were dumped to fend for themselves. There was no water, no electricity, no health center and no school, and the nearest town was kilometers away. It looked like a desert.

What happened to the Borei Keila community can happen to us if we don't raise our voice and keep fighting. Since forced evictions occur every day in Cambodia, we can easily be forgotten as another statistic. I urge the international community to consider what I have said. If the current government continues to help large, private corporations displace Cambodian citizens, then it's time for this government to change.



A Feminist Critique of Micro Credit

AASHA RAMESH, Member Tamil Nadu Women's Forum

Photo Credit: McKay Savage

What are micro-finance institutions?

Institutions which give out small loans, especially to low income individuals and also, to collectives are termed **micro-finance institutions (MFIs)**. The beneficiaries of these loans are primarily women comprising of the economically disadvantaged sections.

There are three main delivery channels for micro-finance services in India: self-help groups (SHGs) linked to banks (1980s), traditional money lenders/pawn brokers (for decades) and the profit oriented, non banking financial companies (NBFCs). Further, Societies, Trusts, cooperatives and the so called 'not for profit' companies under section 25 Companies Act lend to groups and individuals either at a higher interest rate comparable to SHG bank linkage model or very high interest rate comparable to NBFCs (the interest rates of NBFCs itself varies, but is definitely higher than the bank-SHG linkage model).

Microfinance is no longer limited to just providing loans. In fact, the microfinance sector has traversed a long journey from micro savings to micro credit and then to micro enterprises and now entered the field of micro insurance, micro remittance and micro pension.

According to the Government, the MFIs and SHGs, micro-credit is seen as a great opportunity for the rural poor in India to reach reasonable economic, social and cultural empowerment, leading to better living standards and improved quality of life for participating households.

The Situation

It is estimated that there are approximately

6,953, 000 SHG savings linked with banks. Out of which 5,310,000 are exclusively women SHGs. The remaining SHGs are mixed and in some cases could be all male too. The ground reality is that women's SHGs are mushrooming rapidly. The World Bank has been a key player in promoting the formation of SHGs in large numbers, through the government. Besides, several civil society organizations/NGOs who were earlier into savings and credit programmes have now become partners of the MFIs and exploiting women's economic vulnerability.

In Tamil Nadu the largest numbers of SHGs are run by the Mahilir Thittam, which has been set up by the Women's Development Corporation, which is a state government entity. This programme reaches out to women both in urban and rural areas. Women SHG members are provided training on group concept, micro finance, gender, leadership and social issues. In rural areas SHGs are federated to form large SHG federations. NGOs mobilise the women and form them into SHGs and impart training, while bank linkage is facilitated by the Tamil Nadu Women's Development Corporation. In addition there are self help groups formed and operated by NGOs independent of Mahalir Thittam. However, the majority of them are run by the Mahilar Thittam.

The SGSY programme, which was earlier under the rural development department, now is operated by the Women's Development Corporation, promoting livelihood options. In the last decade there has been a proliferation of profit oriented MFIs emerging in Tamil Nadu- under the guise of NBFCs, 'not for profit' companies. A significant number of NGOs are part of this micro-finance initiative.

Micro finance targets largely the poor and marginalised women, who are dalits, tribals and other rural poor women, who are formed into SHGs. The interest rates charged are as high as 24%, according to the women, by the Mahilir Thittam. But in some cases, where NGOs were linked to the NFBCs for micro-finance, the interest rates charged are even higher.

Impact on Women

Women have been pushed into a vicious cycle of indebtedness by the micro-finance institutions. This is a World Bank initiative through the government and civil society organizations, fooling women that through such linkages, their economic situation will improve.

The myth that micro-credit will improve women's status has proved wrong. On the other hand, women who have become prey to micro-finance have found themselves burdened with more work and in fact having to take on multifold work to pay back the loan taken.

It was also found that violence against women had increased. There were several cases where the husbands had compelled their spouses to take loans. This money, in many cases was in the control of the men who used it up in drinking liquor. Then under the influence of drinks, the men would resort to violence against their wives.

There were also instances when women, in the dire need to repay the loan, resorted to selling their bodies. In other words, the women are forced into prostitution to earn the needed money.

The micro-finance institutions appoints agents who are like sharks. When women default in the payment, these agents continuously harass the women. There have been cases where women have committed suicide, unable to pay loans and fearful of the MFI sharks. Such is the harassment women are subjected to. Families who have got into severe indebtedness are faced with a situation, where they have had to discontinue the education of the children. The family is caught in the debt-trap, unable to pay for the education, unless the loan is repaid.

The MFI's lure women into their net, thus weakening the government's Mahilir Thittam, where women could get loans on a reducing interest rate of about 24%, which itself, is quite high. In the NFBCs and other private MFI's, the

interest rates are exorbitant. But the catch here is that women have a lot of paper work formality to avail loan from the government run Mahilir Thaittam, whereas the private money lending institutions have minimal paperwork, with quick and easy, dispensation of loans.

However, one needs to acknowledge that though women have learnt to manage their finances through engagement with MFI's, it has not been able to truly empower women.

Another glaring fact is that the most affected through MFIs are the most marginalised sections (dalits, tribals, minorities) who continue to become easy prey due to their economic vulnerability.

