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Advancing women's human rights using law to achieve equality, justice, peace and development

FORUM NEWS

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Women of APWLD's Feminist Law and Practice Programme in Action



Article 11 of CEDAW requires countries to protect women's rights to work, to ensure that women have the same training and employment opportunities as men, that women receive equal pay for work of equal value, that women have access to the same benefits, compensatory schemes, and allowances as men, especially in relation to retirement and incapacity to work.

The article further requires that countries prohibit discrimination in the workplace on the basis of marriage, pregnancy and maternity leave, introduce paid maternity leave without loss of benefits or career opportunities, and encourage the provision of supporting social services to allow parents to combine family obligations with work responsibilities.

Malaysia

"The judge said that CEDAW had the force of law and is binding in Malaysia,"
-Honey Tan.

Congratulations to APWLD Feminist Law and Practice Focal Person and Trainer, Honey Tan. Ms. Tan was instrumental in the legal team that claimed a landmark victory against the Education Ministry and the Government of Malaysia in her argument that the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) to which Malaysia is signatory, is binding.

The case concerned Ms. Norfadilla Ahmad Saikin, 29, who took the government to court to seek a declaration that pregnancy cannot be used as an excuse not to employ a person as a untrained relief teacher and the revocation of the memo on her placement to be declared illegal and unconstitutional. The court ruled for damages to be paid to Nurfadilla, in a sum that will be decided by the registrar at a later date.



Ms. Tan noted that the court recognised that the government had to commit to CEDAW, and to adopt the article regarding discrimination against women under its Article 11. Ms. Tan also argued the case under Article 8(2), which pertains to discrimination on the grounds of 'religion, race, descent, gender or place of birth... in the appointment to any office or employment under a public authority'.

"This should set a precedence for current international treaties and conventions to which Malaysia is a signatory, that they are legally binding and should be observed as law." -- Honey Tan

After the victory, Ms. Tan wrote us to share the news, "I want to say thank you from the bottom of my heart for all the training that APWLD via FLTP gave me.... It's a good day to be a lawyer!"

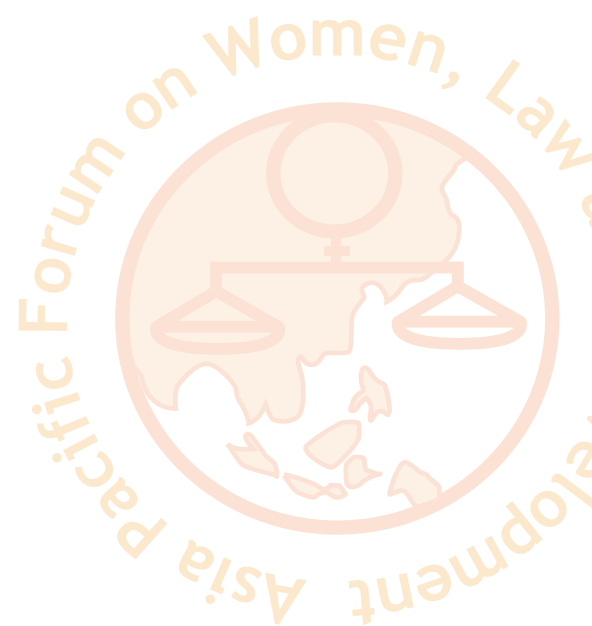


Also in Malaysia, APWLD FLTP Trainer and Lawyer, Karen Lai is representing the high profile case of the “PSM 6”. The six members of the Parti Sosialis Malaysia were detained for 28 days under the Emergency Ordinance after Malaysia’s violent crackdown during a political rally where over 1,600 protestors seeking reforms to the electoral system were arrested.

Asia-Pacific director at Amnesty International noted, “The Malaysian authorities are muzzling calls for electoral reform by throwing peaceful protestors in jail.” The international non-governmental organisation (NGO) pointed out that Malaysian authorities were arbitrarily arresting and detaining scores of peaceful electoral reform protestors in the “worst repression of free speech and freedom of assembly” in recent years.

APWLD asserts that campaigns of “lawfare” and intimidation against the PSM 6 are entirely politically motivated and aimed at quashing any campaigns for electoral reform.

The trial of the PSM six has been set for 10-14 October. APWLD sends it support to Karen Lai and the PSM 6.



APWLD Members in the News

Congratulations to Sisters in Islam (SIS) for being awarded the Casa Asia Award 2011. Casa Asia is a well known Spanish organisation that works to promote the dignity and human rights of people in the Asia-Pacific region. APWLD echoes this recognition of our longtime member and congratulates SIS on 21 years of providing a public space for debate and a strong voice advocating for women's rights under Sharia law.

Congratulations to Ajaan Virada Somswasdi on her appointment as Thai Law Reform Commissioner -Best of luck to you in this new part time endeavour.



High Profile Case in Japan– Learn more about the work of APWLD P&M member, Mikiko Otani who is part of the counsel team for the plaintiffs in Japan's first ever case claiming the imposition of the same family name on married couples by the Civil Code as unconstitutional and in violation of CEDAW. Great work Mikiko.



(Only for html version)
Read about the case in the news.
<http://www.asiaone.com/News/Latest+News/Asia/Story/A1Story20110213-263265.html>

More Congratulations- G&P graduate and long-time APWLD member, Ms. Binda Pandey has been elected as Deputy Member of the Governing Body of the International Labour Organization (ILO). Her election took place at the 100th Session of the ILC in Geneva. We look forward to continuing our close work with Ms. Pandey in this new and exciting role.



