



Asia Pacific
Civil Society Forum on
BEIJING+20
14-16 November 2014
Bangkok, Thailand

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

F  **RUM NEWS**

Contents

APWLD Members in the News	4
Beijing+20 Review Process	6
“Enhance accountability for the implementation of the Beijing Platform”	8
Civil society women galvanise the region	10
Long road to justice: Human rights of female migrant workers	11
Young women of Asia Pacific call on governments to strengthen policies on women’s rights and gender equality	13
Women in politics should help women in adversity	15
Women and Girls rising together	17
FLTP graduates call for access to justice, full equality for women in the region	19
Extraterritorial Human Rights Obligations	22
Solidarity with Hacienda Luisita: preliminary statement and findings	26
Charting the Future of Development: A Tale of Two Agendas	29
Trading Gender Equality and Corporate Accountability in the Human Rights Council	30
New Resources	32
Comings and Goings	33

Dear Readers,

The 20 year anniversary of the Beijing Platform for Action is upon us. For many APWLD members it's a bittersweet moment. Sweet, because we remember the extraordinary gain our movements made in shaping the plan and the energy and excitement that achievement and the civil society gathering ignited. Bitter, because 20 years on the promise of Beijing has failed to shift the structural causes of inequality or dislodge patriarchy. These divided emotions emerge when re-reading the Beijing Platform. It warns that systemic injustices embedded in economic, political, military, cultural systems will drive inequality unless addressed and provides directions to remedy them. Yet these roots of inequality and injustice grew and spread in 20 years to a point that now threatens the planet.

The political space we find ourselves in is too hostile to even dream of improving on the normative standards we achieved 20 years ago. And so in this moment of review and reflection we demand accountability from governments to implement their obligations. A simple but radical demand.

While we won't expose the Beijing Platform to renegotiation, 2015 provides an extraordinary political moment to demand accountability and re-shape a global development consensus. The review takes place in the year where new sustainable development goals are being negotiated, when governments must agree to a new, binding framework to reduce climate change, when UN General Assembly Resolution 1325 on women, peace and security is being reviewed and where Southeast Asian states have committed to becoming one economic community. It also comes at a time where inequalities and the dire consequences of neo-liberal globalization have captured global attention. The demand for more just, sustainable, equitable models is more audible than ever.

This edition reflects on this moment of review and draws from the commentary during the Civil Society Forum on Beijing plus 20 APWLD co-organised in November 2014. For the 450 Asia Pacific women attending the forum and the subsequent intergovernmental meeting, it was an opportunity to take governments to task on the 12 critical areas of the BPFA. They interrogated the links between militarization and economic rights; social marginalization and resource grabbing;

migration and violence against women, among others. Activists also highlighted issues that had not been taken up by the BPFA: sexual orientation and gender identity, and women threatened by climate change.

In this edition we also highlight legal tools developed to respond globalization. APWLD has been working with members and with National Human Rights Institutions to strengthen accountability for extraterritorial human rights obligations (ETOs). A set of guiding principles by international legal experts point to the states obligations to protect human rights and also counter the harmful effects of globalization particularly by multinational corporations and international trade agreements.

We also include some reflections from our Feminist Legal Theory and Practice graduates who came together to consider the impact of feminist training in law and practice and consider the needs of feminist legal activists in the current political context. Two articles reflect on the challenges of legal remedies when governments are determined to limit human rights. APWLD took part in a solidarity visit to the Hacienda Luisita in the Philippines where women have been affected by land grabbing and long term denial of land rights. We also reflect on the contradictions of states in two articles that look at voting in the Human Rights Council and the contradictory objectives of the post2015 agenda and of pernicious trade agreements being negotiated.

These contradictions represent struggles taking place globally over development, the obligations of states and the foundational, structural causes of inequality. Unfortunately, at this critical juncture, we do not see any states in the region championing women's rights in their entirety.

The clear contradictory positions of states makes the importance of movement building work all the more important. APWLD members continue the struggle to both hold states accountable and also to lead and demand new, fairer, more equitable and sustainable models. And so we continue our struggle for Development Justice.



KATE LAPPIN

Regional Coordinator
APWLD

APWLD Members in the News

HIGH COURT DECISION ON SIS FATWA CHALLENGE: AN OPPORTUNITY FOR PUBLIC DEBATE?

KUALA LUMPUR: Non-governmental organisation, Sisters in Islam (SIS) is urged to fully understand the concept of fatwa and find a better solution so that the dispute involving their organisation's mission will not be misunderstood.

Federal Territories Mufti Dr Zulkifli Mohamad Albakri said this in response to the decision by KL High Court yesterday to grant a leave for SIS to challenge Selangor Fatwa Council, Selangor Islamic Religious Council (MAIS) and the State of Selangor after SIS was declared deviant.

Meanwhile, Women's Aid Organisation (WAO) executive director Ivy Josiah said that the decision made by the High Court to grant leave to SIS to challenge the edit offers an opportunity for a public debate over the issue.

"We are very elated with the decision. It is important that SIS is not dismissed in such an undemocratic manner. Let it be a public debate so we could find out what is it that make SIS so unacceptable."

"The High Court's decision has highlighted that the action warrants further deliberation and now it will become a public debate. It is unfortunate that SIS fate was previously determined by entities that have made up their mind before further discussions or dialogues," she said.

With more discussions and public debate, she added, the meaning of liberalism and pluralism can be explored in greater detail and perhaps be viewed in a more positive perspective in the end.

Still, Ivy questioned how an institution like MAIS can behave as a 'dictator'.

"We have to question how anyone can unilaterally decide another organisation as deviant without a proper investigation."

"How can an unelected institution like Mais wield this kind of power? This unbridled power seems unfair," she said.

Excerpted from Malaysian Digest, <http://www.malaysiandigest.com/frontpage/282-main-tile/532331-high-court-decision-on-sis-fatwa-challenge-an-opportunity-for-public-debate.html>, 11 December 2014

GROUP OF PROMINENT MALAYS CALLS FOR RATIONAL DIALOGUE ON POSITION OF ISLAM IN MALAYSIA

PETALING JAYA: Deeply concerned over developments regarding race relations, Islam and extremist behaviour in Malaysia, a group of 25 prominent Malays have called for a rational dialogue on the position of Islam in a constitutional democracy.

"Given the impact of such vitriolic rhetoric on race relations and political stability of this country, we feel it is incumbent on us to take a public position," said Datuk Noor Farida Ariffin, former Malaysian Ambassador to the Netherlands, in a statement on Sunday issued on behalf of the 25 signatories.

The statement was signed by prominent personalities, including former secretaries-general, directors-general, ambassadors and prominent Malay individuals who have contributed much to Malaysian society.

Noor Farida, also former director-general of the Foreign Ministry's Research, Treaties and International Law Department, said she and the others "are deeply concerned about the state of the debate on many issues of conflict on the position and application of Islamic laws in Malaysia".

"It is high time moderate Malays and Muslims speak out. Extremist, immoderate and intolerant voices as represented by Perkasa and Isma do not speak in our name.

"Most importantly, we call on the Prime Minister to exercise his leadership and political will to establish an inclusive consultative committee to find solutions to these intractable problems that have been allowed to fester for too long.

"We also urge more moderate Malaysians to speak up and contribute to a better informed and rational public discussion on the place of Islamic laws within a constitutional democracy and the urgency to address the breakdown of federal-state division of powers and finding solutions to the heart-wrenching stories of lives and relationships damaged and put in limbo because of battles over turf and identity," she said.

Excerpted from The Star (Malaysia) <http://www.thestar.com.my/News/Nation/2014/12/07/Group-prominent-malays-calls-for-moderation/>, 7 December 2014

GROUPS URGE STANDARDS IN ELECTION REFORM NEGOTIATIONS

WASHINGTON DC—Election monitors and other organisations in Cambodia are urging the country's political parties to accept a number of principals in the reform of the National Election Committee.

The Cambodian People's Party and Cambodia National Rescue Party came to a compromise in July and have been working since then to find common ground on election reform, including of the national election body—but some observers fear those compromises will lead to an NEC that is not independent.

A group of non-governmental organisations has signed onto the Election Reform Alliance, which issued a statement this week to push for the best reforms possible.

Thida Khus, director of a women's organisation called Silaka, said many NGOs are now discussing the independence of the NEC, which should be "out of political interference from both parties, the CNRP and the CPP."

Both sides should be seeking to remove hurdles in elections that create disputes after the polls, she said.

Excerpted from Voice of America Khmer, <http://www.voacambodia.com/content/group-urge-standards-in-election-reform-negotiations/2544377.html>, 3 December 2014

LAWS ALONE CANNOT STOP VAW CASES: EXPERTS

KATHMANDU, DEC 07 - In addition to the weak legal provision and almost non-existent implementation of prevailing laws, the fear of social ostracisation has prevented the victims of domestic violence from reporting the incidents, said experts.

The report has identified economic factor as the main reason for women to compromise. "An appropriate livelihood options and adequate support mechanism can encourage women survivors of domestic violence to speak up," said the report.

According to 2013 report of Women's Rehabilitation Centre (WOREC), the cases of domestic violence is on the rise. It had recorded 1,703 cases of violence against women (VAW), out of which 1,040 were

cases of domestic violence.

Economist and gender activist Mina Acharya also argued that the laws alone can not change the situation of the VAW. "A villager does not care what international convention Nepal has signed and what human rights is," she argued. "We have to have concrete intervention at grassroots level from the state to stop the ill practices."

WOREC Chairperson Renu Rajbhandari said, "Cases of domestic violence could be higher but such incidents are often not reported." She said the society tends to mediate such cases at local level, which never got reported.

Excerpted from EKantipur website, <http://www.ekantipur.com/2014/12/07/capital/laws-alone-cannot-stop-vaw-cases-experts/398659.html>, 7 December 2014

'LIFE STILL DIFFICULT FOR YOLANDA SURVIVORS'

MANILA, Philippines - There is little visible improvement in the situation of Yolanda victims a year after the super typhoon struck Eastern Visayas, and there have even been cases of abuse among women, a non-government organisation said yesterday.

Gabriela secretary-general Joms Salvador said many families remain in a state of hunger and have not returned to their communities to rebuild their lives.

"Life remains hard for the victims, especially women and girls," she said. "We were not surprised when we heard that some have resorted to prostitution."

Salvador said authorities have rescued several women in the typhoon-hit areas from at least three alleged prostitution dens.

They have received reports of lodging houses serving as areas of "transaction" for prostitution in Tacloban City, she added.

Salvador said the prostitution and sex trafficking of Yolanda victims in Eastern Visayas are evidence that the government has neglected their welfare despite billions of dollars from local and international donors.

Excerpted from The Philippine Star, <http://www.philstar.com/headlines/2014/11/04/1387851/life-still-difficult-yolanda-survivors>, 4 November 2014

Beijing+20 Review Process

BEIJING DECLARATION AND PLATFORM FOR ACTION

The Beijing Declaration and Platform for Action (BPfA) was adopted by consensus on 15 September 1995 by 189 countries during the Fourth World Conference on Women, which was held in Beijing, China. The BPfA is an internationally agreed declaration considered to be one of the major milestones of the global women's movement. It calls for strong commitments on the part of the governments and other institutions to fully realise women's human rights and gender equality through the implementation of the roadmap set by the BPfA.

