



Burma: Strengthening Movements to Demand Women Garment Workers' Rights and a Living Wage



About the Research Programme

The Burmese Women's Union (BWU) led this feminist participatory action research from January 2016- April 2016 in the industrial zones of Mingalardon, Shwe Pyi Thar, and Hlaing Thar Yar in Yangon. BWU partnered with local labour organizations and women workers from nine garment factories.

This research is part of APWLD's FPAR Programme in 9 countries.

Burma has undergone a major political transformation in the past decade that has brought with it an influx in foreign investment and development projects. Women have been largely excluded from the process, and their meaningful participation in decision-making remains extremely limited at both the local and national level. This is reflected at the national level in that women make up only 10% of Parliament, with only 64 of 664 seats in the upper and lower houses held by women.

This results in national labour and development policies that fail to uphold and protect the rights of poor women workers and reinforce the marginalization of women in general. An estimated 90% of workers in garment factories in Yangon industrial zone are women. Women garment workers suffer from the intersecting problems of political exclusion, discriminatory work environments, labour exploitation and violence against women.

Challenges and Violations Faced by Women Garment Workers

Negative Impacts of a Minimum Wage- In August 2015 the government implemented a minimum wage of 3600 Kyat (approx. \$3.00 USD) per day for 8 hours of work, which is equivalent to \$65 USD per month. This is not a sufficient income to meet women worker's basic household and food needs. The minimum wage is also not strongly enforced and many still do not receive the set salary.



Our salary is not enough. I have to loan money from other people. The people who have more money loan to the people who have less money. Only by staying together as a group is it possible to have enough. – Woman worker from Tristate factories



Minimum Wages in Selected ASEAN Countries

| Country | Minimum wage |
|----------------------|---------------------------------------|
| Myanmar | US\$65* per month |
| Cambodia | US\$128 (garment and shoe industries) |
| Vietnam (HCMC/Hanoi) | US\$145 per month |
| Indonesia (Jakarta) | US\$215 per month |
| Thailand (Bangkok) | US\$9-10 per day |
| Philippines (Manila) | US\$10-11 per day |

*A temporary minimum salary standard for industrial zone workers (Myanmar's minimum wage has not been announced as at end-January 2015)
Source: various sources, including national bureaus and international organisations (e.g. Wageindicator Foundation)

Myanmar's minimum wage is much lower than other ASEAN countries with productive garment sectors.



ASEAN Economic and Population Statistics

| | GDP (US\$ billion) | Population (million) | Per capita income (US\$) |
|--------------|-----------------------|-------------------------|-----------------------------|
| ASEAN | 2,395 | 625.1 | 3,832 |
| Indonesia | 863 | 251.5 | 3,460 |
| Thailand | 387 | 68.5 | 5,679 |
| Malaysia | 312 | 30.5 | 10,421 |
| Singapore | 298 | 5.5 | 55,183 |
| Philippines | 269 | 100 | 2,707 |
| Vietnam | 171 | 90.6 | 1,909 |
| Myanmar | 56 | 51.4 | 888 |
| Brunei | 16 | 0.4 | 39,679 |
| Cambodia | 16 | 15.3 | 1,037 |
| Laos | 10 | 6.6 | 1,548 |

Source: ASEAN Secretariat, IMF

Per capita income in Myanmar is the lowest of all ASEAN countries.

The policy has also had many unintended negative consequences for women. Some women have seen a blanket implementation of the minimum wage for all workers, and skilled and medium-level workers who used to receive a much higher salary see their pay lowered to the minimum. Many workers also saw benefits such as commuter costs, food, overtime pay, tips, and bonuses lowered or cut because of the adoption of a minimum wage. The enactment of a minimum wage also caused a spike in the price of commodity goods. This has had a major impact on women's ability to afford food, accommodation, and other basic needs.