ILO Convention on Decent Work for Domestic Workers: A history made and a history in the making

By Eman Villanueva

The banging of the gavel that indicated the adoption of the International Labour Organization (ILO) Convention on Decent Work for Domestic Workers supported by Recommendations signalled both victory and even greater challenges to more than 100 million domestic workers around the world, including foreign domestic workers.

After years of struggling for an international instrument that shall cater particularly to domestic workers – mostly women – organisations of domestic workers, migrants groups and advocates finally succeeded in pushing for the adoption of the convention during the 100th Session of the International Labour Conference.

The 10-day deliberation on the text of the convention and accompanying recommendations was no easy task for workers organisations as some governments and the employers' group tried to strike out or water down provisions in the convention that tackle some of the most concrete concerns of domestic workers such as the provision of days off, mandatory live-in employment arrangements, the right of workers to be informed of the provisions of a contract that should be in written form, and matters of working hours.

But with a united front, the worker's organisations engaged the governments of the European Union and of India who were the proponents of provisions that

would have weakened the convention. With active lobbying and a firm stand on the rights of domestic workers, they said attempts were thwarted.

In fact, there were even proposals from the worker's group that aimed to further strengthen the convention that was won. These included the stronger clauses on the rights of domestic workers to freedom of association and to collective bargaining.

Finally on June 10, the convention was passed in the Committee on Domestic Workers and on July 16, the ILO officially adopted the convention with a vote of 396 to 16. Sixty-three countries voted to abstain, sadly some of them countries that are hosts to many domestic workers such as Malaysia. ILO Director-General Juan Somavia aptly described the feat as a "breakthrough of great significance."

With flying colours, domestic workers, migrant workers and advocates for their rights and wellbeing passed through a difficult gauntlet. But as is commonly said, the battle has been won but the war is not yet over. It is time to further up the ante of the struggle.

The challenge is now in the struggle to make respective countries adopt the convention and thoroughly implement its provisions. Without such, then the convention will not really be a history that was made but a history that shall merely gather dust in the archives of the ILO.

Domestic workers have been struggling for a long time for their rights even before the advocacy for the convention started.

In many countries, domestic workers have organised themselves to address national policies that impinge on their democratic rights. Foreign domestic workers in Hong Kong, for example, have been advocating for the scrapping of the New Conditions of Stay or Two-Week rule that has been in place since 1987 and from which many foreign



domestic workers suffered abuse and discrimination. As it is right now, the convention can be used to strengthen the campaigns of domestic workers for their comprehensive rights. It can be used to expose the flaws of many policies on domestic workers in different countries such as contract substitution in countries in the Middle East that are home to millions of foreign domestic workers, the six-month ban on migrant workers in Macau, the lack of days off of FDWs in Taiwan, the Live-in Caregiver Program in Canada, confiscation of documents and personal properties of domestic workers, exploitation and overcharging of recruitment agencies, and a whole gamut of concrete concerns that domestic workers face.

Upon its ratification by at least two countries, the convention will be considered as enforceable. But then again, enforceability does not necessarily translate to implementation.

As experiences of domestic workers and even that of other sectors have shown, the pattern of governments in relation to international instruments is to either find loopholes by defining or re-defining the convention's provisions to meet their own agenda, or by completely ignoring the convention's provisions. If the pressure for governments is loosened even just a little bit, they will surely drag their feet in discussing and ratifying the convention and, even more so, in creating policies that are aligned with the spirit of the convention or reforming existing policies to make them adhere to the convention.

More than ever, the organised actions of domestic workers are needed to continue to gain victories in the struggle for domestic worker's rights.



By intensifying organising and advocacy at the national level, the convention can become a concrete weapon for the struggle. By strengthening the solidarity with each other, the lesson of uniting domestic worker's groups – in national, regional and international levels – in a common concern will live on.

The time is even more ripe now to achieve concrete gains for the rights of domestic workers. While the recent years have seen the worsening of the condition of this sector of workers, it has also shown that the movement of domestic workers is gaining ground.

Two weeks after the ILO convention was adopted, the International Migrants Alliance – the alliance of grassroots migrant organisations with a significant number of members among domestic workers – resolved in its Second General Assembly to work even harder to expand the progressive movement of migrant workers and to utilise venues and opportunities for campaigns that will give concrete benefits to migrant workers.

Education on the provisions of the Convention and how it could be used must be promoted among the grassroots. This will ensure that the convention really is and will work for domestic workers that it is bound to serve.

While history was made when the convention was adopted under the pressure exerted particularly by the grassroots domestic workers who consistently exposed the dire conditions of the sector and opposed policies and practices that impinge on the comprehensive rights of domestic workers, how useful and effective the convention will be is still a history in the making.

As with any history of struggles, it will be made by a strong people's movement.

Eman Villanueva is the Vice Chairperson of the Filipino Migrant Workers' Union in Hong Kong. The FMWU-HK is part of the Asian Migrants Coordinating Body (AMCB-IMA-HK), a campaign partner of the United for Foreign Domestic Workers Rights (UFDWRs). APWLD is co-facilitator of UFDWR.

Eman represented UFDWR at the 100th session of the ILC where the Convention on Domestic Workers was adopted.

Rumanas, and Why they Stay

*We are all accomplices to the violence carried out against women in our society, states **HANA SHAMS AHMED.***

When Zobaida Nasreen called me up to tell me what had happened to Rumana, I was on a busy street in Dhanmondi and I thought I had heard her wrong. I kept asking her to repeat. She must be talking about someone else, I thought.

But she wasn't.

It was Rumana Monzur Hema, one of my childhood friends with whom I had intermittent interactions after we grew up and finally reunited last year when her daughter was admitted to the same school as my son.