A major concern is that the emergence of MFIs has affected large numbers of SHGs that were previously formed and federated through processes of education being a tool for empowering women, for example the Mahila Samakhya Sanghas and other similar women's collectives. These SHGs earlier were active in addressing social issues affecting women's lives, are now being relegated to being just credit groups.

Ways Forward

While SHGs are here to stay, there is a need to impress upon the State and other relevant authorities to recognise the plight of women caught in the web of MFIs. Therefore the following suggestions and recommendations are made with the hope that these can be implemented in the near future, so that women's plight can be addressed and they find some recourse to improve their lives:

- Enact legislation at state and national level to regulate profit oriented MFIs and bring NFBCs, not for profit companies under section 25, societies, trusts, cooperatives, banks, other financial institutions under its fold.
- Immediate stoppage of conversion of agriculture land to industrial purposes in Tamil Nadu (there has been no land reform in this region and landlessness has been traditionally higher than Indian average) to prevent migration of landless to towns
- Invest in agriculture growth with a focus on strengthening food and nutritional security
- Immediate stoppage of conversion of agriculture land to industrial purposes in Tamil

Nadu (there has been no land reform in TN and landlessness has been traditionally higher than Indian average) to prevent migration of landless to towns

- Invest in agriculture growth with a focus on strengthening food and nutritional security
- To increase priority sector lending by banks and generally strengthen bank linkages
- To provide Bank loans to poor dalit women, without insisting for any collateral such as land etc.
- To strengthen implementation of schemes for dalits, adivasis and poorest in rural areas
- Increase the Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGS), currently Rs.150 per day.
- The government should give land to women in their names, so that they can be food secure and avail bank loans for improving their economic status
- to initiate national urban employment guarantee scheme with at least Rs 200 as minimum wages
- to ensure that local poor especially the dalits and other marginalized sections receive priority for employment by companies located in the jurisdiction of their village panchyat.
- Promote formation of labour cooperatives by the companies, so that these cooperatives can be contracted for labour.
- There should be some regulation to cap the interest rate, so that the MFI hawks are regulated.

(Paper presented at Framing Development Justice -2013 Asia Pacific Regional Consultation with Special Procedures Mandate Holders 27-29th October 2013 Dhaka)

Photo Credit: McKay Savage





Towards an Inclusive Movement

How and Why We Need to Include Migrant Domestic Workers in Conversations about Development Justice

Katelyn Davis, Research and Advocacy Intern, Asia Pacific Mission for Migrants

Photo Credit: APWLD

Private households, which encompass domestic workers, employ approximately 21.5 million people in the Asia Pacific region, according to a recent publication about domestic work by the International Labor Organisation. This is the highest number of private household workers worldwide, and four in five people employed in this sector are women (ILO, 2013). The Philippines, Sri Lanka and Indonesia are the three major sending countries of female migrant workers. Women account for 60 to 80 percent of all outward labor migration in these countries. Destination countries vary based on nationality, but the vast majority of these domestic workers travel to Saudi Arabia, Hong Kong, Singapore, Malaysia, Kuwait, Qatar and the United Arab Emirates (ILO, 2013).

Outward female migration to the private household sector began about three decades ago, but skyrocketed over the past ten years. These women experience both “push” and “pull” factors. The Philippines, for instance, began a labor export policy under the Marcos dictatorship to relieve local unemployment. The government actively pursued overseas labor markets for its citizens to enter into, rather than investing in economic development in the Philippines, thus institutionalising forced labor migration. Following the “successful” model of the Philippines, several other low income countries in Asia developed their own labor export policy over the past two decades, for example, Indonesia. The lack of employment combined with low wages in sending countries creates a situation which forces women to leave their families and children to find employment abroad.

Rising incomes in destination countries created a demand for domestic workers. Additionally, the governments of some destination countries actively

pursued the importation of female household workers to “allow” local women to enter the formal labor force.

Chronic problems in sending countries of unemployment, underemployment, and poverty coupled with labor export policy have created a situation of underdevelopment in these countries. Underdevelopment contains distinct gender elements based on a women’s position in society and her role as the traditional caregiver. Traditional models of “development,” which focus only on the economy, have largely ignored women and failed to understand the challenges that they face. Many efforts of so-called development in fact led to the feminisation of underdevelopment. Thus, discussions and programs of development justice must not only focus on women but understand how systems of oppression affect them.

Female migrant workers employed in the private household sector face systemic discrimination across nationalities and destination countries although the laws and “severity” of discrimination varies according to each factor (nationality and destination). In all destination countries, female domestic workers face long working hours, low wages, minimum or nonexistent labor protections, and emotional, physical and sexual abuse. Many destination countries require domestic workers to live with their employers, so called “live-in” policies, thus exacerbating the previously mentioned conditions.

The treatment of migrant domestic workers reflects the way that society perceives and values migrant domestic workers in the host countries. Laws and policies then institutionalize and justify this treatment allowing societies to rationalize their own behavior towards women. Examining the conditions

of migrant domestic workers in the Asia Pacific and Middle East in relation to local women shows a need to locate FDWs within the framework of development politics. Female FDWs suffer from the same patriarchal social conventions and state institutions as their local female counterparts, but in addition to gender discrimination, most of these women face racial discrimination as locals view them as "inferior" and "deserving" of the work conditions that they find. Development justice for all women means an end to the social conditions that create, sustain and justify discriminatory and abusive state policies towards all women.