It focuses on 12 areas of concern where action is most urgently needed. These areas are: (1) women and poverty; (2) education and training of women; (3) women and health; (4) violence against women; (5) women and armed conflict; (6) women and the economy; (7) women in power and decision-making; (8) mechanisms for the advancement of women; (9) human rights of women; (10) women and the media; (11) women and the environment; and (12) the girl child.

For each critical area of concern, a roadmap is created by setting strategic objectives and concrete actions for implementation to improve the social, economic, political, cultural, and environmental dimensions of women's lives. Although BPfA it is not a binding treaty and does not provide any redress mechanisms, it affirmed that issues of women's rights and equality must be part of any government's agenda.

BPfA +20 REVIEW PROCESS

The Commission on the Status of Women (CSW) and UN Women are leading the review of progress towards implementing the BPfA. In March 2015, representatives of member States, civil society organisations, and other stakeholders will gather at CSW in New York to conclude the review process of the BPfA implementation, 20 years after its inception.

Currently, UN Women is coordinating a review process that involves evaluations at the national, regional, and global levels. Governments are encouraged to work with CSOs to come up with comprehensive national-level reviews on the implementation of the BPfA. These reports are also expected to address the challenges encountered in the implementation of the BPfA and to integrate the broader discussion around the post-2015 development agenda.

At the regional level, Regional UN bodies are leading

the coordination of national review processes with UN Women to come up with the regional analyses on the Beijing +20 review as informed by the national reports. In the Asia and the Pacific Region, the UN Economic and Social Commission for Asia and the Pacific (UN ESCAP), has convened the Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20 Review to consolidate the regional position in the global review process.

ASIA AND PACIFIC CIVIL SOCIETY ENGAGEMENT IN THE BEIJING +20 REVIEW

The UN ESCAP and UN Women welcomed the engagement of the CSOs in the Asia Pacific Region. To better organise civil society engagement in this process, the Asia Pacific Beijing +20 Civil Society Steering Committee has been created composed of 18 member organisations including regional networks and constituency based groups. Its main objective is to guide CSO preparations in influencing the Beijing +20 review process in the Asia Pacific region and globally.

APWLD UPDATES AND POSITION:

Of the 12 Critical Areas identified in the Beijing Declaration and Platform for Action, APWLD focused in its regional submission on those issues that are most relevant to APWLD's members—poverty; decent work; violence; decision-making; and the environment.

Women and Poverty: Approximately 2.5 billion women in the Asia Pacific are currently living on less than USD\$10 per day, including 600 million who live on less than USD\$1.25 per day. In addition to the economic and social rights violations that are inherent in the condition of extreme poverty, women living in poverty are prevented from enjoying a broad range of civil, political and cultural rights. Women's poverty in the region is directly linked to the implementation by governments and international financial institutions (IFIs) of neoliberal macroeconomic policies and growth-driven development models, which also underpin international economic governance as a whole. Each of the elements of macroeconomic policy identified in Critical Area A of the Beijing Platform has had a demonstrably discriminatory impact on women in the Asia Pacific, including decreasing women's access to essential services; depriving women of access to land and natural resources that they depend on for their livelihood; increasing the burden of unpaid care work borne by women; and exacerbating

the vulnerability of women to exploitation in the course of their employment in both formal and informal sectors.

Violence Against Women: Despite the fact that nearly all countries in Asia and the Pacific have ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), gender inequality and violence against women continue to be a daily reality for women in the region, including domestic violence, rape, sexual harassment, and violence against women in the contexts of armed conflict and migration. Further, the prevalence of targeted violence against particular groups of ethnic women and girls proves that a culture of impunity continues to exist.

Women in Power and Decision Making: In the Asia Pacific region, women remain consistently and systematically excluded from participation and decision-making at all levels, starting at home and extending to the highest level of government. The region is still far from achieving gender parity, exacerbated by the fact that many women are still constrained by the patriarchal dichotomy of a "public" and "private" sphere. The prevalence of this dichotomy, coupled with inadequate or discriminatory policies, have continued to obstruct women from participating in decision-making and leadership.

Women and the Economy: The nature of women's work in Asia and the Pacific has been fundamentally shaped by neoliberal economic reforms and development strategies adopted by governments in recent decades, frequently at the urging of international trade and finance institutions. Principally, these reforms are trade and investment liberalisation; privatisation; deregulation; and aggressively promoting export-oriented industries. While the reorientation of economies towards labour-intensive, export-focused industry has increased rates of women's participation in the labour force, Asia continues to have the highest gender pay gap in the world, and the majority of women work in employment that lacks basic security, benefits, and working conditions. Further, women in Asia and the Pacific remain responsible for the unpaid work that sustains their families. Women workers therefore assume a double burden of work which renders their equal enjoyment of a range of rights impossible.

Women and the Environment: Rural and indigenous women are the primary users of natural resources in the Asia Pacific region. However, they are often absent and systematically excluded in

decision-making process related to management of natural resources. This often leads to gender-blind policies and practices that reinforce women's marginalisation and discrimination. Climate change also has a disproportionate and devastating impact on women's lives in the region. The loss and damage to lives, property, land, and livelihood caused by climate change-induced events affecting rural, indigenous, and urban poor women must be addressed, in addition to urgently accelerating mitigation and adaptation measures that are formulated with the full and meaningful participation of women.

APWLD PRIORITIES: As we approach 20 years since the Beijing Platform was adopted, APWLD is focusing on the following to accelerate the implementation of the Platform and fulfill the promises made by governments to the region's women:

- **Accountability:** Although the focus was on implementation, accountability mechanisms were not formally incorporated into the BPfA beyond the global reviews at CSW. This has allowed governments to all too often ignore the commitments made under the Platform. The Beijing+20 review process is an opportunity to hold governments to account for their commitments, and demand stronger, more effective accountability mechanisms.
- **Integration with the Post-2015 Process:** While there have been advancements in gender equality since the initial adaptation of the Beijing Declaration and Platform, an inequitable model of development has deepened inequalities at the expense of the lives and wellbeing of women. In December 2015, the UN will adopt a new set of goals which shape future development priorities, including a goal on gender. We must recognise this as an opportunity to accelerate the implementation of governments' obligations under the BPfA and ensure there is no regression from commitments already made.



“Enhance accountability for the implementation of the Beijing Platform”

*Opening Plenary Address Kate Lappin at the Asia Pacific CSO Forum on Beijing plus 20
14 November 2014, UNESCAP, Bangkok, Thailand*

It's a wonderful privilege to be welcoming you my friends, colleagues, sisters to the Asia Pacific CSO Forum on Beijing +20. I'm making these comments not because of any personal achievement or insight that makes me particularly fit for this moment but instead from the enormous privilege I have in acting as Regional Coordinator of APWLD and the mandate from our 180 members across the region together with our role as co-organisers and Secretariat with DAWN of the CSO Steering committee to organise this process.

The process of organising this preparatory meeting has been a collective one, starting with a preparatory meeting supported by UN Women around the ESCAP Committee of Social Development. Given the time and financial constraints we are all elated that there has been so much interest in attending and that we've been able to gather 480 feminists, activists, supporters, allies from 36 countries.

The Beijing Declaration and Platform for Action was a watershed for the feminist movement. The roadmap provided the most comprehensive, universally agreed plan of action to realise women's human rights, to counter and dismantle patriarchy.

It was monumental at the time although imperfect. When Aung San Suu Kyi welcomed participants to the Civil Society Forum in Beijing 20 years ago she called it a "great celebration of the struggle of women to mold their own destiny and to influence the fate of our global village".

There has never been a more important time for feminists to mold and shape our global village. Because this global village is in crises. This global village is at a tipping point.

Global wealth inequality has become so obscenely high that even the institutional architects of inequality – the IMF and the World Bank are concerned about its potential to create revolt. Last year Oxfam famously found that 85 people in the world hold as much wealth as half the world's population – that's 85 people owning more than 3.5 billion. But even more startling is that since that data was collated wealth has been accruing even more rapidly to the obscenely rich – 65 people now own more than 3.5 billion.

In Asia Pacific 0.001% of the population own 30% of all wealth. Their wealth is 17 times more than the combined GDP of the Asia-Pacific least developed countries.

Mounting evidence that we are at the point of irreversible catastrophic climate change is devastatingly tangible for millions of women in the region.

There is no evidence that violence against women has abated in 20 years even though we've made progress in laws and policies. We are all familiar with the cultural, religious and political terrain that threatens even the gains made let alone advancing standards.

Land-grabbing is at an all time high, and resistance deadly. Just this week the extraordinarily brave women land rights activists of Cambodia have been again summarily arrested, charged and sentenced simply for protesting their evictions.

Migration into exploitative work is continually on the rise, living wages and decent work conditions denied and again with deadly consequences. The cheap, exploitable labour of women is underwriting the so called 'Asian Century' and is used to attract investors to the region.

The intersecting tipping points and crises we face and then systemic violations of women's fundamental rights all share a patrilineal origin – the ascendancy of neo liberal capitalism converging with the power that patriarchy affords fundamentalisms and militarism.

In 1995 our movement established what now seems to be an extraordinary feat – a clear, progressive road-map to deliver women's rights. We are reviewing its implementation at a historical moment where global intergovernmental processes converge to present and opportunity to shape a new approach to development. The sustainable development goals to be adopted in 2015 provide an opportunity to transform the development agenda. Reflecting on the promises made through the Rio Earth Summit, Beijing Platform, the GA Resolution 1325, the ICPD as well as human rights treaties reveals the common failure to provide real accountability to peoples, particularly the most marginalised – women of this region.

There will be another 20 year anniversary next year, one that we are not going to celebrate. The anniversary of the WTO. The anniversary of an institution that enabled consolidation of power in the hands of corporates and elites. It's 20 year anniversary will not be celebrated by grassroots women who bore the burden of globalisation, of privatisation of public services, public infrastructure, public space, or of slashing public spending, of prioritizing foreign corporations over their own local markets

The WTO provided the architecture that we were denied – a binding framework that delivers remedies if agreements are violated. And if that was not enough we now see further advances in guaranteed remedies for corporations through the growth of binding investment and trade agreements like the Trans Pacific Partnership Agreement.

While the Beijing Platform remains a powerful tool, its largest failure is the lack of a meaningful accountability mechanisms.

Accountability is the main theme of this meeting and the intergovernmental meetings at ESCAP to follow. Perhaps the most radical demand we can make today is for genuine accountability to the peoples and real democracy.

The good news is that we are at another tipping point. We are at a tipping point where the numbers of people who question the morality of wealth,

power, resources and opportunities being concentrated in the hands of so few are growing. We are at a tipping point where shaping a new order for our global village may be possible. It is now time to shape new relationships, economies, systems. APWLD and more than 100 civil society groups across this region are calling for Development Justice – a framework that demands five

For our feminist movements it is imperative that we play a leading role in re-shaping this global village in ways that are more equitable, just and loving for women as well as men and as well. If this global village is to survive it must be molded by our vision, our struggles our solidarity.

transformative shifts incorporating Redistributive Justice, Economic Justice, Gender and Social Justice, Environmental Justice and Accountability to the Peoples.

For our feminist movements it is imperative that we play a leading role in re-shaping this global village in ways that are more equitable, just and loving for women as well as men and as well. If this global village is to survive it must be molded by our vision, our struggles our solidarity.