When I heard about what her husband did to her I was in disbelief and shock.

We had looked up to her as the girl who always came out either first or second in her class. She had come out First in her Masters finals from the International Relations department of Dhaka University and had started teaching right away. Last year she was elated when she won a scholarship to the University of British Columbia. She had been unsure whether to take her four-year-old daughter Anushe with her. In the end she decided to leave her daughter with her mother.

She never discussed what was going on between Sumon and her. He was a graduate engineer who was involved in some business, that's all we knew.

And that's why the brutality of the story along with the identity of the victim seemed overwhelmingly unbelievable.

Eyes gouged out. Nose bitten off. Lip bitten off. Dragged by the hair and attempted to be strangled. Saved by maids with an extra key to the room. Of course we presume that if a so-called 'emancipated' woman is threatened with abuse, she would have the support mechanism to walk out of that marriage, that she would not care what her family and relatives or those meddling people in our society say, that if she is financially independent she did not have to worry about her and her children's future.

All those assumptions and presumptions fell apart when we heard the sadistic brutality of what happened in Rumana's room on June 5, 2011.

I couldn't understand why someone like Rumana, with whom I had a discussion about Barbie dolls and feminism on her daughter's birthday last year, had put up with assaults from her own husband for so long. Now I look at those birthday photos and shiver when I see the face of Sumon behind his daughter and all the other children, knowing what was going on behind the scenes.

Then, as the media discussions spilled out into the open, I slowly began to realise why Rumana had still not left the monster that was her husband for so very long.

The reasons are visible on Facebook, on the blogs, in the distasteful innuendos poured out of the inks of journalists' pens, in the subject lines of emails filling up my inbox through various mailing lists and as mass spam to Rumana's Dhaka University colleagues.

The realisation surprisingly also came from what was said from between the lines of the 'character certificate statements' from her well-meaning friends from British Columbia, Canada.

Sumon's fraternity group

When the story first broke, the media reported the facts of the attack, the brutality and the family's reaction and her educational and family background. But as soon as Sumon 'briefed' the press about what he described as 'the torture done on him', some in the media turned around and started giving frustratingly large spaces to allegations made by Sumon about how he had been 'wronged'. And of course the Internet, apart from its milieu of advantages also provided an excellent platform, through Facebook, for the one too many insecure misogynists, very much like Sumon, to unleash their anger at the loss of control over 'their' women through a much-feared word called 'emancipation'.

Some bloggers aired their concern about how everyone was so 'one-sided' about the incident. There is a reason behind everything that takes place, someone said in an e-group. Can anyone honestly say that they have never done anything wrong in their lives, asked another commenter in a discussion group? Discussions revolved around how 'too much freedom' for women always ended up in such tragedies and that 'western dresses and attitudes' always caused problems for women. Women needed to maintain their 'modesty', some pointed out. And if

they didn't, the men should not be blamed for going around on a rampage of harassment, acid attack, rape and domestic violence. Another spammer who claimed to know Rumana 'very well' sent a mass-mail to many university teachers complaining about some women teachers, mainly those who teach feminist studies, at the university, and threatened that "either the women-kind will preserve our values or we man-kind will start exercising our rights" and asked that "every man-kind should come forward and let Sayed talk openly". The anonymous hate-mailer was trying to form a misogynists' solidarity group, a group that many men were openly happy to join.

The press conference where Rumana bravely faced the media to demand justice for herself and her family invited some members of this 'solidarity' group. One TV journalist walked off in a huff muttering, loudly enough for everyone to hear, that these kinds of incidents don't just occur out of the blue and there must be more to this. Another, whose appetite for gossip needed to be whet, asked Rumana what she had to say about the allegations of extra-marital affair made by her husband. That's right Mr Journalist -- it's so much more important to write about the gossip that make your papers sell than to write about a brutal crime that has blinded a woman forever.

The "good girl", "pobitro bondhon" and why Rumanas really stayed

And it was not only the misogynists but Rumana's well-meaning friends from British Columbia who sent a disturbing 'character certificate' about Rumana. Disturbing not because of what it said but because of what the underlying assumptions were. What it said was that they were extremely impressed with the way Rumana was leading her life in Canada, which included saying her prayers five times a day, eating halal food and opening the door with her head covered among other things. One friend said, "Rumana is a pious woman." Another pointed out that she "was surrounded by her female friends all the time." Another 'testified' on her "flawless reputation".

So she was a wonderful person and did not 'deserve' to be attacked was the argument they were implicitly making.

But what if she had not been the embodiment of what some believe is 'good', would she then have 'deserved' to be tortured by her husband? Are women who deviate from the norm not deserving of the safety and security as a human being?

As long as we continue to use the 'good', 'pious' and 'modest' arguments to certify women, it will cripple them into staying in abusive relationships and marriages. As long as divorce remains a scandal-word, even 'emancipated' women like Rumana will hide from their family and friends what they are going through. As long as 'character certificates' are needed to debunk justification of attacks on women, we will only let the misogynists' fraternity group grow and defend their agenda, their so-called 'right' to control, injure and kill women.



The 'holy' union that ends in blood

According to Ain O Salish Kendra, in the period of January to March 2011 there were already 104 reported cases of domestic violence throughout the country. There were 116 dowry-related attacks during this time (which included those perpetrated by husbands and/or in-laws), 18 acid attacks (some by close partners), and seven fatwa-related violence (some on the pretext of extra-marital affair by a woman). In 2010, out of the 397 cases of domestic violence, 225 women were killed by their husbands. Out of the 395 reported dowry-related violence cases, 224 were killed by their husbands and/or in-laws and 18 took their own lives after torture. Bangladesh ranks one of the highest in the world with respect to violence against women and, in terms of domestic violence, 50-70% of women in the country report being abused by their male partners.