A framework of development justice with the inclusion of migrant domestic workers means an end to men using violence as a way to exert their control over women, a reorientation of traditional concepts of "women's work," and an end to state control over female bodies.

Across the world, men control women with violence or the threat of violence in various forms. This violence includes physical violence (hitting, slapping, punching, kicking), sexual violence through rape including marital rape and gang rape, emotional and psychological violence and systemic state violence such as "honor" killings, acid attacks and female genital mutilation. FDWs experience a variety of forms of violence committed against them. A survey in 2013 by the Mission for Migrants Workers in Hong Kong found that 58% of domestic workers in Hong Kong experience verbal abuse, 18% face physical abuse and 6% suffer from sexual abuse (Mission for Migrants Workers, 2013). Repeated cases of violence directed towards FDWs shows that these cases are not "isolated" incidents but rather systemic in nature. Addressing this systemic violence means including FDWs into the conversation about violence against women and addressing issues of racial discrimination.

A reinterpretation of the "traditional" role of women in the household will create a framework of development justice that includes FDWs and addresses social inequalities between men and women. Societies have always conceptualized female household labor as part a women's "traditional" role in the society and of course, free. This conceptualization explains why minimum wage laws and labor protections exclude domestic workers. The state, run by men and for men, struggles to justify paying for domestic labor, which it understands as being free and part of women's "natural role." A spokesman for the Minister of Labor in Bahrain said that "house

workers are treated as part of the family. Disputes should be settled internally whenever possible, or else the privacy of the household is desecrated" (Al-Najjar,2004). The state refuses to regulate the domestic labor sector due to its "private nature." Societies and government need to re-conceptualize domestic labor as formal, paid labor and remove it from a traditional understanding of the "role" of women in the household.

Finally, discussions about development justice must incorporate a path to ending state control over female bodies¹ for all women, including migrant domestic workers. Currently, many destination countries (Hong Kong, Singapore and the Gulf countries) have "live-in" policies that require a FDW to live with her employer. In addition to making the FDW vulnerable to abusive situations, "live-in" policies fundamentally violate the right of the FDW to control her own living situation. Many other destination countries have discriminatory policies specifically applied to FDWs enacted to control her right to self-determination. For instance, Singapore requires FDWs to undergo a medical examination once every six months to "screen for pregnancies and infectious disease" (Ministry of Manpower website, 2013). If a FDW becomes pregnant, she will be deported immediately. Governments must control both local and migrant women's bodies under the guise of "modesty" and "protection." Social practices implicitly allow this control by convincing women of their inferiority or their need for protection. State policies then serve to reinforce these practices completing the cycle of oppression.

Collective resistance of women has the power to successfully challenge patriarchal systems of oppression, improve laws towards women, and alter the nature of relationships between men and women. These organisations engage with governments in both sending and receiving countries. Women challenge the systems and policies in their home countries that create the circumstances "pushing" them to migrate. They organize protests, rallies, and petition signings urging the government to address the problems of unemployment and cyclical poverty in their home communities.

There are thousands of organisations of migrant domestic workers in Hong Kong, and some

¹ State control over female bodies in the this context means any government policies that limit a women's right to self-determination and limit her ability to make decisions concerning her own body.

of them actively fight for and pursue policy changes. Actions of collective resistance by these organizations have successfully challenged and changed several state policies. For example, domestic workers earned several incremental pay increases over the past three years in Hong Kong. Part of the organizing work of migrant domestic workers included the creation of formal trade unions. The government of Hong Kong more officially recognizes these unions as formal trade unions and gives them rights to undertake collective labor action, such as the ability to represent members at Labor Tribunal. This recognition of a formal labor union by the state severely threatens the notion that domestic work does not deserve minimum wage and other labor protections.

The framework for development justice must include a discussion of ending the use of male violence to control women, a reorientation of the traditional concepts of “women’s work,” and an end to state control over female bodies. These discussions, especially in relation to the Asia Pacific region, also should include migrant domestic workers as they represent one of the most marginalized and exploited segments of society. The effects of state and social policies in both sending and receiving countries make FDWs particularly vulnerable to abuse and exploitation. Local women also experience the effects of violence against women, traditional social roles, and state control of their bodies. Thus, these domestic workers and local women should join together to struggle for change. Domestic workers can learn from the experiences of local women and vice versa. Through collective struggle, women can successfully challenge the structures, policies, and social conventions that create systems of oppression.