Civil society women galvanise the region

Aileen Familara

Women from the Asia Pacific region work on such a broad and diverse issues, ranging from sexual and reproductive health, economic rights, indigenous rights, among others. When they come together to do advocacy work at the regional and global level, the coordination required for such an undertaking requires a high level of cooperation between women's groups and a recognition of the need to represent the diversity of voices in the region. For the 20-year review of the Beijing Platform for Action coming up in 2015, a grouping of 18 women's organisations^[i] known as the CSO Steering Committee, led the preparations that culminated in the Asia Pacific Civil Society Forum on Beijing plus 20, held on 14 to 16 November 2014.

As a member-based organisation, Asia Pacific Forum on Women, Law and Development (APWLD) represented a broad constituency of women in the Steering Committee, and served as co-convenor together with Development Alternatives with Women for a New Era (DAWN). APWLD was also able to mobilise and support the participation of 150 women and civil society into the CSO Forum, particularly from constituencies such as women human rights defenders, rural and indigenous women, women migrant workers and women legislators.

The CSO Forum held a series of plenaries and workshops intended to bring up the most pressing concerns of women's rights advocates, foremost of which was the need for stronger accountability mechanisms, and making resources available for national machineries for women and gender equality.

An important outcome of the CSO Forum was a consolidated statement from civil society and a set of 13 briefers on the specific key issues which are intended for governments. These documents were produced as lobbying documents to feed into the ministerial level Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20 Review organised by UNESCAP from 17 to 21 November 2014.

The CSO Steering Committee worked actively within the spaces provided for civil society in the official meeting to ensure that governments re-commit to the BPFA and to also ensure that emerging global agreements such as the Sustainable Development Goals work towards advancing women's rights and gender equality.

^[i] Asia Indigenous Peoples Pact (AIPP); Asia Pacific Forum on Women, Law and Development (APWLD); Asian-Pacific Resource and Research Centre for Women (ARROW); Asia Pacific Women with Disability (APWWD) United; Asia Pacific Women Watch (APWW); Development Alternatives with Women for a New Era (DAWN); Diverse Voices and Action for Equality (DIVA); femLINKPACIFIC; Fiji Women's Rights Movement; Global Alliance Against Traffic in Women (GAATW); Isis International; International Women's Rights Action Watch (IWRAP) Asia Pacific; Pacific Youth Council; Women's Alliance for Communities in Transition – South Asia (WACT-SA); Women's Global Network for Reproductive Rights (WGNRR); Women Organizing for Change in Agriculture & Natural Resource Management (WOCAN)



Long road to justice: Human rights of female migrant workers

Shobha Shukla, Citizen News Service – CNS

In her opening address at the Asia Pacific Civil Society Forum on Beijing+20, being held in Bangkok, Kate Lappin, Regional Coordinator, Asia Pacific Forum on Women, Law and Development (APWLD) mentioned that, "Migration into exploitative work is continually on the rise, living wages and decent work conditions are being denied and with deadly consequences. The cheap, exploitable labour of women is underwriting the so-called 'Asian Century' and is used to attract investors to the region."

Erwiana was one of the women who shared their lived experiences of the struggle against oppressive structures as a migrant worker, providing a picture of the impact of the existing gender inequalities on women's lives, at the 1st plenary of the Forum. This is what she said (with the help of a translator):

"My name is Erwiana Sulistyarningsih. I am 23 years old, and come from a poor peasant family of Indonesia and am a former domestic worker from Hong Kong. I did my high school and then wanted to go to the University, but because my family had no money for this I started working as a restaurant service worker in Jakarta. The pay was very low. I still dreamt of going to the University because with a graduation degree it would be easier for me to find a good job. As I really wanted to bring a change in my life, and the pay in Jakarta was not enough I decided to be a migrant worker abroad".

"I chose Hong Kong because it is said to be a safe country and I had heard no news about migrant workers being abused there. So I applied through a private recruitment agency and I stayed in a training centre for 8 months and finally I flew to Hong Kong in 2013. When I arrived in Hong Kong all my papers, such

as my passport and employment contract, were taken by my agency and I began working as a domestic help. My employer was very rude, beat me up, would only let me sleep only for 4 hours a day and did not give me sufficient food to eat. I was not allowed to go out or speak with other people or use the telephone. So I decided to run away from her. I called up the agency in Hong Kong for help. But they told me to go back to the employer's house. 8 months of abuse and torture left my body badly bruised and in pain. So one day she decided to send me back to Indonesia. She brought me to the airport, helped me check-in, and then left. She threatened to kill my family if I ever spoke of my plight to any other person. Abandoned at the airport and unable to walk, I luckily met an Indonesian lady who not only helped me reach home but also took a photograph of my injuries and posted it on her Facebook".

The social media spread the news far and wide, putting the spotlight on the plight of a vulnerable and often invisible population—migrant workers.

"The system enforced by my own government and Hong Kong government has made me suffer this way. In my orientation done at the training centre I was not given any information about my rights and about the justice system in Hong Kong."

"Finally my case was taken up by the Indonesian Network of Migrant Workers and Asian Migrant Workers' Coordinating Body to fight for justice for me. Around 5000 people marched on the streets of Hong Kong demanding justice, and finally the Hong Kong government took up my case. My case is under investigation and the trial will be held in December next month (December 2014) in Hong Kong".

"The system enforced by my own government and Hong Kong government has made me suffer this way. In my orientation done at the training centre I was not given any information about my rights and about the justice system in Hong Kong. There is no direct hiring and we are given only 14 days to stay after visa termination and have to leave to re-apply if we want to find another job. These unjust government policies damage our lives as migrant workers. It is not only me who has suffered exploitation, but there are thousands of migrant workers who get into similar situations and are forced to stay in silence".

"My case was finally exposed because of the unity of the migrant workers' movement in Hong Kong. I am happy that through my case more such cases of exploitation are being exposed and given more attention. I hope that both—the sending as well as receiving governments— will give more attention to the protection of migrant workers. I hope there is no more exploitation against migrant workers, against women and no more cases like me".

In 2014, Erwiana was put on Time Magazine's list of "100 Most Powerful Persons", under the 'Icons' category. She has become a symbol and a voice for other migrant domestic workers around the world to fight against violence and discrimination.

Speaking to Citizen News Service (CNS), Erwiana said that the worst is over for her— "I returned from Hong Kong on 10th January 2014. I was awarded a scholarship by Sanata Dharma University in Yogyakarta where I am now studying financial management".

She lamented that, "Because of poverty, many young girls cannot go to school or do higher studies. As their education is low, even if they get a job (which is not easy to find in our country) the salary is very low and they get forced into migration. But now there is some hope from the new government in Indonesia— we are hopeful they will continue to act on the cause and provide more jobs."

Her message:

"As women and girls we need to raise our voice

against exploitation. We need to unite in this fight against discrimination and exploitation which many girls and women face".

Erwiana's testimony is symbolic of women's struggles against human rights violations in the Asia Pacific region—promises of Beijing Platform for Action (BPfA) left unfulfilled, and women's rights left unprotected.

Because of poverty, many young girls cannot go to school or do higher studies. As their education is low, even if they get a job (which is not easy to find in our country) the salary is very low and they get forced into migration. But now there is some hope from the new government in Indonesia— we are hopeful they will continue to act on the cause and provide more jobs."



Young women of Asia Pacific call on governments to strengthen policies on women's rights and gender equality

Aileen Familara

Young women from civil society called on governments attending the United Nations High Level Ministerial Meeting to fulfill their promises to advance women's rights and gender equality. The governments were gathering from 17 to 21 November to report and review the implementation of the Beijing Platform for Action (BPFA).

The BPFA is a document agreed upon in 1995 for governments to develop and ensure policies on 12 critical areas: Women and Poverty, Education and Training of Women, Women and Health, Violence against Women, Women and Armed Conflict, Women and the Economy, Women in Power and Decision Making, Institutional Mechanisms for the Advancement of Women, Human Rights of Women, Women and the Media, Women and Environment, The Girl Child.

Among the young women were Erwiana Sulistyaningsih, from Indonesia, who has gained global attention and support after suffering abuse from the hands of her employer while working as a domestic worker in Hong Kong. She was joined by Betty Barkha from Fiji, Sarah Soysa from Sri Lanka and Sorang Saragih from Indonesia as well.

Their performances highlight the gaps in implementation of BPFA since their youth, as their lifetimes span the 2 decades since the BPFA was agreed upon.

Below is the full transcript of their performance:

ERWIANA SULISTYANINGSIH, INDONESIA

20 years ago, the Beijing Platform was adopted,

and I was 2. You said that women migrant workers, including domestic workers, are a critical part of the workforce and economy. You pledged to reinforce laws to punish and redress wrongs done to women and girls.

Twenty years ago, I grew up in poverty, Globalisation's" gift to our economy. Dreams gave way to harsh realities, And I migrated.

A domestic worker
Abused at the hands of an employer
I almost lost my life
But I escaped
I joined a movement
And I fight for the right to be heard:
"Migrants have rights"
"Domestic work is work"
"We are not slaves"
"Exploitation ends not with words,
But with real accountability!"

SARAH SOYSA, SRI LANKA

20 years ago, I was 6 and inequality was rife
Women's labour undervalued
Women's bodies violated
20 years on I act for a different future:
Comprehensive sexuality education in schools,
access to information and basic services,
the end of intimate partner violence,
EQUAL RIGHTS.

Join me, and we'll push for a world
where rights set out on paper are realised in
practice, where all of us can fully exercise our
rights
no matter what our identity, or its expression.
Because the future I want celebrates diversity
Celebrates women, celebrates girls,
Celebrates rights.



Photo credit: Reileen Diney

Betty Barkha

SORANG SARAGIH, INDONESIA

20 years ago, I knew nothing about women's rights.

20 years on, I know better:

Substantive gender equality

State obligations and the duty to protect

Culture is no excuse for discrimination

Rights are universal and indivisible.

The spirit of Beijing should echo in our daily lives

And manifest in our policies, our institutions, our communities

We all have a part to play

BETTY BARKHA, FIJI

20 years ago, Beijing promised an environment that promotes world peace, protects human rights, and strengthens democracy.

I come from the Pacific. Peace, rights, democracy, the environment: these are our constant struggles.

Ten years I have fought climate change.

Twenty years I have lived in the midst and aftermath of two coups

I see women harassed for joining politics,

I get questioned for being an activist.

But when the challenges seem too much,
We find the strength to grow.

We will fight climate change and save our islands,

We will advance the positions of women,

We will bring up a generation of girls who will make change

All other youth performers step forward to join Pacific representative and come together to say:

BETTY: 20 years ago, 189 governments announced to the world you were "Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity."

SORANG: More than ever before, the world must reaffirm this commitment.

SARAH: Forever forward, never backward.

ERWIANA: Twenty years since declaring gender equality a commitment and a priority, it's time to deliver.



10-12 November 2014
Bangkok, Thailand

APWLD Asia Pacific Forum on Women Law & Development

Women in politics should help women in adversity

Photo credit: Diyana Yahaya

Shobha Shukla, Citizen News Service – CNS

Almost twenty years ago, the Beijing Declaration and Platform For Action (BPFA) was adopted by consensus by 189 countries during the Fourth World Conference on Women, in Beijing. Although not a binding treaty, it calls for strong commitments on the part of the governments and other institutions to fully realise women's human rights and gender equality through the implementation of the roadmap set by the BPFA. The 20th anniversary of BPFA opens new opportunities to regenerate commitment and charge up political will and mobilise action.