The Domestic Violence (Resistance and Protection) Bill-2010 was passed recently but perhaps it's time to take a look at how its implementation is going to be ensured. Also, a more holistic approach needs to be taken to prevent domestic violence and all other violence against women. Laws are inadequate where the society plays such a big part in 'allowing' violence against women to take place until it's too late.

Rumana stayed because she was afraid of Sumon's revenge on her and her child.

She stayed because people would tell her to forgive Sumon, they would tell her that marriage was a pobitro bondhon ('holy union') and women had to sacrifice a lot of things to maintain that holy union.

She stayed because some people would not believe she was being physically abused.

She stayed because there had been so much gossip about divorced, single women, she did not want to be part of that gossip and bring 'shame' to her family.

She stayed because people would call her a 'bad mother' who did not think of the trauma to her child for being from a 'broken' home.

She stayed because Sumon would splatter the media with tall tales about her and with all parts of her body intact they would write about her to their hearts' content and bring her teaching career to 'shame' and become a source of gossip for her students.

It is not only Sumon, but all of us who are part of her social fabric that are accomplice to this and the

thousands of other violence against women by their husbands and their families every day.

Hana Shams Ahmed was a participant of APWLD's 2010 Consultation with the Special Rapporteur on Violence Against Women. She works with the Chittagong Hill Tracts Commission in Bangladesh and is a member of Drishtipat Writers' Collective.

This article has also been published in Forum, a monthly publication of the Daily Star.

Secure Communications Essential to Women's Rights Defenders

By Grady Johnson for GenderIT.org

Women's human rights defenders all over the world are taking advantage of the power of Information and Communications Technologies (ICTs), using them to leverage their advocacy and build capacity. Perhaps most important, these women are using new technologies to extend their networks and foster community, combating the isolation experienced by many women and women's rights defenders.

More and more, women everywhere are exercising their right to freedom of association through ICTs.

As we well know, these can be incredibly powerful tools, but they come with their own inherent risks. Many women are already using mobile phones and social networking sites, without knowing the potential dangers they expose themselves to.

For many, surveillance is a real concern. Women who speak out, access restricted content, or report domestic abuse and government corruption can face serious consequences if they are identified. Thus, the ability to use ICTs securely and safely is essential.

We interviewed several women's human rights defenders who use ICTs in their work.

L.M., who works with young survivors of trafficking in the Philippines, talked about how ICT tools are used by traffickers and her exasperation with the lack of legal mechanisms in place to protect young women.

Ritu, a member of the Digital Empowerment Foundation (DEF) works out of New Delhi. The DEF has a number of initiatives, including the establishment of "digital panchayats" -- centres set up in partnership with local NGOs where rural Indian citizens can connect with one another and coordinate their advocacy efforts. These panchayats also provide a forum for digital storytelling, whereby women use laptops to record their stories and make their voices heard. This kind of storytelling is essential for reaching policy-makers, since many rural women are illiterate. Beyond these, the DEF also has programs

to train women entrepreneurs in how to use the internet and e-commerce.

Tina works for the Asia Pacific Forum on Women, Law and Development (APWLD). Her organisation is the largest network of feminists' organisations in Asia, with 185 members in 25 countries. Tina shared how nearly all their member organisations have an online presence, and expressed concerns about recent trends toward increased government surveillance. These women were all attending a workshop on secure online communications. What they shared was enlightening. Speaking from their own experience, they dispelled some of the common myths surrounding the internet and ICTs.

While they understood that ICTs carried some inherent risks, they realised that they had not undertaken the necessary precautions in order to minimise the danger to themselves and to the women they work with. For these women, the skills and tools taught in the workshop proved invaluable.

Myths about the internet and ICTs

The internet is neutral.

This is not so. Women are overwhelmingly the victim of cyberstalking and harassment online. For example the Working to Halt Online Abuse, the US based organisation, reports women account for roughly 73% of cyberstalking cases. For many, the threat of slander is a powerful tool for coercion: scorned lovers will use social networking and dating sites to post intimate pictures or lies about their partners. Women can wake up to find their reputations ruined over night, and they have very little recourse.

ICTs are routinely used to exert control over women. Many men use internet search histories and phone records to keep tabs on their partners and children. Mobile phones are often shared among family members, so their use is not private or secure.

ICTs are empowering.

Not necessarily. Just as women's human rights defenders use ICTs for advocacy and networking, these same tools are used by those who would intend harm. As L.M. mentions: human traffickers often coordinate the movement of sex slaves in the Philippines via web sites. For instance, when a new ship arrives in port, traffickers will find this information online and then arrange to move more women to that city in order to meet the increased demand. Web sites are also used to promote sexual

tourism, especially with minors. In the Philippines and elsewhere, the internet is the primary means through which foreigners research and arrange sexual liaisons with children.

The internet is safe and anonymous.

This is something that most women take for granted, but it isn't necessarily true. States, social networking platforms and internet service providers all over the world are increasingly monitoring internet users' activities. Internet users routinely give away their information without considering (or even being aware of) the potential consequences. The widespread use of social networking sites like Facebook leaves many people more vulnerable than they realise.

Law enforcement and legislation

All three women's rights defenders widely agreed that much of the laws protecting women online are ineffective, unhelpful or even counterproductive.

Some countries, like Fiji, have extremely restrictive laws governing the internet. This affects both what women can access and what they can publish. Such restrictive measures can severely dampen the research and advocacy work of human rights organisations. According to Tina, it has become such a problem that the APWLD is has considered hosting members' websites outside of the country.