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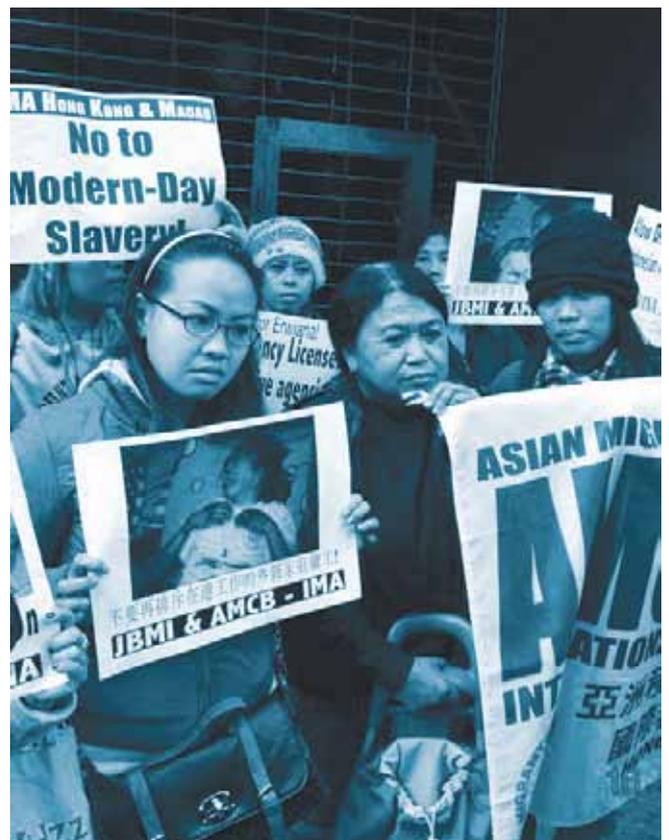
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Photo Credit: All Migrant Domestic Workers Committee





Imagining Other Spaces: Envisioning development justice in the Information Age

Nandini Chami, IT for Change

Photo Credit: APWLD

(Excerpted from IT for Change's presentation for the Panel on 'Framing Re-distributive Justice' at the 2013 Asia Pacific Regional Consultation with Special Procedures Mandate Holders organised by Asia Pacific Forum on Women, Law and Development, between October 27-29 2013 in Dhaka, Bangladesh)

First Principles for reflecting upon the question of ICT possibilities for development justice

...As many scholars have long pointed out, it is possible to fully understand the opportunities (and challenges) of ICTs as a site for social change – only when we recognise that ICTs are co-constitutive elements of the social world. They re-define power structures¹, and need to be seen more critically than as value-neutral goods/resources to be deployed for chosen ends.

This paradigmatic shift in our approach to analysing the transformative potential of ICTs enables a recognition of the disruptions that ICTs bring about, in the social relationship architectures of our everyday world. The 'space of flows'² is seen to characterise the information society. Here, we are witness to an increasingly networked socio-economic world order, where no woman can be an island! In compressed time, we become a connected global community, hitherto unimagined. In fact, this phase of globalisation rides on the logic of networks – where the 'space of places' has been subordinated to the 'space of flows' and where economic and political power now rests upon the capacity to re-configure and transform

1 Zheng, Y. and Stahl B.C. 2011. Technology, Capabilities and Critical Perspectives: What can Critical Theory contribute to Sen's capability approach?, *Ethics and Information Technology*, Volume 13, Issue 2, pp69-80.

2 Castells, M. 2001. Informationalism and the Network Society. In: Himanen, P. (ed.). *The Hacker Ethic and the Spirit of the Information Age*. New York: Random House.

the networks that have become a crucial feature of our 'social morphology'³.

On the one hand, this emergent techno-social paradigm portends the threat of re-inforcing existing structures of oppression and creating new patterns of social exclusion that amplify the divide between the Global North and the Global South. On the other hand, this emergent paradigm has opened up new vistas for the public-political participation of hitherto marginalised groups. For, the new digital spaces have facilitated the emergence of multiple trans-local publics, including those that were traditionally excluded from their national public spheres. Similarly, numerous opportunities have opened up in the emergent paradigm for innovative economic models that build on the possibilities offered by Internet-enabled networks for aggregation and association.

It is this double-edged nature of the emergent techno-social order that prompted the WSIS Declaration of 2003⁴ to underscore the caveats that must be followed if the vision of shaping an inclusive ICTs for Development paradigm for promoting a just world order had to be realised:

".....Under favourable conditions, these technologies can be a powerful instrument, increasing productivity, generating economic growth, job creation and employability and improving the quality of life for all."

3 Castells, M. (2000a). Materials for an exploratory theory of the network society. *British Journal of Sociology* Vol. No. 51 Issue No. 1 (January/March 2000)

4 Declaration of Principles -World Summit on the Information Society. <http://www.itu.int/wsis/docs/geneva/official/dop.html> Retrieved 24 October 2013

The significance of the caveat "Under favourable conditions" becomes even more important when read against the macro-context of the emerging techno-social paradigm⁵. The 'Measuring the Information Society Report' 2012⁶ of the International Telecommunication Union (ITU) notes that worldwide, fixed-broadband and mobile broadband connections are growing. However, as the ITU report points out, the majority of those in developing countries continue to be reliant on low bandwidth-mobile broadband infrastructure. Also, affordability of fixed broadband and low speeds of broadband continue to be a challenge in the developing world. In short, developing countries are tending to replace, rather than complement, fixed broadband access with mobile broadband.

This has led to a situation in developing countries, which: "effectively restricts the type and quality of applications and services that users can access over the Internet. It is also important to note that while mobile-broadband technology helps to increase coverage and offer mobility, the mobile networks and services currently in place usually only allow limited data access, at lower speeds, which often makes mobile-broadband subscriptions unsuitable for intensive users, such as businesses and institutions. High-speed, reliable broadband access is particularly important for the delivery of vital public services, such as those related to education, health and government. (Thus) The potential and benefit of mobile-broadband services is therefore constrained when mobile broadband is used to replace, rather than complement, fixed (wired)-broadband access⁷."