Twenty years down the line there is still an overwhelming need to position gender equality, women's rights and women's empowerment at the heart of the global agenda. There is a need to develop a parliamentary mechanism to look at the developments on BPFA.

Taking the Beijing+20 review process as an opportunity to hold governments to account for their commitments, and demand stronger, more effective accountability mechanisms, the Asia Pacific Forum on Women, Law and Development (APWLD) organised a Southeast Asia sub-regional Roundtable on 'Strengthening Accountability to Women through Parliamentary Mechanisms to Implement BPFA.' According to Ivy Josiah, of Women's Aid Organisation, Malaysia, "Women in parliament need to realise that they represent women. But quite a few of them have a tendency to go with their party diktat or what the men in the party want. So there is a reluctance to promote women's rights and say publicly that they are for women's agenda. This workshop has strengthened women parliamentarians' resolve to

push for women's agenda in their countries, to create solidarity and support for each other and to make them more resolute and determined in their efforts. We need to have more women voices in the parliament not because they are women but because it is about sharing power too."

Some of the women parliamentarians, attending the meet, shared with Citizen News Service (CNS) their experiences on pushing women's agenda to political forefronts.

Dr Nyo Nyo Thinn, has been a Member of Parliament, Yangon region, since 2010 when elections were held in Myanmar after more than 4 decades. Lamenting that Myanmar has just 6 women out of 123 parliamentarians, she said that, "There is no national mechanism to encourage women participation in the government. Society is very patriarchal in Myanmar and we had been under military regime for more than 40 years. So women have a very subordinate role in society. They are still referred to as mothers and those in need of protection. I am a strong woman advocate and call for ending gender discrimination, even as the government, bureaucrats, and many elite women disagree with me, saying that there is no discrimination against women. But this is not true. We have many discriminatory laws and we need big legal reforms."

"A National Strategic Plan for Advancement of Women (NSPAW) was introduced in 2013 for advancement of gender equality and realisation of women's rights. However the implementation mechanisms have not been discussed. There has to be a strong accountability mechanism that can monitor and enforce at the national and regional levels. Once we get the national mechanisms and

the legal reforms done, things will improve” added Dr Thinn.

Candy De La Rosa is a City Councillor of city of Cagayan in Philippines. A Christian married to a Muslim, her husband is a survivor of political harassment. It was big challenge for her to win that seat being the wife of such a person, more so because Muslim candidates have no room in a city council of a Christian country.

Candy pushes for equalities in minority groups, including women, whom she represents in the council. She has taken a lot of measures to advance gender equality, like passing an ordinance for more women participation in the council. In 2013, she won in the national elections. “I desire that more women come up in politics. There should be more women members in parliament to support and craft proper women centric laws”, she said.

Rodziah Ismail of Malaysia, a civil engineer by profession, had been a Legislator and a Minister from Selangor state in Malaysia since 2008, but recently stepped down. “Legislators and politicians in my country are not well informed about issues around rights of women and children. Hence discussions around CEDAW, BPFA fall on deaf ears. As a Minister, I created a women’s council, which met with NGOs regularly to discuss the problems faced by women at the grass roots. We got 30% reservation for women representatives in the local councils. This way I tried to bring more women to seats of power– at least in my state. Elsewhere I cannot see the movement mainstreaming. In Selangor we have 56 constituencies but only 17 women representatives. So the women’s word is not loud enough.”

“The good thing is that now there is more awareness about gender equality. Also young male legislators are picking up this issue and understanding the women’s struggles. I think there should be at least one male member in the women’s caucus who can educate other men. Gender sensitivity will have to be created in men, even if it is with the help of men. In my country, the village head is usually a male. I called all the 423 village heads of my region and, after many rounds of discussions, was able to convince them why it was important for them to empower the village women. Now there is a perceptible change in their attitudes, and over a period of 4 years 12 villages have women heads. Thus I succeeded in breaking a cultural barrier. Some we can do alone

and for some we need the help of like minded men.”

Ade Hartati Rahmat of Indonesia became a city level Parliamentarian in 2009 and in 2014 was elected a member of house of representatives of Riau province, which has 18 women out of 65 members. Her vision is to promote and protect the rights of women and children.

“I am also a member of the E-Commission which looks after development in social, education, health and labour sector. It is involved with women issues in a big way. As an MP I am in a position to raise awareness of other women parliamentarians and other members to make them understand the existing situation of women in their areas. Earlier, at the city level I was able to connect civil society and grass roots women with the government and executive, through consultations, to provide services to women and children. I will do the same thing at provincial level. This gender mainstreaming is necessary for correct policy making at government level”.

“There is still not much awareness in Indonesian men and women about gender inequality. Development consultations with community involves men only. Programmes are centred more around business interests. There is an imbalance of power. Lack of access to work, poor wages and lack of education are the biggest issues confronting women. Culturally, they are not recognised as family heads/breadwinners which makes the situation worse.”

Women might be breaking the glass ceiling and walking on sticky floors, but still they are underrepresented in decision making bodies. More of them are need to be there to ensure that there is a renewal of political will for a time bound accelerated action on BPFA.



Women and Girls rising together

Enough is enough;

Renu Rajbhandari

Plenary Panel- *Thinking and building a new for the 21st century. Future visions from today's grassroot movement.*

I've been asked to tell a bit about my story of activism.

I am a physician by training, but became a full time women's Rights activist after working in Hospitals for more than 10 yes. The journey as an activist began in 1991 when I met a trafficked girl in police custody, where she was kept because the police in charge knew that a medical research team, of which I was a member, wanted to check her blood sample to screen her HIV status. I was working on an HIV control program for the Government. We were just starting to discuss HIV in Nepal at that time and we needed statistics.

My work and my entire life changed when I met that 19 year old girl. The police rudely asked her to describe her story to me. I could see anger hatred and anger towards the police and me in her eyes. The police reluctantly allowed me to speak to her in private.

Once alone, she became very aggressive. She started to say yes, I was in Mumbai India, yes I was involved in sex work, yes I might have HIV but why should I give my blood to you? You will sell my blood and make money and what good is that to me? After that she started to cry. After a few minutes when she got bit settled, I asked her why she was so angry. Her story numbed and depressed me. She was the child of a deaf and mute mother from the dalit (Untouchables) community. Her mother was thrown out of the

house by her brother as she was considered a burden for the family. On the streets her mother was raped and became pregnant giving birth in a cow shed. At 12 years of age her maternal uncle, the only person who had been kind to her and spoken to her took her to Kathmandu and told her she would learn to become a tailor. Her uncle introduced her to an 'auntie' that she'd never met and her uncle disappeared.

She was sold to a brothel. She was immediately brutalised and after resisting suffered horrific injuries from which she retained scars. For the next 5 and half years she worked in that brothel until she finally escaped and found her way back to Nepal and her home town.

After telling me her story she asked: Tell me was this all my fault? What did I do to cause this? What do you think will happen to me now? Do I deserve to be treated like dirt when I walk on the street or in my own villate? I had no answer to her questions. I tried to offer some reassuring words but knew that in our society and culture she was right. She was also right that as a doctor I will take her money and earn my income with no good for her. I felt really small. I came away with her blood and a deep sense of shame. I fell into depression but realised that I needed to act.

And so I founded WOREC. I tried searching for the girl but couldn't find her but in my journeys around our country discovered more and more about trafficking and about the rout causes of discrimination and marginalisation. So I started work on to end Violence against women focusing my work against trafficking. I started focusing on community level organising. We started with a small group of 7 women and now we have reached more

than 1.7 million women all around the country.

This movement has managed to produce a national plan of action against traffickin. Many Laws got changed, new policies got formed. However women's right are still far from being materialised and ensured.

In 1996, after a long campaign, 126 trafficked women and girls were rescued in Mumbai. Through extensive movement and capacity building we supported the women to form their own organisation; the first survivors organisation in the world, called Shakti Samuha (power group). Many rural women who come to Kathmandu looking for work end up working in the Entertainment sector and I helped them organise themselves into a group called 'women for women' or WOFOWON where more than 5,000 women have been organised and able to achieve remarkable success in a short time.

Similarly my interest in health led me to focus on women's sexual and reproductive health and rights and the need to organise women. Even talking about women's reproductive health was considered improper when I started. With an initial focus on uterine collapse I began to organise women to understand their rights to be informed and make decisions over their own bodies. With new global standards and the start of the women barefoot gynaecologists, coupled with women's movements and agency we've been able to make progress.

Through these many groups thousands of women became active and started to work as change agents in their own communities but they were not recognised as human right defenders – particularly the most grassroots women who risk the most to advance women's rights. During 12 yrs of violent political conflict in Nepal, women who were resisting violence and demanding women's rights were considered Maoists by the army and informers or traitors if they also challenged the resistance culture.

At the height of the conflict we decided to come together and recognise ourselves as Women Human Rights Defenders and we started the National Alliance of Women Human Right Defenders.

Through the past 20 years of activism I've learnt many things. Amongst them is that nothing can be really altered without passionate, committed hard work and courage. The most critical element is to build movements. Without the authority and support of movements our work would be illegitimate. Movements embolden me, give me courage to continue and constantly astound me. This year I've been part of a movement to demand more action to end violence against women. Women from all sectors have joined our weekly protest and our 'occupy balwater' movement. Log frames and measurable indicators don't really capture this work – but there's no doubt that no real change comes without it.

In 2012 the largest global study on policy making to end violence against women came to the same conclusion. After studying the political climate and women's rights context across all continents, Mala Htun and Laurel Weldon found that the single most important factor in achieving policy and legal change for women's rights is the existence of autonomous feminist movements.

As members of APWLD we build our collective analysis, comparing and analyzing global and regional shifts. Together we are determined that the structural causes of women's rights violations lie in the intersection of globalisation,

militarism, fundamentalisms fused with patriarchy. Together with other social movements in the Asia Pacific region we are calling for a new global order where inequalities of wealth, of resources and of wealth are more equitably distributed. We are calling for Development Justice. – a framework that requires five foundational shifts of redistributive justice, economic justice, gender and social justice, environmental justice and accountability to the peoples.

Bringing together women from across the region, APWLD amplifies our voice and gives us stronger influence. Most importantly it gives us solidarity and power. And it is here that the international community can be most effective – in supporting the agency, voice and knowledge of women in the global south. That support takes trust, faith and genuine solidarity – not simply re-framing women's rights as greater economic value to the global North.

The most critical element is to build movements. Without the authority and support of movements our work would be illegitimate. Movements embolden me, give me courage to continue and constantly astound me.



FLTP graduates call for access to justice, full equality for women in the region

Photo credit Aileen Familara

Aileen Familara

Women lawyers, human rights advocates and activists from 15 different countries released a statement urging states to uphold women's rights in their constitution, enforce international human rights standards and ensure the full implementation of gender-specific laws and provisions for women's substantive equality.

The women were graduates of APWLD's long-standing Feminist and Legal Theory and Practice (FLTP) training who came together in Bangkok from 13 to 16 November 2014 to assess the impact of the programme in their fields of work. FLTP trainings have been at the core of APWLD's capacity building efforts since 1997. The FLTP training provides a framework to analyse and critique existing laws and practice under the "substance, structure, culture" analysis of how laws contribute to the oppression of women as well as how to transform the law to advance women's rights and gender equality. There have been more than 500 graduates of the FLTP training through the years, many of them applying their learnings in their capacity as activists, judges, advocates and trainers themselves.