Similarly, in Sri Lanka, Tamil groups are under constant scrutiny by the government. Tamil users are limited in their ability to access information or connect electronically for fear of government surveillance. Not only does this heavy monitoring lead to self-censorship, it is also a violation of their right to privacy and freedom of association.

L.M. expressed her personal frustration with the police in the Philippines. There, law enforcement agencies are slow to act on women's complaints, being generally unwilling or incapable of responding effectively. If a woman faces harassment or gets slandered on a social networking site, the police are reluctant to get involved. There is often little they can do beyond e-mailing web site administrators. When arrests are made, the cases tend to drag on indefinitely with very few actual convictions.

New Approaches

We asked all three women: *"How has this training changed your behaviour? What will you do differently now that you are more aware of the risks involved in using ICTs?"*

L.M. talked about she, as a woman, has to be more cautious online. **So many women in the Philippines are using social networking sites like Facebook, but they don't necessarily understand the risks they are taking.** Information they post online about their whereabouts and activities can put them in danger unnecessarily.

Ritu was surprised with herself. Being well-versed in the use of computers -- she had trained as an engineer and can write code -- she knew about some of the security provisions taught in the workshop, but had never thought to implement them. For instance, she routinely gives out her mobile phone number everywhere, without considering the consequences, which is not safe. She has vowed to be much more careful in the future.

According to Ritu, rural women in particular are actually very paranoid about their security. One of the principle complaint mechanisms in India is based online; which could have consequences if local government officers discover who has reported them. As a result, the Digital Empowerment Foundation never shares the original digital stories outside the organisation, in order to protect the anonymity (and the security) of the storyteller.

Ritu intends to share what she learned about secure online communications with her colleagues and clients -- especially to teach them secure browsing. She also plans to implement this teaching as part of the women entrepreneur training, since many of these women are concerned about the security of their websites.

Tina outlined the dilemma. **Women often face isolation if they don't have ICTs to connect with, however, women can risk violence through the unsecured use of these tools.** The solution: teach women how to communicate safely.

The biggest realisation for Tina was that, while she herself may not be at risk, many of the women she works with are, and so she must be careful with her communications, if not for her own safety, then for theirs. Many of her colleagues live and work in countries where surveillance and monitoring are commonplace, and the consequences of careless forwarding can be severe.

Likewise, she realised the importance of addressing ICT policy in and of itself. Rather than merely considering the internet in relation to other women's issues, she now understands that there is value in contending with ICTs in their own right.

Getting our Feet Wet:

APWLD Explores Gender and the Right to Water and Sanitation

Clean water and safe sanitation are essential resources and basic entitlements yet they are inaccessible, inequitably distributed and appropriated as 'commodities'. While each country's constitution guarantees economic development and social justice, basic rights and entitlements do not simply remain unfulfilled but are also exploited.

Barriers to access of water and sanitation are not simply the result of a physical shortage of water and climate change but are equally an effect of inequitable access especially in 'developing' nations and specific sections and communities within those nations – rural, urban poor, indigenous, disabled, and other marginalised sections.

The impact of lack of access to clean water and safe sanitation is not gender neutral. Women and men experience vulnerability differently and adapt to impact differently owing to their socially defined roles and opportunities, access to resources and decision making. Customary laws and traditions reinforce women's secondary role within the private and public domains, thus compounding the impact of lack of access on women and especially women belonging to rural, indigenous, migrant and other marginalised sections of the population. Women, across the region of Asia Pacific, are primarily responsible for getting, storing and making available water to their families and communities, not just for drinking but for food preparation, cleaning, washing, health, hygiene and waste disposal. Women, have therefore, accumulated considerable knowledge about water sources, storage and management. However, efforts geared towards improving management of water and sanitation have excluded women from decision making vis-à-vis location of water and sanitation sources, priority concerns of water and sanitation projects; excluded from water management, from ownership of assets and so on. Furthermore women's particular concerns regarding water and sanitation are often not fully considered. This does not relate purely to hygiene concerns but also the lack of security experienced by women as long searches for water and lack of access to sanitation can expose them to sexual violence.

The UN General Assembly adopted a resolution in July 2010 to recognise and realise the Right to Water and Sanitation as a Human Right. The Human Rights Council Resolution took a step further, in September 2010, by specifying that this right is legally binding by recognising that it is derived from a right recognised in a number of international treaties.

While the Right to Water has existed as a right in several international treaties and conventions, within the Human Rights Council (Independent Expert on the Issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation), and as an MDG, this particular resolution enables a shift in focus from 'declare' to 'realise', therefore enforcing it as a basic human right to human dignity. While the right has not been separately realised under international conventions, it finds its basis in declarations and treaties such as the UDHR, ICESCR, ICCPR, CRC, CRPD, CEDAW, BPfA, CERD and so on. The specificity of this right highlights that safe drinking water and sanitation are integral to the realisation of all human rights.

Right to Water and Sanitation reinforces women's economic, social and cultural rights. With the



declaration of this right, there has been a shift from perceiving it as a civil right, and therefore service oriented, to perceiving it as a human right, therefore linked to human dignity and equality. The realisation of it as an economic, social and cultural right allows for it to be analysed from the perspective of inclusion, accessibility, participation.

Some may argue that the Right to Water and Sanitation concerns hygiene and prevention of disease but the realisation of this right leads one to understand that this is not charity based and service oriented but about entitlements and human dignity. It, therefore, becomes important to view this right from the perspective of the most marginalised, their access to water and sanitation and their access to redress in the lack of access to water and sanitation.