What this means is that in most social contexts, where the majority of the world's women are located, their 'network destiny' is a demoted experience - tied to a market-place logic of an increasingly fragmented space of 'participation'.

In July 2012, the Human Rights Council of the United Nations adopted Resolution L13, the 'Promotion, Protection and Enjoyment of Human Rights on the Internet', which affirms that the

5 Scholars have characterized the paradigmatic social shifts we are witnessing by heralding the emergence of an 'information society', 'a knowledge society' or a 'network society' according to their theoretical persuasions. What remain incontestable are the significant changes to the socio-economic and public-political spheres of life because of the re-constitution of social relationship architectures through the techno-social processes facilitated by ICTs.

6 http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-ICTO-2012-SUM-PDF-E.pdf Retrieved 24 October 2013

7 Ibid

"same rights that people have offline must also be protected online" and calls upon all States to promote and facilitate access to the Internet. Clearly, the stage has been set to discuss the specific questions of: How can we open up empowering possibilities, and economic and social opportunities for women and other marginalised groups in this emergent techno-social order? How can we further the development justice agenda in this context?

Taking stock of ICT possibilities for the socio-economic empowerment of marginalised women

ICTs and social empowerment

The Internet certainly opens up new spaces for women to transcend the embodied basis of sex difference, enabling women to create radical, alternative identities⁸. We have witnessed numerous instances of the creative use of online spaces and forums by feminist groups, to develop alternative symbolisms, and engage in play and parody that subvert the hegemonic norms that re-inforce the operations of patriarchy⁹. Also, the Internet offers enormous possibilities for trans-local alliance building for feminist groups fighting patriarchy in repressive state regimes and in contexts where mainstream cultural norms cannot accommodate the struggle for gender justice¹⁰.

At the other end of the spectrum, in contexts with limited Internet penetration, there have been numerous civil society driven community radio and video initiatives. These efforts take advantage of the economy and flexibility that digital technologies offer in content production, editing and broadcast and distribution, to legitimize women's experiential knowledge and to strengthen women's peer-to-peer learning and dialogic processes. Thus, at the local level, they create an alternative discourse on gender¹¹.

At the same time, there has been equally valid

8 Plant 1998 cited in Wacjman, J.2009. Feminist Theories of Technology. http://wiki.medialab-prado.es/images/4/4b/Wacjman_Feminist_theories_of_technology.pdf Retrieved 24 October 2013.

9 Retrieved 24 October 2013.

10 For an illustration, refer to the experiences of APC's Take Back the Tech initiative (<https://www.takebackthetech.net/>) and the Uprising of Women in the Arab World campaign. See <http://www.opendemocracy.net/5050/sara-abbas/revolution-is-female-uprising-of-women-in-arab-world> Retrieved 24 October 2013

11 IT for Change's own Mahiti Manthana initiative is a case in point. See http://www.itforchange.net/sites/default/files/ITFC/Mahiti-Manthana_final_draft.pdf Retrieved 24 October 2013

Photo Credit: APWLD



skepticism about the empowering potential of the Internet, which, just like any other cultural artifact, has not been free from the larger trend of the sexual subjectification of women¹², and the commoditisation of sexuality, that has accompanied the rise of a triumphant global capitalist socio-economic order. Of equal concern is the fact that the few large corporations who provide Internet Intermediary services – facilitating storage, delivery and navigation of online content produced by others – often obfuscate the debate around their obligations and responsibilities towards protecting freedoms of expression, association and communication on the Internet. By discursively positioning themselves as ‘platforms’, they offer users a false sense of security about the openness and value-neutrality of such spaces¹³. However, the picture is not black-and-white. There are many grey spaces, spaces of possibilities, even if only partially explored.

ICTs and women’s economic empowerment

There is plenty of evidence from around the world on the possibilities that ICTs open up for enabling women to overcome barriers of access to market information networks¹⁴, capacity building of women entrepreneurs¹⁵ who find traditional textual resources irrelevant due to education barriers, and the successful efforts of membership based organisations in effectively utilising the networking potential of ICTs, especially mobile phone technologies, for effectively reaping the benefits of networked information processing systems for effective management of their value chain¹⁶.

At the same time, some very important concerns remain, such as:

- The absence of women in Science, Technology, Engineering and Mathematics (STEM) careers,
- The tendency of Information Technology (IT) and Information Technology Enabled Services (ITES) sectors to promote a veneer of gender

equality where new job opportunities open up for women, but only at the lower level¹⁷,

- and the propensity of ICTs to generate greater impact on sectors that are downstream in the value chain rather than the core operations of rural, women-run micro-enterprises that manufacture goods or grow produce¹⁸.

To conclude this note, we turn to another visionary philosopher and scholar of our epoch – Henri Lefebvre: “Change life! ‘Change society!’ These precepts mean nothing without the production of an appropriate space. ...”. Can we reshape the emergent techno-social paradigm as that appropriate space that can make another world possible?