"Product prices were raised after the minimum wage became 3,600 Kyat (\$ 3 USD). Before, I got the same amount of salary which I get now. But my accommodation fee was only 5,000 Kyat (\$3.84 USD) per month. Now, my accommodation fee has increased to 15,000 Kyat (\$11.53 USD) per month. Food and transportation fees were also raised after the Minimum Wage Law came out. The product prices were raised right after [our salaries were increased]." – Woman garment worker from Myanmar Solamoda Garment Factories

Poor Working Conditions- Conditions inside the factories are deplorable. Hundreds of women are made to share very few toilets. For example, in the Myanmar Solamoda Garment Factory there are 900 workers but only 11 toilets for women and 2 for men. Workers are often packed into confined rows and windows remain shut so women are forced to work in close quarters at hot temperatures with no fresh air. Drinking water in the factories is not properly filtered and workers run the risk of getting sick if they drink it. The factories also lack an adequate number of emergency exits. For example, one factory had 4 emergency exits for 2,000 workers.

Lack of Health Care- Women workers have very limited access to health clinics and medical services. Even when a clinic is present there is a major shortage of skilled health workers and there is an insufficient supply of medicine and other vital health resources.

Safety Issues- Security is also a major issue for the women workers. They often get off late at night and must walk home in the dark, exposing them to the threat of sexual harassment and robbery. Police fail to persecute perpetrators of sexual harassment and have created an environment of impunity for such offenses.

Unimplemented and Inadequate Policies

The Social Security Law enacted in 2014 aims to create protections for workers in the form of health benefits, maternity leave, and coverage in case of death or injury on the job. Workers pay 2% of their monthly wages into a health and social care fund, which they should be able to access using their Social Welfare Card. Many women workers never receive their welfare card or are not well informed about how to access the fund. Most workers see little or no benefit from this law even though they pay into the social security fund every month.

The Labour Organization Law adopted in 2011 establishes that workers may form unions and stage protests if they give 14 days notice and provides penalties for employers that punish the unionization of workers. But efforts by unions to organize for workers rights are stunted by the threat of employer retaliation or by the presence of employer-created unions that masquerade as workers collectives. The law fails to protect and uphold workers' rights to unionize and the security forces meant to uphold those rights are often responsible for violently suppressing them. This was apparent during workers protests in 2014 and 2015 when police responded by beating and arresting participants, including women.

Changes Required/ Policy Recommendations:

- Burmese government must follow the standards of international law and uphold their obligations under treaties to which they are a party.
- Labour organizations from ASEAN must work together with local organizations and show different ways of supporting Burmese labour organizations during campaigns.
- Ensure labour laws are implemented thoroughly and that workers have a means of redress in the event of a grievance.
- The minimum wage must be raised to a living wage to ensure a better living standard for workers.
- Ensure the Ministry of Labour operates actively and without corruption.
- Restrictions on labour unions and labour rights must be lifted and workers' right to collectively organize must be protected and fulfilled.

Nepal: Equal Land Rights in Sindhupalchok



About the Research Programme

Gramin Mahila Srijanshil Pariwar (GMSP), in English Rural Women Creative Forum, led this feminist participatory action research from 1 August 2015 to 31 July 2016 in 3 rural areas of Sindhupalchok District, Nepal: Chokati, Pangretar, and Thulopakhar. GMSP collaborated with the organizations National Land Right Forum, District Land Right Forum, Rural Development Society, as well as indigenous and rural poor women who live and work in these communities.

This is part of APWLD's FPAR Programme active in nine countries.

Despite being an agricultural country, Nepal consists of only 29.7% of arable land¹. Moreover, rural and indigenous women in Nepal are being deprived equal rights to use, inherit, control and own land. Land is a critical resource for women with major impacts on their economic,

social, and cultural standing in society. At the national level, only 19.71% of women have access to land.

The right to land is directly connected to family welfare, food security, gender equality, economic stability, political power, and poverty alleviation. The problem of women's restricted right to land ownership is particularly bad in Sindhupalchok district, where only 11.99% of women have ownership over land².