The Feminist Law and Practice (FLP) programme of APWLD focuses on building the capacity of activists and lawyers to analyse and critique laws from a feminist, rights based perspective and build campaigns to advance women's rights in the region. This tool of analysis enables one to look at what is behind the law, what social, political and economic systems prop up discriminatory laws and practices that marginalise women. The feminist framework also imbeds a commitment to solidarity and movement building within the programme. While a good legal outcome using international law is a positive outcome in an individual case, APWLD looks at what broader impact it has and how it can be used to raise awareness and to build a movement of people demanding rights.



“A Drop in the Bucket” Why A Gendered Approach to Water and Sanitation in Needed

By Gaayathri Nair, APWLD Secretariat

Upon picking up the 2011 United Nations Millenium Development Report one would be remiss not to be impressed by its positive report of the progress that has been achieved in the last eight years towards halving the number of people who do not have sustainable access to safe drinking water by 2015. Indeed its projections indicate that the target for drinking water access will actually be exceeded. According to the report, Eastern and South Eastern Asia have already achieved their targets. While progress towards greater sustainable access to safe drinking water is excellent news, a lack of perspective when evaluating these results can make them seem more impressive than they actually are. International efforts to provide clean drinking water tend to focus on the provision of wells within communities as an improved source of water.¹

While this is positive particularly when well placement comes about through active collaboration with the community, what has been found is that once wells are built there is very little thought about their maintenance. Frequently local communities are not educated in well maintenance and no other provisions are made for them either.² This means that over time water sources often become unusable due to the lack of forethought about their future. This leaves the local community in the same situation they were in before the provision of water sources, or worse perhaps because now everyone outside the community believes that the problem has been fixed.

Furthermore well placement is often either not well thought out or has not occurred through sufficient consultation with the community. This can result in wells being placed in locations where they are prone to contamination such as near pit latrines or run off from farms. Despite the wide consensus in the development community that women bear the burden of water collection they are still not consulted regarding well placement, or when they are consulted they are consulted ineffectively.

¹ I.M Faisal and M.R Kabir, *An analysis of the Gender Water Nexus in Bangladesh*.

² Ibid.

A study that looked at NGO's and Bilateral programmes that work on water and sanitation issues in Nepal found that firstly there was a lack of female staff at all levels due in part to unfriendly policies such as lack of maternity leave as well as other barriers. It also found that the higher the representation of women within an organisation the stronger the commitment of the organisation to the integration of a gendered perspective.³

A lack of female staff and often a lack of commitment to gender mainstreaming has meant that when consultations with the community occurred women were frequently left out of the equation because they did not occur at times that were suitable or in places that were suitable. According to the study this could have been remedied with the presence of more women from the community within the organisation. Furthermore while there was in theory consultation with women of the community it was highly ineffective. Such practices also result in a conception that women are not interested in taking part in such decisions which is not the case at all.

While the distance that women have to walk to collect water is a widely recognised issue it must be noted that it is not the most important water issue for women across the region. In the Pacific, access to potable drinking water is constrained by salination of water sources due to rising sea levels, a lack of infrastructure and environmentally appropriate water technologies.⁴ Women are also frequently small subsistence farmers and in many places, such as central Asia for example require water for irrigation in order to allow their crops to grow. However it is men who control access to this valuable resource and women are often left out compounding their problems.⁵

The difficulty in approaching water and sanitation issues is that international NGO's and development programmes have a tendency to utilise a one size fits all approach which can be highly ineffective due to the wildly different contexts each local community has. These issues and a tendency towards tokenism in issues of gender mean that it is hard to read the progress on water and sanitation issues in the MDG report as the resounding success that it claims to be.

Sanitation issues seem to take a back seat as compared to water issues in the international sphere but good sanitation is just as fundamental as water in terms of prevention of disease and enabling people to truly realise their rights to life and health. Lack of Lavatories has been identified as a core issue in areas like coastal Sri Lanka where insufficient toilets can prevent girls from going to school due to embarrassment and difficulties maintaining proper hygiene while menstruating and also often increases their exposure to violence due to having to defecate in open areas in the early morning and late at night to protect their modesty.

The affirmation of a right to water and sanitation by the United Nations provides a good basis for advocacy work to be done, and make no mistake much work needs to be done in this area. Hopefully the future will contain more equitable access to water and sanitation. These are fundamental necessities of life and cannot be seen simply as commodities to be bought and sold. The need for a gendered approach when analysing water and sanitation issues cannot be overstated. If women are the ones who bear the heaviest burden regarding the lack of access to potable water and improved sanitation then it is their views that must be given the heaviest weight when attempting to alleviate this situation. Genuine meaningful consultation with women of communities is urgently required, not the tokenism that is so often seen currently.



3 Shibesh Chandra Regmi, *Gender Mainstreaming in the Water Sector in Nepal; A Real Commitment or a Token?*

4 Magnus Molia, Stuart Burn, and Grace Tjandraatmadja, *Vulnerability of Water Services in the Pacific Island Countries, Combining Methodologies and Judgement.*

5 Response to APWLD questionnaire on Water and Sanitation by Kyrgyzstani NGO Alga

India: Not Just Taps and Pipes But Women's Lives

By Pamela Philipose

Delhi - Among the multiplying divides between people in a world full of disparities, is one that is hardly talked or written about. Urbanologist Mike Davis is a rare exception. In his work, 'Planet of Slums', he lays bare the grid of deprivation that is the Third World city, where water and sewerage systems continue to elude the millions living on its fringes in teeming shanty towns and resettlement colonies. Davis writes: "Constant intimacy with other people's waste, is one of the most profound of social divides... living in shit - truly demarcates two existential humanities."