This article is an abridged version. Please find the full article online on our website at <http://apwld.org/resources/newletter-forum-news/>

12 <http://mrzine.monthlyreview.org/2009/gill230509.html> Retrieved 24 October 2013

13 Gillespie, T. 2010. The Politics of ‘Platforms’. *New Media & Society* 12(3), 347-363.

14 GenARDIS 2002-2010: Small grants that made big changes for women in agriculture . Retrieved http://genardis.apc-women.org/uploads/Genardis_EN_web.pdf-1.pdf 24 October 2013

15 ibid

16 See the experience of SEWA. http://www.itforchange.net/sites/default/files/ITfC/SEWA_fieldnotes.pdf Retrieved 24 October 2013

17 Upadhyaya, C. And A.R.Vasavi. 2006. Work, Sociality and Culture in the Indian IT Industry: A Sociological Study, <http://eprints.nias.res.in:8081/107/2/idpadfinalreport.pdf> Retrieved 24 October 2013

18 UNCTAD Information Economy Report 2010. http://unctad.org/en/docs/ier2010_embargo2010_en.pdf Retrieved 24 October 2013.



Access and Control of Sampalan Women tillers to Land in West Java Province, Indonesia

Seruni

Photo Credit: ahmedq8/Flickr Commons

From 2012 to 2013, APWLD conducted a feminist participatory action research with five rural and indigenous women's organisations. In this issue, we highlight the research conducted by Seruni with the women farmers of Sampalan, West Java, and their struggle for land rights and economic sustainability.

The Sampalan Women

For this research, Seruni partnered with women from the Sampalan community. They are women who till or doing farming in Sampalan Land from the villages of Margamekar and Sukamanah.

The research on the condition of Sampalan women was conducted using a comparison method. We looked at their condition before and after gaining the right to manage Sampalan Land. Based on our research, their situation are still poor in term of their social, economic and political status condition, although their condition before the struggle are worst.

A History of Sampalan Land

The history of Sampalan Land is a story of plunder and oppression. During the Dutch colonial era, part of Sampalan Land was controlled by Dutch farmers for cattle and sheep farming and cultivation of grass to feed their livestock. Meanwhile other parts of Sampalan Land was controlled and cultivated by farmers.

After Indonesia gained independence, the land was distributed to the people by Barisan Tani Indonesia, a revolutionary peasant movement. There were several *kampongs* (villages) that existed in Sampalan Land; the people cultivated all of the Sampalan Land until the upsurge of

the Indonesian Islamic Army (DI/TII) movement in the 1960s. During the DI/TII movement, the people were forced to migrate to other areas. The area was militarising because there was a military operation to eradicate DI/TII. After the DI/TII movement was over, the land was directly controlled by the military for years and never returned the people. The military practiced agricultural production in cooperation with rich farmers and local landowners.

After the military relinquished control of the land in 1970s, several local government companies gained control of land, namely PD Makmin and PDAP.

This situation tells us the story of land grabbing by the military and government. The people who used to till the land never understand why they cannot regain the land, and that it is suddenly managed or controlled by others.

Efforts and Struggle for Sampalan Land

Sampalan Land struggle is a militant struggle of peasants. The struggle began with a small discussion on organic fertiliser, when some university students came to Pangalengan in 2003 to discuss organic fertiliser methods with peasants. But because there was no land to do experiments on organic fertiliser, the discussion then turned into a discussion on how to acquire land. Then, specifically there was discussion on Sampalan Land, about the history and the living conditions under the control of PD Makmin and PDAP. Historically, the people have experience cultivating the land and then the land was grabbed by the military and government. At the the time, the majority of Sampalan Land was rented by local landlords and rich farmers, meanwhile a majority of the people did not own land and were forced to be farm workers. There were also discussions on people's

right to land and to have a better life. Finally, the discussion focused on how to get land rights on Sampalan Land.

It was not a spontaneous movement, and it took almost one year of awareness-raising for the people to begin a reclaiming campaign. In July 2004, after a year of discussions and meetings, the peasants started talking about doing reclaiming. The hardship and the feeling that they wanted to make changes in their lives made them brave enough to take action and begin a reclaiming campaign.

It was also a very patient movement. The peasant formed an organisation called Forum Tani Pangalengan (FTP – Pangalengan Peasant Forum) to call for reclaiming part of the Sampalan Land. The first reclaiming campaign was on July 10, 2004, on more than 35 hectares of Sampalan Land where around 270 peasants were involved. Their unique way of doing the reclaiming campaign also showed how patient they were. They planted on land that had just been harvested-- planting corn collectively, just to show that the land now belonged to the people. The second reclaiming campaign was on July 23, 2005. Then, gradually whenever the land was harvested, the organisation would plant corn. There were also situations when both of them (peasants and company) were planting on the same land. The company planted potatoes and the peasants planted corn, which would cause the potatoes to thrive. The reclaiming campaign went on until 2007. They did this reclaiming campaign on 134 hectares land for the period of 3 years.

In the middle of the reclaiming campaign, the peasant organization and leaders facing a lot of intimidation. A significant event occurred in 2005 when PDAP bulldozed the peasants crops, sending civilian, military and police to the spot. But, with their collective effort, they were able to face the threats and successfully asked the chief of West Java Land Body to come to Sampalan Land and to give a verbal permit for the peasant to cultivate the land in a mass gathering. They also actively spoke out in hearings in the city asking for land right to Sampalan Land.