The meeting was timed to coincide with the Asia Pacific Civil Society Forum on Beijing plus 20, which saw 450 women's rights advocates reviewing the implementation of the Beijing Platform for Action (BPFA) in the region. As lawyers and human rights activists, the FLTP graduates are concerned that many countries in the region have failed to fully implement the BPFA and have also turned back on their commitments to international human rights standards that uphold women's rights.

Below is a statement they released to be included in the joint civil society statement around the BPFA:

BEIJING +20 REALISING THE SUBSTANTIVE EQUALITY FRAMEWORK OF WOMEN IN LAW APWLD FLTP COMMUNITY ON THE BEIJING +20 REVIEW, NOVEMBER 13-16, 2014, BANGKOK, THAILAND

The Feminist Legal Theory and Practice (FLTP) Community met from 13-16 November 2014, in Bangkok, Thailand at the margins of the Asia Pacific Civil Society Forum on the Beijing +20 Review Process. Over 20 women lawyers, advocates, and development workers from 15 countries[i] came together to review the twenty-year progress in advancing laws and policies that promote gender equality and women's empowerment in line with the 12 Critical Areas outlined in the Beijing Declaration and Platform for Action.

The FLTP Community notes progress made by some States in recognising sex and gender as a ground for discrimination in their respective constitutions, in enacting of general or specific progressive legislation in addressing violence against women, in reserving seats for women in legislature, and in formalising national institutions to advance legal commitments to women's human rights.

Despite these advances, pervasive discriminatory laws and practices continue to impede women's basic human rights and freedoms. States continue to ignore the severe impacts of globalisation, fundamentalism and militarisation as strong structural barriers that further marginalise women. Other areas requiring urgent attention include women's oppression through the use of customary and religious laws that deepen inequalities between women and men and amongst women.

The group also notes concerns on the weak accountability and monitoring mechanisms for the

protection of women's legal and human rights. At the same time, the lack of dedicated resources for the full implementation of enacted laws continues to hinder women's access to justice and redress mechanisms. As states and civil society in Asia Pacific take stock of progress on the Beijing Declaration and Platform for Action, the FLTP Community wishes to put forward key legislative recommendations for ensuring its full implementation:

- States should ensure that women and girls are given full access to justice including substantive justice, encompassing all 12 Critical Areas of Concern, in order to realise all forms of women's human and legal rights.[ii]
 - States should ensure that national Constitutions protect diverse groups[iii] of women and provide for substantive equality, social protections, and affirmative measures aimed at the full realisation of women and girls' fundamental rights and freedoms, and that these provisions are implemented through legislation, policies and programmes.
 - Mindful that women's human rights are non-negotiable and the assertion of culture, religion, morality or traditions cannot be an excuse to impinge on the same or weaken human rights standards, we urge states to implement and comply with international standards of women's human rights, such as the Universal Declaration on Human Rights, International Convention on Economic, Social, and Cultural Rights, International Convention on Civil and Political Rights, and Convention on the Elimination of All Forms of Discrimination Against Women, and ratify conventions on specific forms of marginalisation, including the Convention on the Rights of Persons with Disabilities, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Convention relating to the Status of Refugees.
 - Noting that access to justice remains a major unfulfilled right for women, whether they are accessing their legal rights as an individual or as a community, we call on states to make use of temporary special measures to redress this urgent concern and to minimise any secondary trauma caused by the criminal justice process.
 - Recognising that several states have enacted legislation on issues of domestic violence, sexual harassment and other forms of violence against women and have set up institutional mechanisms for the advancement of women, we call on states to ensure full accountability towards implementation of the laws and ensuring effectiveness of the institutional mechanisms that are reported to have been set up. States should allocate adequate resources for the full implementation of gender equality laws, in particular on violence against women, forced prostitution, and trafficking.
- Noting that many states are yet to recognise violence against women as a public health issue, we urge states to ensure the availability of physical and mental health services for survivors of violence against women.
 - Recognising advances in technology which can be used in the investigation of violence against women cases in place of patriarchal forensic investigation practices where the burden of proof weighs heavily on women survivors, we call for an end to trauma-inducing techniques that violate the dignity of women who have experienced violence.
 - While the Beijing Platform for Action already recognises the extraordinary barriers women face in enjoying their human rights, sexuality rights of women continues to be neglected. We urge states to recognise and protect women's sexuality rights by ensuring non-discrimination of women basis of their sexuality and gender identity. We urge states to repeal laws that define offences based on aspects of sexuality, sexual orientation, gender identity, sex work and activity.
 - We call for the removal of restrictions imposed on women on their choice of employment, for example women in the entertainment sector who face discrimination on the basis of their occupation.
 - Noting that the margins are shifting and people's rights are increasingly compromised through macroeconomic policies, external shocks, climate change and "natural" disasters, there is a need to institute temporary special measures that will also serve the needs of emerging marginalised groups.
 - Recognising the differentiated impact on women due to long-standing patriarchal and gender practices, we urge states to ensure gender-specific provisions in laws that address these impacts on women.
 - Noting with concern the dominant culture of inequality between nations, between rich and

poor percolates to all levels, perpetuating and normalising inequality, we call on States to recognise the differentiated responsibilities at all levels of the dominant nations, corporations, men in addressing inequalities at the respective levels.

- The daily reproductive roles that have historically been assigned to women, as well as women's experiences and contributions must be factored into the development of an economic model that will prioritise people, especially those who are most in need, over profits. This would include redistribution of resources to address inequalities.
- We urge States to plan and implement national economic policies that specifically address development of the poorest regions in the countries that have been historically neglected.
- We also urge States to ensure the participation of women in the development of policy formulations.
- Recognising that 'development' is often projected as the solution for the advancement of women's rights by packaging its exploitative and oppressive character and downplaying its aggressive impact, we propose that States carry out gender impact assessments of existing and proposed development projects to ensure that various women have voice and participation in development assessment and planning.
- We call for the strengthening of legal and policy frameworks, implementation and monitoring mechanisms on migration and plans for action to protect women workers and their families, and strongly recommend that receiving States ratify existing instruments.
- States should ensure consultative mechanisms for women and women's rights groups in developing, ratifying and enacting new laws, policies and agreements such as bilateral and multilateral agreements entered into by states.
- Recognising that primary responsibility for unpaid care work is often thrust on women, we call for stronger legislative measures that ensure protection and redress for women engaged in unpaid work.
- Noting growing concern for women in the informal sector who lack access to labour rights we call on States to uphold the rights of these women to basic labour protections, the right to

organise, and entitlements that are available to workers in the formal sector, including access to state supported mechanisms and social protection for all workers.

- States should address persisting inequalities, discrimination and gender pay disparities and further recognise the demand for equal pay for work of equal value. This includes addressing vertical and horizontal segregation to access, own and control property and financial assets, which impedes women's access to economic rights.
- States should regulate and monitor private sector policies and practices to ensure gender equality.
- States should set up mechanisms to monitor policies and practices that directly and indirectly discriminate against women in leadership in the private sector and ensure accountability for any violations.
- We urge States that have not established National Human Rights Institutions and Women's Commissions that protect and uphold women's rights to do so. Likewise, States with existing Institutions and Commissions should ensure their independence and full functioning.

The above critical concerns of the Beijing Platform of Action are indicative of the multiple and persistent barriers to substantive equality of women in law and practice. Thus, we urge states to commit to a stand-alone goal on gender equality to be included in the Post-2015 Development Framework while also incorporating gender-specific provisions in general laws, including laws relating to environmental protection and the right to information.

[i] Malaysia, Philippines, Cambodia, Indonesia, Myanmar, China, India, Bangladesh, Nepal, Pakistan, Sri Lanka, Kyrgyzstan, Kazakhstan, Kyrgyzstan and Fiji

[ii] Access to justice should not only cover the issue of violence against women, but should be based on women's experiences and needs cutting across all the 12 critical areas of the Beijing Declaration and Platform for Action. The right to justice should be all-encompassing and specific, in recognition of the value of judicial intervention, for example, in upholding rights and creating an enabling environment for women to claim their rights.

[iii] Diverse marginalised groups include rural and indigenous communities, migrant and domestic workers, trafficked women, sex workers and women of diverse sexual orientations and gender identities.



Extraterritorial Human Rights Obligations

Photo credit UN-ESCR

Tessa Khan

Despite the universality of human rights, many governments interpret their human rights obligations as applicable only within their own borders. This is contrary to international law, which makes clear that governments are responsible for fulfilling their human rights obligations wherever they act if their actions (or lack of action) can be predicted to affect the enjoyment of economic, social and cultural rights.¹ The importance of governments complying with their extraterritorial obligations has become particularly urgent in an era of economic globalisation, when State and non-State actors exert considerable influence on the realisation of economic, social and cultural rights across the world through trade, finance, taxation, and environmental policies.

In Southeast Asia, the impending creation of the ASEAN Economic Community will serve to further integrate trade and investment activity between countries. In Asia and the Pacific more generally, aside from the human rights implications of new bilateral and multilateral trade agreements, transnational corporations (TNCs) continue to be associated with the displacement and militarisation of communities, the destruction and degradation of natural resources, and a host of other human rights violations. Further, as governments around the world contemplate a new development agenda that will come into effect after 2015, the basic principles at the heart of foreign aid and development cooperation are being called into question.

In many cases, ETOs are the key to resolving

¹ The 2011 Maastricht Principles on Extraterritorial Obligations of States in the Areas of Economic, Social and Cultural Rights clarify the parameters of extraterritorial obligations of States and confirm the primacy of human rights among competing sources of international law.

these disputes. For example, as a result of a government's extraterritorial obligations, the "home State" of a TNC, i.e. the country where the TNC is registered or does most of its business, is likely to be responsible for the actions of that TNC in other countries, including human rights abuses that company commits. As a result of their extraterritorial obligations, governments are also required to ensure that trade, investment, finance and development cooperation agreements do not undermine the fulfillment of human rights anywhere. Even when governments act as a member of an international organisation, they must take all reasonable steps to ensure that that organisation does not violate that government's human rights obligations. ETOs are therefore a powerful tool for holding the World Bank, Asian Development Bank and other international organisations accountable for human rights violations. Finally, the extraterritorial obligations of governments require that governments that are in a position to do so must provide international assistance to contribute to the fulfilment of human rights in other countries. This reflects the principle of international solidarity that was first articulated in the Universal Declaration of Human Rights and which must underpin the global partnership for development that is currently under discussion in the UN.

APWLD has engaged in a number of recent activities to strengthen the discourse around ETOs in the region and around the world. In addition to co-convening a public conference on ETOs at Chulalongkorn University in Bangkok in early September, which was attended by a number of APWLD members, it also hosted a Roundtable on Extraterritorial Human Rights Obligations, which produced the Bangkok Declaration on Extraterritorial Human Rights Obligations.

The Declaration resulted from a recent Roundtable discussion convened by APWLD between civil society, UN human rights experts, and National Human Rights Institutions in south-east Asia (the Thai, Malaysian, Indonesian, and Philippines NHRIs, as well as the Indonesian Commission on Violence against Women), which was also attended by representatives of the Philippines and Indonesian governments.