Much like financial poverty or inadequate nutrition, the lack of clean water and toilets undermines people's health, well-being and progress. According to the Human Development Report 2006, which terms the crisis in water and sanitation as "one of the great human development challenges of the early 21st century", an estimated 1.1 billion people in the world today don't know what it is like to have clean water flowing through a tap in their homes, and 2.6 billion lack basic sanitation. But despite the enormity of the numbers, the crisis has remained a silent one precisely because those who are most affected by it are also the least visible, articulate and influential.

In this dystopian scenario it is women who pay the highest price, not just in terms of their time and money but in terms of their safety and dignity. Being poor, powerless, voiceless and of the 'wrong' gender, they are inevitably met with administrative inertia. Says Renu Khosla, Director, Centre for Urban and Regional Excellence, a Delhi-based NGO working in slums and resettlement colonies, "As privileged urbanites, we take water and sanitation for granted. But if you talk to women in slums or resettlement colonies, their primary concern is the endless struggle to access these services. For our administrators, planners and engineers, they don't seem to exist."

No one in a government department is actually counting the costs incurred by those who ironically have the least capacity to pay the bill. Take the price of accessing a toilet. Since homes in most slums and

settlements don't have toilets, a family of five could spend Rs 300 at the very minimum every month, just to relieve themselves. If you look at this figure a little more closely, more tragic everyday realities emerge – stories of how family members, especially the women, try and avoid going to the bathroom too often and end up with serious health conditions.



Other health problems like water-borne diseases proliferate in neighbourhoods where overflowing gutters easily spill into drinking water sources. Khosla's organisation once did a study in an Agra slum on the incidence of such diseases, the cost of medical treatment and time spent in getting treated. It revealed that families were spending, on an average, Rs 700 (US\$1=Rs 44.9) every month for treating water-borne diseases in the family. As HDR 2006 observes, "Water and sanitation are among the most powerful preventive medicines available to government to reduce infectious diseases".

Procuring water from the local hand pump, stand pole or tanker is an extremely stressful activity – with fights breaking out between neighbours and tensions being created within households. It affects children's schooling, creates hostility and insecurity, and carries huge opportunity costs. The quality of water that is accessed with so much trouble is also invariably abysmal. Those who have waited for hours in line for it, talk of how it is not uncommon to spot a dead rodent or lizard in the water or how it is sometimes so brackish that clothes turn yellow when washed in it.

The running of public toilets is marked by similar indifference, with their management contracted and sub-contracted until no institution or individual can be held accountable when lights don't work, when water runs out or when the facility is shut down arbitrarily. Women talk about what a serious

challenge a non-functioning toilet is when they are menstruating. The system, of course, remains impervious to such needs and has come to regard them as people who don't need clean water or proper toilets.

But things are changing. Increasingly, women activists and civil society organisations are beginning to realise that expanding women's choices and life chances hinges crucially on seemingly banal issues like clean water and functioning toilets.



There are four imperatives that need iteration. The first is to broaden the general understanding of the lived realities of those who live on the margins. India's middle classes have long stigmatised the poor for the unhygienic situations in which they live. But as one woman in a Delhi resettlement colony remarked, "We don't want to live like this, we don't want to defecate in the open. But what can we do when the drains overflow and the public toilets are locked?" The sewer, as Victor Hugo wrote in 'Les Miserables' all those years ago, is the "conscience of the city...it tells everything".

Second, we need to regard water and sanitation as a women's issue that has everything to do with individual security and personal dignity. Says Prabha Khosla, consultant for the Jagori-Women In Cities International action research project on 'Women's Rights and Access to Water and Sanitation in Asian Cities', "For me, the word 'dignity' has to be embedded in the context of women's rights. It has to be broadened to encompass the day-to-day lives of women."

Making communities - and the women in them - more articulate about their right to water and sanitation is the third big imperative. Poor people have been shortchanged precisely because policy makers and administrators think they can get away with it. This is where awareness raising and leadership building has yielded impressive results, with many women - once too inhibited to speak out in public - coming forward to confront senior bureaucrats and municipal functionaries.

Finally, it is about changing old, entrenched mindsets within governments and local bodies. Prabha recalls how she once had to confront an engineer in Uganda because he just did not understand why women needed to be consulted before a public facility was built. "Governments and public officials tend to perceive infrastructure as gender neutral. Pipes are pipes and taps are taps, for both men and women - that is the common sense. But this is really not the case. We know that even something like the design of a toilet can have profound consequences for women. So the question is: How deep do women's concerns permeate policy making and its implementation?"

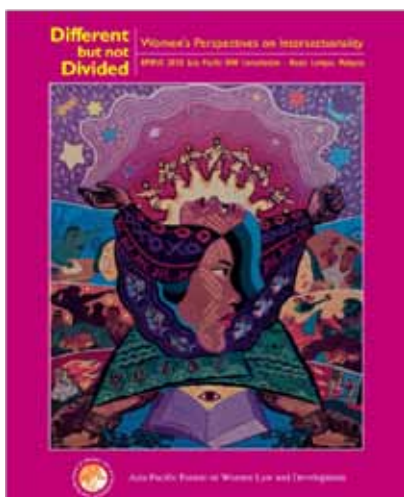
Ultimately, this issue is not just about poverty, but about the poverty of policy making. It is not merely about taps and pipes, but about women's lives.