Women's participation in the reclaiming campaign was very important. Women actively did propaganda and consolidation in the reclaiming campaign. Formally, they did not speak in forums, just listened and prepared for food and beverages. Informally, the power was with the women,

because they were very active and brave.

Women were at the forefront in doing reclaiming campaign. They were also the first to plant the corn. In critical times, when the police came, the women made noise and supported men to face the police and, and they were also sometimes sometimes the ones to talk to the police.

Until now, they have not received any land titles and they still continue the struggle.

Sampalan women's condition before struggle

Before being organised and launching their struggle, the condition of women was really poor. Some of them could not work and some of were them were working for very low wage. The condition of their husbands were also the same, many having to work hard for low wages because they didn't own their own land.

For women who worked as farm workers, their wage ranged from Rp. 5,000 to Rp. 12,000 per day (currently .41 to 1 USD), meanwhile men got Rp. 3000 higher than the women. As example, if women farm worker received wage Rp. 5,000 per day then men farm worker's wage was Rp. 8,000 per day (0.66 USD). The wage they received – men and women – were very low and could not fulfill the basic needs of their families.

In this situation, majority of the women in order to survive took other jobs aside from their work as farm workers: collecting the remnants of the harvest, cleaning the harvested vegetables and some times opening vegetables such as potatoes and peanuts, collecting garbage, working early in the morning until mid noon at a mushroom processing plant, etc. For men, they also worked in the factory, *ngojek* (riding bicycle for others), as construction worker, etc. They had to do various work as casual workers and received low wages every day, just to fulfill the family needs.

In collecting remnants of the harvest, mainly potatoes, they received Rp. 15,000 (1.24 USD) per bucket. Usually the women would work together with their husbands in collecting the remnants, because the place was far away from their kampong, in the forest area where rich farmers and local landlords have wide scale land leased from the forestry department. So the income that they received is the income of both

her and her husband. Opening the potatoes and peanuts, usually done by women, can earn her Rp. 500 per hamper; usually per day they can finish 10 hampers, which meant they got Rp. 5000 per day. Meanwhile, women working in mushroom farms harvesting mushrooms; working from early morning at 2 am and finishing at 12 or 1 pm received a wage of Rp. 9.000 (.75 USD) per day.

Another way to fulfill the needs of their family was take on loans from a usurer at high rates. Usually they would pay it daily or weekly. They borrowed money and then they became chained forever to the usurer, sometimes they also had to sell what ever they have to pay the debt.

They could not afford to buy new clothes, go to a health service or fulfill every need of their children. It's very common for the children that they only finished elementary school as the highest educational attainment.

Sampalan women's condition after struggle

It has been nine years since the people started reclaiming Sampalan Land. Their lives slowly changed to a better condition. Although they still have to work for others for low and discriminatory wage, the women now have land to till, where they also plant their hope. They have something to wait for harvest and something to eat from their farm field. At least they have a certainty in their life.

The women still have to do work various work, they are still hard workers, but now they can choose and have plans for their family's expense. They have something to wait for (harvest) and also plant various plants around their farm field for their own food. Now, they have their own vegetables to eat.

Nowadays, the majority of Sampalan Women still work as daily/casual farm worker besides cultivating their own land. There are still also women who collect remnants of harvests and sell it to traders. Women also works as tailors, selling "gorengan", vegetables, and open small shops in the area of Sampalan. Every day, women who work as casual farm workers get Rp. 12,000 - Rp. 13,000 (1- 1.08 USD). After finishing "selling their labor" for the day, the women also work in their farm field. They can not say how much is exact number of their income, but average they can get Rp. 400,000 - Rp. 600,000 (33 - 50 USD) per month, which can be less or more, depending on the price

of vegetables in the market. They can save money from their farm field and use it for several needs of family, meanwhile their wage from other work that they do can be used for daily life.

Majority of them still have debt but now they have debt for the input of the production and pay it through the harvest. This kind of debt is another kind of usury that has developed. Sometimes they also have debts to small stores in their kampong and will pay it with their wages as farm workers or from their harvest.

Their situation is also getting better, they can afford to live with their children and save for their education needs. They also can provide health aid. From their land they can have a better life than before. They can smile and exercise their political rights, at least in the organisation and through collective campaigning that they do.

Now, they can also have their vacation, although it's only to stay at home with their children or going to Sunday market with their family. They also actively exercise their right as a member of organisation and have social lives that support to each other.

Now, what they need and hope is to get certainty regarding Sampalan Land. They want to get Land Rights on Sampalan Land.

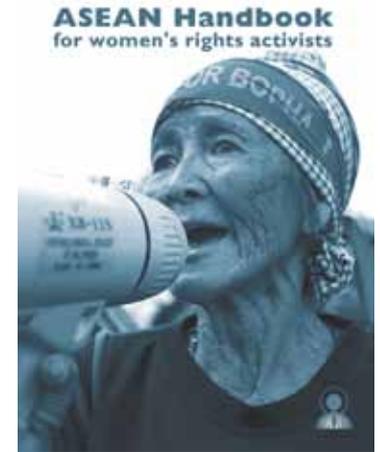
APWLD scarf travels far and wide

APWLD's scarf featuring our 4 demands is always a popular campaign tool. Now we want to record all the appearances our scarf makes around the world demanding Feminist Development Justice. This month we have pictures of Nim Chray, a grassroots leader fighting forced evictions in Cambodia. She wears the scarf wherever she goes. Here she is leading people's rallies in PP and in the media.