BANGKOK DECLARATION ON EXTRATERRITORIAL HUMAN RIGHTS OBLIGATIONS

The Roundtable on Extraterritorial Human Rights Obligations of States, held in Bangkok on 10 and 11 October 2014, brought together representatives of National Human Rights Institutions (NHRIs) from the Philippines, Indonesia, Malaysia and Thailand, observers from the Government of the Republic of the Philippines and the Government of the Republic of Indonesia, a representative of the ASEAN Commission on Women and Children, and civil society from the region. The UN Independent Expert on Human Rights and International Solidarity, a member of the UN Committee on Economic, Social and Cultural Rights, and a member of the UN Committee on Elimination of all Forms of Discrimination against Women were also present in their personal capacity as resource persons. The Roundtable aimed to strengthen the implementation of extraterritorial human rights obligations, and was convened by the Asia Pacific Forum on Women, Law and Development (APWLD).

We recognise the urgency of advancing the implementation of extraterritorial obligations (ETOs) given the accelerating pace of trade, investment, and broader economic integration between States in south-east Asia; the impending creation of the ASEAN Economic Community; increasing levels of migration and human trafficking in the region; and an increasing amount of cross-border economic, political, social, and military activity in the region and globally.

We note that the adoption by States next year of a new global development agenda presents an important opportunity to affirm the extraterritorial obligations of States and the need to consistently implement those obligations.

We therefore welcome the progress being made at regional and international levels concerning ETOs, including through the recent relevant steps taken by the UN Human Rights Council towards

the elaboration of a legally binding instrument to regulate the activities of transnational corporations and business enterprises.

We emphasise that ETOs are not a new or novel development in international law; they are a fulfilment of the original promise of human rights and a critical expression of solidarity between states in the region and globally.

We therefore welcome the expert restatement of human rights law on ETOs in the 2011 Maastricht Principles, which clarify the extraterritorial obligations of States on the basis of standing international law.

To fully realise the human rights obligations of States and to ensure that regional economic integration contributes to equitable and sustainable development, we make the following joint statement:

1. We call on States in south-east Asia that have not yet done so to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination against Women, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and their Optional Protocols where relevant.
2. We invite States to promote and participate in multi-stakeholder dialogue regarding the implementation of ETOs and States' human rights obligations, such as the Bangkok Roundtable on Extraterritorial Human Rights Obligations.
3. We welcome the role played by National Human Rights Institutions (NHRIs) in south-east Asia in advancing the implementation of ETOs. [1] We call on Singapore, Brunei Darussalam, Lao PDR, Vietnam, and Cambodia to establish independent NHRIs, and for the Myanmar National Human Rights Commission and Provedor de Direitos Humanos e Justiça of Timor Leste to ensure that their mandate and functions are in accordance with the Paris Principles.
4. We encourage countries in south-east Asia that have established NHRIs to ensure that they have strong mandates to monitor and enforce all human rights, including economic, social and

cultural rights, as well as adequate human and financial resources. This includes specialised NHRIs, such as institutions dedicated to the promotion of women's human rights.

5. We encourage all NHRIs to strengthen their work in relation to ETOs by adopting their own statements and integrating ETOs into their plans of action, including in collaboration with the Asia Pacific Forum on National Human Rights Institutions; the Commonwealth Forum of National Human Rights Institutions; and NHRIs from other sub-regions.
6. We encourage the South East Asia National Human Rights Institutions Forum to deepen its work on ETOs and to consider issuing a joint statement affirming the importance of the implementation of ETOs in south-east Asia.
7. We recognise the valuable contribution of civil society in south-east Asia to the promotion of the implementation of ETOs and call on governments and NHRIs to ensure an enabling environment for civil society groups to effectively and substantially participate in discussions concerning ETOs and human rights.
8. We call on NHRIs and civil society to share their knowledge of States' fulfilment of ETOs with UN treaty bodies in order to provide them with reliable information on the impact of ETOs on people's lives.

ETOs in the context of ASEAN

9. We welcome the impending reviews of the three pillars in ASEAN regional cooperation; the development of the ASEAN post-2015 Blueprint; the reviews of the ASEAN human rights bodies—namely the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children—and the development of a binding ASEAN instrument on the protection and promotion of the rights of migrant workers, which we hope will lead to greater attention to ETOs among ASEAN member States.
10. We also hope that the impending reviews of the ASEAN human rights bodies will ensure adequate material and human resources for those bodies to carry out their work effectively and efficiently.
11. We look forward to the results of the

baseline thematic study on corporate social responsibility and human rights in ASEAN being undertaken by the ASEAN Intergovernmental Commission on Human Rights and hope that it will affirm the understanding that States may be responsible for human rights violations outside their borders, even in the absence of territorial control.

UN Resolution on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights^[2]

12. We welcome the support among governments in the region for the recent UN Human Rights Council Resolution on a legally binding instrument for transnational corporations and consider it to be a critical step towards strengthening corporate accountability for human rights violations and ensuring access to justice for victims.
13. We recognise that the coming year will be critical for determining the content, nature and form of the binding instrument, and that the input of communities affected by corporate activity and human rights defenders will be integral to the scope of the instrument.
14. We further recognise the key role of NHRIs in ensuring that the views of affected communities and human rights defenders are reflected in the deliberations of the open-ended Intergovernmental Working Group.

Human Rights Implications of Trade and Investment Agreements

15. We reaffirm the primacy of international human rights law among competing sources of international law, including the legal frameworks governing bilateral and multilateral trade and investment agreements, which continue to proliferate within south-east Asia.
16. We encourage governments and NHRIs to engage in ex ante and ex post human rights impact assessments of trade and investment agreements, including an assessment of the gendered impact of such agreements and the implications for women's human rights.^[3]
17. We express our concern that the powerful dispute-settlement mechanisms that often enforce bilateral and multilateral trade and investment treaties, such as Investor-State Dispute Settlement, threaten to erode the

enjoyment of human rights and undermine domestic policy space in signatory States.

International financial Institutions

18. We recognise that when a State participates in an international organisation, including an international financial institution, it must take all reasonable steps to ensure that the relevant organisation acts consistently with the international human rights obligations of the State.
19. We acknowledge the importance of this principle for the conduct of States contributing to the governance of emerging development finance institutions, including the Asian Infrastructure Investment Bank and the BRICS Development Bank.

The Right to International Solidarity

20. We reaffirm that a key dimension of ETOs is the right to international solidarity, which is a human right enjoyed by every person on the basis of equality and non-discrimination and a core value of a just political and economic order.
21. We welcome the Proposed Draft Declaration on the Right of Peoples and Individuals to International Solidarity^[4] as a significant step in the evolution of international solidarity into a concrete right.

International Assistance and Cooperation for the Fulfilment of Economic, Social and Cultural Rights

22. We further reaffirm that, as part of the broader obligation of international cooperation, States that are in a position to do so must provide international assistance to contribute to the fulfilment of economic, social, and cultural rights in other States.
23. We reiterate the concern recently expressed by the Group of 77 regarding the erosion of development cooperation and call for a renewed and strengthened global partnership between States as a cornerstone of a transformative, people-centred and sustainable post-2015 development agenda.

UN Treaty Bodies and Special Procedure Mandate Holders

24. We invite UN Treaty Bodies and Special Procedures to build on the advancement of ETOs by issuing a joint statement affirming

the critical importance of ETOs for the establishment of a just and equitable international order.

Future role of APWLD

25. We recognise the role of the Asia Pacific Forum on Women, Law and Development in convening the Bangkok Roundtable on Rights-Based Governance Beyond Borders and invite it to build on its work promoting recognition of ETOs in the region. We encourage it to continue to develop its analysis of the implications for women of the failure to fulfil ETOs.

Endorsed by:

*National Human Rights Commission of Thailand
Human Rights Commission of Malaysia (SUHAKAM)
Komnas HAM (National Commission on Human Rights Indonesia)
Commission on Human Rights (Philippines)
Komnas Perempuan (National Commission on Violence against Women Indonesia)
Asia Pacific Forum on Women, Law and Development
Ain o Salish Kendra (Bangladesh)
Beijing Zhongze Women's Legal Counseling and Service Centre
Community Resource Centre (Thailand)
IBON International
Indonesia's NGO Coalition for International Human Rights Advocacy
Solidaritas Perempuan (Indonesia)
Social Empowerment Education Programme (Fiji)
Tanggol Bayi-Karapatan (Philippines)
Women's League of Burma
Women's Watch China*

Personal endorsements:

*Virginia Brás Gomes (Portugal)
Virginia Dandan (Philippines)
Milena Pires (Timor-Leste)
Mai Nguyen (Vietnam)
Mikiko Otani (Japan)*

[1] In this regard, we commend the work of the National Human Rights Commission of Thailand in relation to the Xayaburi Dam in Laos and land concessions in Koh Kong Province and Oddar Meanchey Province in Cambodia.

[2] A/HRC/26/L.22/Rev.1

[3] We commend the work of SUHAKAM, the Malaysian NHRI, in undertaking a human rights impact assessment of the Trans-Pacific Partnership Agreement.

[4] Report of the International Expert on Human Rights and International Solidarity, Virginia Dandan, to the UN General Assembly, A/HRC/26/34.



Photo credit: Alma Sinumlag

Solidarity with Hacienda Luisita: preliminary statement and findings

APWLD joined a solidarity mission to the Hacienda Luisita from 16-18 October. The delegates of APWLD were able to speak to women and men farmers, community organisers and City Councillor, Emily Ladera from the Barangays of Mapalacsiao, Cutcut and Balete.

The long history of the struggle for land reform and justice for the Hacienda Luisita workers has been documented by several fact finding missions and human rights groups. APWLD delegates went to Hacienda Luisita to express solidarity with the workers and to document the specific impact on women. Through discussions with farmers and a review of background documents it is clear that women farmers are experiencing violations of their human rights. APWLD will be drafting a mission report and seeking responses from key government agencies before completing the findings.

Women experience human rights violations in ways that are often compounded by their gender:

RIGHT TO HOUSING, FOOD, LIVELIHOODS

Despite repeated court decisions and repeated statements and commitments that the Hacienda Luisita lands would be redistributed to the farmers, farmers have been denied their rights to land reform. Several methods appear to have been employed to evade redistribution and instead favour the Tarlac Development Corporation (TADECO), Central Azucarera de Tarlac and other businesses that have been formed to retain the stockholdings and land ownership of the Cojuangco-Aquino landlords.

Workers of the Hacienda Luisita sugar plantation became farmers after the 2004 strikes and massacre. Despite farming the lands for the past

10 years, they have now been forcibly evicted and face impoverished futures for them and their children. Forced evictions have included the use of violence and destruction of homes as well as crops. No alternative housing or compensation appears to have been provided to those displaced.

Forced evictions have denied people of their only means of survival as subsistence farmers. Women farmers reported having to reduce the number of and size of meals provided per day, particularly to women and children. Several children were no longer able to attend school.

While some farmers were entered into a lottery for distribution of land, it appears that not all land was included with significant areas being retained by the land owners for sale for other purposes.

The lottery method produced unsustainable results with farmers allocated very small parcels of land (.6 hectare) in entirely different locations. The right for women to be separate land title owners is an important right protected in Filipino law but in this case the right appears to have a perverse, discriminatory effect. Women were often allocated land several kilometers away from their husbands or other family members. Travel to the parcel of land, it was reported, would amount to 300 pesos per day making the trip too costly to justify and amounts to more than the average daily income of farmers. Women would have to spend 3 hours a day travelling to tend to the small plot which would prevent them from doing the work they do in the home and from looking after their children and expose them to security risks. The right of women to hold land title should be protected but it must not be used to divide families and expose women to higher risks.