Article kindly provided by Women's Feature Service

New Resources from APWLD

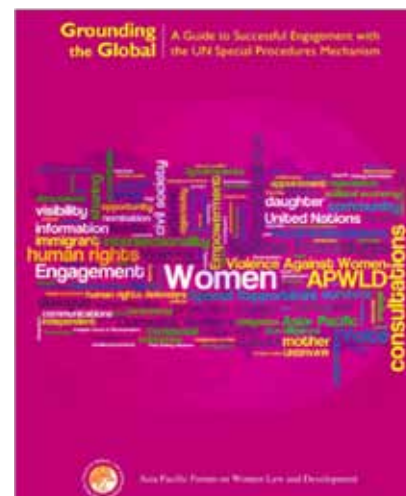
Different but Not Divided – Women’s Perspectives on Intersectionality

This new publication of APWLD reports and analyses our 2010 regional consultation with the UN Special Rapporteur on violence against women. This year women from across 16 countries came together to share and discuss how multiple forms of discrimination relate to and impact upon the issue of violence against women. This report weaves together all of their perspectives to form a comprehensive document articulating how women’s multiple identities interact with patriarchal societies and systems – often resulting in violence. Different but not Divided contends that our commonalities are in our struggles against neo-liberal globalisation, fundamentalisms and militarisation rather than in our identities. This publication shares stories of how violence has been resisted and talks about how intersectionality can be applied. With a CD annex of participant submissions and presentations, this publication is not only informative but also a practical tool for activism.



Grounding the Global – A Guide to Successful Engagement with the UN Special Procedures Mechanism.

Drawing on APWLD’s 16 years of successful engagement with the UN special procedures mechanism, this resource book provides a step by step guide for organisations who wish to engage with this important UN system. This



is a highly practical guidebook that begins with an explanation of the special procedures, its history and efficacy. The guidebook elaborates on the particular framework of the UN Special Rapporteur on violence against women (SRVAW) and discusses the entry points and strategies available for civil society organisations trying to engage with mandate holders. Adding to these resources, are lists of current mandate holders as of April 2011, a helpful glossary, a submission template for the SRVAW, and a list of the core international human rights treaties with a chart of countries in Asia Pacific that have signed or ratified them.

Electronic Version of both publications can be found on the APWLD website’s publications tab. www.apwld.org

For print publications, contact apwld@awpld.org



APWLD’s 2010 Report is available for download from our Website

Comings and Goings



APWLD welcomes June Taguiwalo (does that name sound familiar?) to the secretariat. June will be taking the lead to organise the 1st Asia-Pacific Feminist Forum taking place at the end of the year. Literally born into the movement while her mother was imprisoned during the

Marcos dictatorship, June joined her first demonstration calling for the release of all political prisoners in front of the Philippine President's palace when she was only a year old. She has been active in the movement ever since. Before joining APWLD she has worked with both Ibon International and the Philippine National Housing Authority. June has a Geography degree from the University of the Philippines and has finished the course requirements for her MA in Asian Studies.

Stepping into APWLD's newest and largest Programme, **APWLD welcomes Nina Somera**, also from the Philippines. Nina has a strong background in engaging with ASEAN as well as women's rights and environmental activism. She has worked as a consultant for UN Women around the issue of ecofeminism and also as a consultant for ASEAN for a Fair, Ambitious and Binding Global Climate Deal (AFAB) where she produced media and informational materials. After just one week with the secretariat Nina already has a regional workshop and a feature speaking engagement at a local climate forum under her belt.



Noor Diyana Yahaya comes to the secretariat from APWLD member organisation Women's Aid Organisation in Malaysia where she worked as a social worker and also the women's programme officer. She is taking over the dual role of programme officer for the Feminist Law and Practice programme and the Women In Power Programme. We look forward to her bringing

her valuable programme and logistical experience to APWLD. Diyana will begin with APWLD in early September.

Sarah Matsushita will be stepping into the Information and Communication role while APWLD staffer Tina Lee is taking maternity leave. Until June of this year she had been volunteering on the Thai/ Burma border with WEAVE doing communications and



advocacy work surrounding women's economic empowerment. Before volunteering with WEAVE, Sarah spent a year with Refugees International Japan in Tokyo and previous to that her communications experience spanned non-profit cultural organisations and education organisations in both Canada and Japan. Her educational background is in Political Science. Sarah will be joining us on a six month contract.

Farewells

Just as the secretariat is welcoming new and energised women we are also bidding farewell to a few who have contributed so much to the work of APWLD over the last year.

APWLD said goodbye to Dalina Praserti, our patient and unflappable ASEAN programme lead who has gone on to take a position back in her home town of Bangkok. We would like to thank her for all the hard work and long hours she put in to the ASEAN programme handling the many challenges of drawing together women from diverse backgrounds and countries with ease. Her input into the ASEAN women's caucus was of great value to APWLD. We wish her all the best in her new role.

Philippa Smales is leaving her current role in the labour and migration programme, however she is not leaving APWLD. Instead she has taken on a communications based position within the Women Human Rights Defenders International Coalition that is based out of the APWLD secretariat office. We would like to take this opportunity to thank her for the effort she has put in to growing the scope of the labour and migration programme and to wish her well in her new role.

Tina Lee, our Communications Officer will be taking on a new role that exceeds the challenges of regional communications flows and effective international advocacy – Motherhood! Best of luck to both Tina and her partner Michael on this new chapter. We look forward to welcoming the back to Chiangmai in 2012. In the interim, Tina welcomes emails and is keen to stay in touch with the APWLD network while on leave.

Many thanks to Gaayathri Nair, a committed and bright intern who for one year worked across several APWLD programmes and offered valuable support and insight to the secretariat. Best wishes to you on your travels and we look forward to seeing you take on your next exciting role in women's human rights.



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