Photo Credit: Nim Chray

New Resources from APWLD



ASEAN Handbook

Regional bodies are growing in power and influence as economic and political power shifts globally. ASEAN is increasingly gaining global influence and recognition and making policy decisions that will impact on the lives of the 300 million women living in the region. ASEAN devotes most of its time to economic integration following a neo-liberal model of trade liberalisation, deregulation and privatisation. The capacities for civil society to shape alternative visions of regionalism are limited. Engagement with ASEAN is hindered by a lack of public awareness, bureaucratic states, restrictive ASEAN procedures and limited information sharing. ASEAN is a difficult entity to follow and understand. There are over 700 meetings of the various ASEAN bodies scheduled annually; very few of them involve civil society. To facilitate a genuinely 'people-centered' ASEAN, it is imperative that civil society understand ASEAN and its vast work. This requires civil society groups to be more knowledgeable about ASEAN and to have the capacity and resources to engage with and influence ASEAN and its various bodies.

Similarly it is critical that women's voices from ASEAN countries are audible and influential. It is important for women's movements to utilise all possible mechanisms for advocacy in advancing women's human rights. Feminist voices need to permeate all ASEAN debates, not just those designated as 'women's issues'. This handbook aims to increase knowledge and awareness around ASEAN and its mechanisms. This handbook is the first step in understanding elements of ASEAN. The Women's Caucus will also produce more comprehensive analysis on the pillars of ASEAN, starting with the economic pillar. We hope this reader will serve to promote stronger advocacy and engagement of women's human rights movements in Southeast Asia.

Comings and Goings



Sunee Singh has joined Grounding the Global- Regional Mechanisms Programme. She is from Kathmandu, Nepal and has Masters in Development Studies (2009) from Tata Institute of Social Science, India. She has primarily worked on women's economic empowerment programs across India and Nepal with focus in grassroots women organising and handling membership network of women workers. Prior to joining APWLD, she was working with several NGOs as freelance consultant in Nepal, helping with strategic planning, operations and researches in the fields of peace and reconciliation, rights of marginalised communities and good governance. Sunee was also lecturer for Bachelor level students in the subjects of Rural development and Governance in Nepal.

Aileen Familara is the new Information and Communication Officer at APWLD. Aileen has an extensive development communications background, working for women's organisations as a consultant on web development and publications. She has also served as programme coordinator of the Community and Independent Media programme of Isis International, where she worked on advocacy issues around gender and media and community media. Aileen has a degree in Fine Arts is also an exhibiting artist, having exhibited multimedia works and paintings in the Philippines and in Mauritius. She will be graduating with a master's degree in Development Communications in 2014.



Leanne Sajor joins APWLD as the new Program Associate for Feminist Development Justice. She will be working to position women's rights at the center of development policies at all levels, beginning with advocating for development justice for Post2015. Prior to joining APWLD, Leanne founded a non-for-profit secondary school with a focus on social justice and leadership development to serve immigrant and vulnerable communities in New York. She also served on the Board of Trustees and as a trainer for Sadie Nash Women's Leadership Project to cultivate leadership and activism among young women of color from marginalised backgrounds. Leanne brings with her years of community and union organizing with migrant domestic workers, LGBTQ and immigrant communities. Leanne is from the Philippines and graduated from City University of New York, Hunter College with a double major in Political Science and Women and Gender Studies. She was also awarded the Fellowship for Emerging Leaders in Public Service by NYU Wagner Graduate School of Public Service.

Tessa Khan joins APWLD as the new Programme Officer for Grounding the Global: International. Tessa brings considerable experience with international and regional mechanisms to the position. In her previous role at the American Bar Association's Rule of Law Initiative, she coordinated the engagement of civil society groups with the African Commission on Human and Peoples Rights and developed participatory, rights-based guidance on issues concerning transitional justice, food security, climate change, and public health. Prior to that, Tessa worked for the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia. She has practiced as an attorney in Australia, where she also worked on behalf of indigenous, refugee, and other vulnerable communities.



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ABOUT FORUM NEWS

Forum News is a regular publication of APWLD. FN provides space for network members to share information on their activities, campaigns, stories and reflections. The opinions and positions expressed in the articles in this publication do not necessarily reflect those of the APWLD network, but those of the individual authors.

FN welcomes sharing of articles, statements and photos from members and network. FN reserves editorial rights, FN also encourages feedback or requests for further information from the readers, Feel free to send them to apwld@apwld.org.

APWLD is Asia Pacific's leading feminist, membership driven network. We hold consultative status with the Economic and Social Council of the United Nations. Our 180 members represent groups of diverse women from 25 countries in the region. For 25 years APWLD has been empowering women to use law as a instrument of change for equality, justice, peace and development. We use research, training, advocacy and activism to claim and strengthen women's human rights.

APWLD's secretariat is based in Chiang Mai, Thailand



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