DECENT WORK

With no land and no means of survival women reported that the only options for them for a very small income were to become domestic workers or take in laundry or do other menial work. No options for decent work were provided to women in the community. Younger women might attempt to become migrant domestic workers but that would require the families to go into further debt and expose the women to further rights violations abroad.

FREEDOM OF ASSOCIATION

Farmers unions and other people's associations have been targeted with repeated efforts to limit the opportunities for these unions to organise. The meeting space of the farmers union AMBALA, appears to have been destroyed, much of their equipment confiscated and crops destroyed without warrant or purpose. No charges have been laid or proper investigation carried out into these offences.

Freedom to protest has been repeatedly denied through the use of violence and threats from security, police and military.

Women reported taking leading roles in actions to protect property and the lives of their families in the belief that they may be in a position to protect men. Women have been placed at additional

risk, arrested and experienced physical and psychological violence as a result.

RULE OF LAW AND ACCESS TO JUSTICE

Farmers and their supporters have alleged that the company Security forces and police have committed assaults against farmers. Law enforcement agencies appear to be acting on behalf of the company rather than Citizens. TADECO security guards to arrest and charge A child appears to have been illegally detained by TADECO security guards and had property stolen (a phone memory card which included video footage of destructive actions taken by the company). Yet the child was later arrested by police.

Several women reported assaults by security and police. The police have not taken any action to provide protection to the farmers nor to investigate allegations of assaults, willful destruction of property or thefts against farmers.

Women reported that they have lost all confidence in the Philippines National Police and instead feel traumatised whenever they see police. They said they are unable to bring any other matters to the police which may include domestic violence, theft, child abuse or other matters. Access to justice for women appears to be entirely prevented for women at the local level.



Photo credit: Alma Sinumlag

Kate Lappin of APWLD and Sarah Marland from the Women Human Rights Defenders International Coalition having the preliminary findings received by the representatives of Gabriela Women's Party, Anak Pawis Party list (Toiling Masses Party) and the Bayan Muna Party (People First Party list).

Charges have been laid against several workers including women. These charges appear to be of a vexatious manner and designed to prevent workers from exercising their rights to protest as well as seek a remedy. City Councilor Emily Ladera was also charged when she attempted to observe the actions of security guards and requested the police act to keep the peace and protect Citizens.

MILITARISATION

The presence of military, armed private security and police stops were evident during our trip. Militarisation has been demonstrated to increase cultures of violence which have a particularly deleterious impact on women. Rates of violence against women are generally highest in militarised zones and impacts on the right to peace and life.

RECOMMENDATIONS

The failure to deliver promised Agrarian reform in Hacienda Luisita has led to several human rights violations. The systemic failures of the current system of land redistribution have failed to deliver land justice throughout the Philippines resulting in one of the highest wealth inequality rankings in Asia. The legislation, the executive processes and the judicial processes all need urgent review. Women experience additional, compounding violations. Consequently our preliminary recommendations include:

- Initiate and conduct a senate and congressional inquiry into land distribution and the history of human rights violations in the Hacienda Luisita. The inquiry should include an investigation into the impunity with which extra judicial killings have been allowed to occur in the past 10 years,
- Order TADECO to remove the fence surrounding the contested area and allow farmers to access the lands until the land dispute has been resolved,
- Review and amend the Comprehensive Agrarian Reform Program to ensure land reform benefits subsistence farmers,
- The Department of Justice should investigate the actions of the police force, the military and TADECO in:
 - Forcibly evicting families and destroying property without appropriate legal orders
 - Collusion between a private company and state agencies (police, military and Barangay officials) in the exercise of state authority including the use of violence, arrest and criminal law,

- The disappearance of complaints filed with local police and agencies by local people,
 - The discriminatory impact of the failure to provide access to justice, particularly the inability of women to access local law enforcement and legal remedies.
- Protect freedom of assembly and association rights and the rights of Human Rights Defenders, including women human rights defenders and take action against individuals, agencies, corporations that impinge on these rights.

The systemic failures of the current system of land redistribution have failed to deliver land justice throughout the Philippines resulting in one of the highest wealth inequality rankings in Asia. The legislation, the executive processes and the judicial processes all need urgent review.



The fearless women of Cutcut, Luisita who blocked another bulldozer in February 2014 that tried to destroy their crops and houses in order to pave way for fencing the TADECO “property”. They made several actions to delay the fencing. It was only when the men were hit with hammers that the company was successful in fencing the area. Today, they are firm in not leaving the land. “We were young and beautiful. Now we are brave and beautiful”.

Charting the Future of Development: A Tale of Two Agendas

Tessa Khan

For its sheer scale, poverty is the greatest systemic human rights violation of our time. Roughly 1.2 billion people live on less than \$1.25 a day, the internationally accepted (though absurdly low) threshold defining extreme poverty. Double that number lives on less than \$2.50 a day, an amount with which they are expected to secure sufficient food, housing, healthcare, and education.

The imperative to address this deplorable situation and to reduce poverty and promote economic development is powerful and urgent. It has recently triggered two international processes that are unfolding in parallel. The first concerns the UN post-2015 international development agenda; the second, a new agenda for global trade. Each has the potential to significantly influence progress towards equitable development and the fulfilment of human rights.

At the UN, governments are debating the goals of an international development agenda to be adopted in 2015. A key premise of the negotiations is that the current level and distribution of poverty is neither inevitable nor merely a matter of poor national planning. Rather, it is the product of an asymmetrical international political and economic order that has historically contributed to the depletion of developing countries' resources and diminished their policy space to make development and human rights-oriented fiscal decisions. Creating an effective enabling environment for development is therefore a core priority of the largest bloc of developing countries (the G77 plus China), whose demands include expeditious and ambitious reforms of the international trade and finance architecture, and international financing that respects the need for domestic policy space.

Negotiation of the post-2015 development agenda has commanded the attention of media, human rights advocates, and thousands of civil society organisations. The process has generally been transparent and open to the participation of civil society.

In stark contrast, the second global process is not only closed to civil society, but also most of our elected representatives. That process is the negotiation of the Trans-Pacific Partnership Agreement (TPPA), the Transatlantic Trade and Investment Partnership (TTIP) and the Trade in Services Agreement (TISA). Together they cover most of the world's trade—the TPPA covers one-third of global trade, the TTIP covers all EU-US

trade, and the TISA encompasses two-thirds of global trade in services—and represent an alarming new paradigm for multilateral trade and investment agreements.

The degree of secrecy surrounding these agreements is extraordinary. The texts are not publicly accessible (although hundreds of corporate lobbyists have acted as advisers) and even after the agreements are finalised, they will remain classified for at least four years, defeating any semblance of public accountability. Leaked drafts indicate that the basic intent of the agreements is to create an environment that is favourable to foreign investment by severely constraining governments' regulatory powers, with only a small share of the text dedicated to traditional trade issues. Crippling the ability of governments to regulate to protect the environment, public health, and to ensure fair provision of other essential services jeopardises key human rights safeguards and the capacity to ensure that development is socially and environmentally sustainable. All three agreements also seek to significantly liberalise financial sector regulation to allow unhindered movement of foreign capital, undermining post-GFC attempts to regulate financial speculation and maintain balances between local and foreign capital.

More concerning still is that the TPPA and TTIP (and potentially TISA) rely on investor-state dispute settlement (ISDS) as an enforcement mechanism. Aside from grave concerns regarding the impartiality and transparency of ISDS, under the current TPPA and TTIP drafts companies can sue governments for 'indirect expropriation,' which has been used by companies to claim losses because of government policies made in the public interest. ISDS awards in favour of transnational corporations have also been astronomical (for example, Occidental Petroleum successfully sued Ecuador for \$USD1.77 billion).

The contrast between the processes to develop the post-2015 development agenda and a new trade agenda, both of which will impact the finances and policy-making autonomy of governments, could not be more dramatic. One is participatory, internationally endorsed, but with weak accountability. The other is secretive, driven by corporate interests, and backed by a powerful and oppressive enforcement mechanism. The first is rightly under public scrutiny. The second deserves equal, if not greater, vigilance.

Trading Gender Equality and Corporate Accountability in the Human Rights Council

Kate Lappin

The June session of the UN Human Rights Council demonstrated, once again, that women's human rights are cynically used as a wedge in international relations. In fact no single state voted consistently to advance women's human rights, despite their rhetoric.

Two polarised votes reveal the inconsistency and shallow nature of state commitments. Both the resolution on the 'Protection of the Family' and the Resolution to establish a legally binding treaty to prevent human rights abuses by Trans-national Corporations (TNCs) are critical for women's rights although the latter is rarely recognised as relevant. Yet no state voted against the conservative 'Family protection' resolution and in favour of the important TNCs resolution. Here's a breakdown of the 47 member state votes.

The 'family' resolution, sponsored by Egypt and Sierra Leone, appears fairly innocuous at first – it commits the council to holding a panel discussion on the protection of the family at the September session and directs the office of the High Commissioner for Human Rights to draft a report. But the resolution uses the singular term 'family' and focuses on the benefits of families for human rights enjoyment but not the violations that may occur in families.

When everyone's favorite state, Uruguay, (who is unfortunately not a member of the Human Rights Council), proposed an amendment that would recognise the diversity of families "bearing in mind that, in different cultural, political and social systems, various forms of the family exist";, Russia called for, and won, a 'no action' vote to prevent debate and amendment of the resolution. Consequently a further amendment proposed by Saudi Arabia and Pakistan to specify that marriage is a "union between a man and a woman" was withdrawn.

Uruguay's amendment directly cited agreed language from article 29 of the Beijing Platform for Action. The refusal to include it represents a dangerous regression and confirms fears that the Beijing Platform would be diluted if opened up to negotiation at its 20 year anniversary next year.

Without the Beijing qualifier a patriarchal model of family may be assumed as the 'natural and fundamental' family. Women's rights, as well as the rights of children born or living in other family environments, are routinely violated when a patriarchal, male-headed household is assumed as natural and fundamental.

The concern is particularly deep because the 'Family' resolution is one of several resolutions that seek to reinterpret human rights in the context of 'traditional values'. Russia had previously led three resolutions that affirm the importance of 'traditional values' as a vehicle for promoting human rights and fundamental freedoms.

The Family resolution was passed with most G77 states either voting for it or abstaining. The vote to regulate TNCs was similarly divided – G77 supporting and the EU and US. The US stated that they would not cooperate with the working group and encouraged others to do the same.

An international system to regulate corporations is necessary for women's rights. A misconception of OECD countries is that women's rights only relate to non-discrimination. Development rights are women's rights. The fact that women make up 70% of the poorest makes development rights even more critical to women and the fact that women are increasingly likely to be opposing forced evictions, migrating as cheap, easily exploited labour, working in sweatshops, dying in climate related disasters and suffering from the reduction in public spending on health, education, social protection as a result of neo-liberal economic policies makes corporate regulation very much a women's rights issue.

The Council adopted a resolution on the Elimination of Discrimination against Women without a vote in response to their working group's report on discrimination against women in economic and social life. A whole section of the report was dedicated to the harm corporations can do to women's rights:

"the increased mobility of corporations and free trade agreements have resulted in the amassing of political power vis-à-vis host States and can contribute to a lack of

COUNTRY	PROTECTION OF		
	THE FAMILY	AMENDMENT	TNCS
ALGERIA	IN FAVOUR	IN FAVOUR	IN FAVOUR
ARGENTINA	ABSTAINED	AGAINST	ABSTAINED
AUSTRIA	AGAINST	AGAINST	AGAINST
BENIN	IN FAVOUR	IN FAVOUR	IN FAVOUR
BOTSWANA	IN FAVOUR	IN FAVOUR	ABSTAINED
BRAZIL	ABSTAINED	AGAINST	ABSTAINED
BURKINA FASO	IN FAVOUR	IN FAVOUR	IN FAVOUR
CHILE	AGAINST	AGAINST	ABSTAINED
CHINA	IN FAVOUR	IN FAVOUR	IN FAVOUR
CONGO	IN FAVOUR	IN FAVOUR	IN FAVOUR
COSTA RICA	ABSTAINED	AGAINST	ABSTAINED
COTE D'IVOIRE	IN FAVOUR	IN FAVOUR	IN FAVOUR
CUBA	No VOTE	No VOTE	IN FAVOUR
CZECH REPUBLIC	AGAINST	AGAINST	AGAINST
ESTONIA	AGAINST	IN FAVOUR	AGAINST
ETHIOPIA	IN FAVOUR	AGAINST	IN FAVOUR
FRANCE	AGAINST	AGAINST	AGAINST
GABON	IN FAVOUR	ABSTAINED	ABSTAINED
GERMANY	AGAINST	AGAINST	AGAINST
INDIA	IN FAVOUR	IN FAVOUR	IN FAVOUR
INDONESIA	IN FAVOUR	IN FAVOUR	IN FAVOUR
IRELAND	AGAINST	AGAINST	AGAINST
ITALY	AGAINST	AGAINST	AGAINST
JAPAN	AGAINST	AGAINST	AGAINST
KAZAKHSTAN	IN FAVOUR	IN FAVOUR	IN FAVOUR
KENYA	IN FAVOUR	IN FAVOUR	IN FAVOUR
KUWAIT	IN FAVOUR	IN FAVOUR	ABSTAINED
MACEDONIA	ABSTAINED	AGAINST	AGAINST
MALDIVES	IN FAVOUR	ABSTAINED	ABSTAINED
MEXICO	ABSTAINED	AGAINST	ABSTAINED
MONTENEGRO	AGAINST	AGAINST	AGAINST
MOROCCO	IN FAVOUR	IN FAVOUR	IN FAVOUR
NAMIBIA	IN FAVOUR	IN FAVOUR	IN FAVOUR
PAKISTAN	IN FAVOUR	IN FAVOUR	IN FAVOUR
PERU	ABSTAINED	AGAINST	ABSTAINED
PHILIPPINES	IN FAVOUR	ABSTAINED	IN FAVOUR
REPUBLIC OF KOREA	AGAINST	AGAINST	AGAINST
ROMANIA	AGAINST	AGAINST	AGAINST
RUSSIAN FEDERATION	IN FAVOUR	IN FAVOUR	IN FAVOUR
SAUDI ARABIA	IN FAVOUR	IN FAVOUR	ABSTAINED
SIERRA LEONE	IN FAVOUR	IN FAVOUR	ABSTAINED
SOUTH AFRICA	IN FAVOUR	IN FAVOUR	IN FAVOUR
UAE	IN FAVOUR	IN FAVOUR	ABSTAINED
UK	AGAINST	AGAINST	AGAINST
USA	AGAINST	AGAINST	AGAINST
VENEZUELA	IN FAVOUR	IN FAVOUR	IN FAVOUR
VIET NAM	IN FAVOUR	ABSTAINED	IN FAVOUR

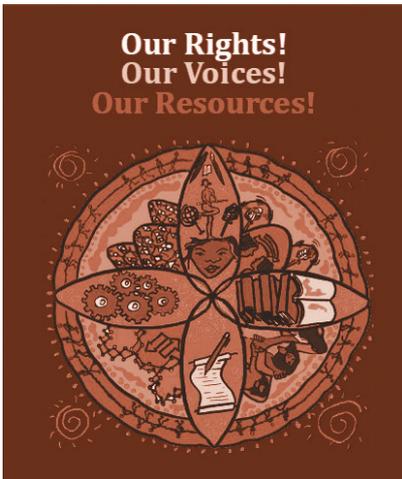
accountability and insurmountable barriers for women to access justice. The move of production by transnational corporations to export processing zones, the reliance on home and sweatshop sectors, and land dispossession by extractives industries are a locus for corporate abuse and violation of human rights, and most of the victims are women”.

So while developed states acknowledge the harm TNCs can do to women, they are not prepared to take real action to stop them. Developed countries would rather couch violations of women’s rights as constraints on individual freedoms than systemic problems. They can generally be relied on to defend non-discrimination and equality of opportunity. But our members do not want the opportunity to be only 50% of those forcibly evicted from their lands, 50% of those whose waters are poisoned, 50% of those migrating to work in exploitative labour and nor do most of us care if 50% of the obscenely wealthy 1% are women.

Both the North and the South are using women’s rights as a political tool. Women’s bodies have regularly been the site of political contestation – on the battlefield and increasingly now in the chambers of the UN.

During the negotiations on the ‘Family’ resolution the UK representative said “I do not know how” those who voted against the diversity language “can look a child in the eye and tell them that, because they do not come from an imposed model of the family, they do not come from a real family”. She’s right. But similarly I don’t know how you can look women who have been evicted from their homes, whose daughters died in the Rana plaza collapse, whose lands have been swallowed and polluted by agri-business and extractive industries, whose governments are accepting millions to legislate in favour of billionaires in the eye and tell her you are interested in women’s rights.

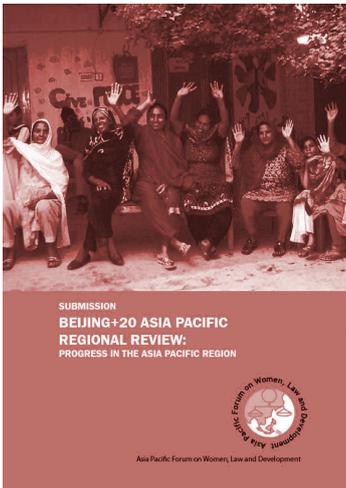
New Resources



OUR RIGHTS! OUR VOICES! OUR RESOURCES!

Feminist Participatory Action Research (FPAR) is rooted in movement building. Through FPAR women collect evidence about what is happening in their communities, and they act on it – together. When they do this, they create a movement. When they do this over and over again, alongside women from many countries, movements make waves.

This book summarises the outcomes of the 2-year FPAR conducted by 8 women’s organisations from Thailand, Vietnam, Philippines, Nepal, Indonesia, Kyrgyzstan, Pakistan and Bangladesh.



BEIJING +20 REVIEW: PROGRESS IN THE ASIA PACIFIC REGION

Critiques and case studies of the status of women in the Asia Pacific region, with emphasis on these critical areas under the Beijing Platform for Action: Women and Poverty, Violence against Women, Women in Power and Decision-Making, Women and the Economy, Women and Environment.



CLIMATE JUSTICE POLICY BRIEFS

APWLD together with its partner organisations prepared a set of policy briefs in time for the United Nations Framework Convention on Climate Change- Conference of Parties. The policy briefs highlight the impact of climate change on different rural and urban communities in Asia Pacific and how women in these communities are addressing climate impacts.

ACCOUNTABILITY MAP: ASIA PACIFIC RESPONSES TO BEIJING PLATFORM FOR ACTION

This map provides information on the existing accountability mechanisms developed around Beijing Platform for Action (i.e. information from UN Women and other agencies on how Beijing Platform for Action has been incorporated into national machinery or accountability systems at regional and international levels). Access to the map is available here: https://www.google.com/maps/d/edit?mid=zLII6Og8_cGY.k7YfTT75jGyA.

In the section/layer entitled "Link to Full Reports" you will note the differentiating color of the pins. Green indicates which countries have signed the CEDAW Optional Protocol and red identifies those that have not.

In order to access the map you will require a G-mail account.

The map has been designed as an interactive 'crowd sourcing' tool. Please follow the instructions below to make any amendments or additions to the map:

- Click the link to open the map
- Select the section/layer you would like to add to ie: Link to Full Reports or National Action Plans/Parliamentary Oversight or Civil Society Shadow Reports by clicking the box on the left hand side
- Click on the country you would like to amend or make an addition to
- You will notice that a text box will appear on the right hand side of the screen detailing the information already available on that country
- On the right side of the title paper for example: "Link to Full Reports" you will notice three vertical dot points, click on this and a drop down table will appear
- Select "Open data Table"
- A new table will appear
- Click on "Description" to make any amendments or amendments
- Close table

Should you have any questions or require assistance please contact us at apwld@apwld.org.



Comings and Goings



SMITA SHARMA

Smita Sharma is a third of the way through her stint with APWLD as Systems & Evaluation Officer, where she helps with programme evaluations and donor

reporting. She trained in philosophy, previously freelanced as a researcher and editor, and has over a decade's involvement in feminist and social justice activism. Smita hails from Kuala Lumpur, but finds life in Chiang Mai a lot more to her liking. She looks forward to meeting more APWLD members and learning more about the organisation's work.



HALEY PEDERSEN

Haley Pedersen joined APWLD in October as an Intern with our Climate Justice Program. Haley graduated in 2013 from California State University, Monterey Bay with a

degree in Global Studies. Before coming to APWLD Haley acted as a Conservation Intern with the American environmental activist organisation The Sierra Club. She fought to reduce California's greenhouse gas emissions through campaigns to promote sustainable waste management programs and to halt the development of oil refineries in California's San Francisco Bay Area.

Women of APWLD

REGIONAL COUNCIL MEMBERS

Sanaiyya Ansari
Renu Rajbhandari
Tahira Khan
Azra Talat Sayeed
Govind Kelkar
Thida Khus
Ivy Josiah
Rashila Ramli
Joan May Salvador
Judy M. Taguiwalo
Yuniyani Chuzaifah
Dewi Amelia Eka Putri
Pranom Somwong
Ravadee Prasertchareonsuk
Milena Pires
Hsiao-Chuan Hsia
Enkhjargal Davaasuren
Heisoo Shin
Ranhee Song
Aizhamal Bakashova
Nurgul Dzhanaeva
Raushan Nauryzbayeva
Ofa-Ki-Levuka Guttenbeil-Likiliki
Noor Farida Arrifin
Virada Somswasdi

PROGRAMME & MANAGEMENT COMMITTEE

Sanaiyya Ansari
Virisila Buadromo
Rashila Haji Ramli
Judy M. Taguiwalo
Virada Somswasdi
Wanee B. Thitiprasert
Kate Lappin

SECRETARIAT

Kate Lappin
Misun Woo
Marion Cabrera
Wardarina
Wint Thiri Aung
Kornvika Paupratum
Navarat Nophiran
Punika Shinawattra
Diyana Yahaya
Sunee Singh
Aileen Familara
Leanne Sajor
Tessa Khan
Trimita Chakma
Reileen Joy Dulay
Camille Risler
Daungkamon Dongcha-um
Pichayupuk Leangsombut
Betty Barkha

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



Asia Pacific Forum on Women, Law and
Development (APWLD)
189/3 Changklan Road, Amphoe Muang, Chiang
Mai 50100, Thailand
Tel: (66) 53 284527, 53 284856
Fax: (66) 53 280847
Skype: apwldsec
Email: apwld@apwld.org
Website: www.apwld.org

AIR MAIL PRINTED MATTER