In May 2012 over 1,000 poor and rural women participated in a historic 50-district march called the National Movement for Timely Constitution Writing and Land Reform. The rally gave pressure to the government to include the right to land in the new constitution of Nepal. It even ensured equal property rights for both husband and wife. Likewise, after the rally, the government declared it would enable joint ownership of land for both husband and wife and would offer discounted land registration fees for women living in rural settings. However, these provisions have not been properly or adequately implemented.

Impacts of Women's Land Deprivation in Rural Nepal

Reinforces Oppressive Gender Roles-

Women make critical contributions to their households, their communities, and the economy, but are excluded from decision-making spaces and are denied control over their land and resources. This makes it so women must rely on relationships with male relatives (husbands, fathers, brothers, etc) for access to the land they rely on for their food and income. This reinforces women's subordinate position to men, and contributes to high rates of violence against women. Land rights bring about security, independence and confidence, which enable women to be independent and to participate in all social and political arenas.

During the research period, we had conversation with women who hold joint land ownership.



"Now I have the full authority in my house and property only after 26 years of marriage there were some women who were neglected by their husband and society". - Rita Nepal



Limits Women's Economic Opportunities-

Ownership of land is a vital asset that provides women productive resources and income as well as enables them to access loans to expand their business capacities. Women who do not have ownership or joint ownership of land cannot access credit or loans because they do not have land certificates to offer as collateral. Land rights are crucial in improving women's poverty alleviation and enabling their economic security and independence. The continued deprivation of women's equal access to land reinforces grave levels of economic inequality between men and women.

¹ <http://data.worldbank.org/indicator/AG.LND.AGRI.ZS>.

² DDC Profile Sindhupalchok, 2014



"I am very happy [to discuss] the topic of joint land ownership. It is needed for us. If we have joint land ownership most of the domestic violence will decrease." – Thami woman

Reinforces Women's Exclusion from Decision-Making Spaces-

Land rights elevate the socioeconomic standing of women and would give them more power in political and decision-making spaces. As of now, Nepal's constitution mandates that women make up 33% of the country's Constituent Assembly. However, in rural communities women are excluded from local decision-making bodies such as School Management Committees and forestry user groups. Women work the land and manage the income from its products to maintain their households. This means it is women who take the brunt of the impact when land or social policies change or are implemented. But because it is men who control the land and its products, women are not included in the development of such policies. Gender equitable land rights for women would place them on an equal economic and political level as men and are needed to enhance women's participation in decision-making processes.

Puts Women at Greater Risk of Human Trafficking-

Women's limited access to opportunity and economic stability often prompt them to leave their communities in search of work elsewhere. Economically vulnerable migrant women often fall victim to exploitation and human trafficking. Enhanced land rights for women would directly improve women's access to a reliable livelihood and would decrease their susceptibility to trafficking.

The right to land enables women to be owners of their property. It helps them to escape disguised forms of slavery.



Policy Changes/Recommendations from Women:

Access to and control over land is increasingly recognised as the strongest poverty eradication measure, a more relevant indicator than dollars per day. A growing body of evidence demonstrates that women's control over arable land leads to stronger development outcomes for families and communities, decreased malnutrition, increased food sovereignty and more sustainable farming practices .

The government should take the obligatory steps for the proper implementation of Joint land certificate policy in the community level. Likewise, it should also strongly implement and replicate the signed conventions such as CEDAW, UPR and other national level policies. Moreover, as the interim constitution of Nepal has ensured the equal rights on Property, it should be properly implemented in the local level.

Similarly, the women, who participated in the research recommend educating male members of the household on the advantage of joint land certificates.

Sustainable Development Goals target 1.4 clearly mentioned that *"By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance".*

This should be the basis for policy formulation and equal rights in every sector, while in the meantime it is also critical to measure the concentration of land ownership to address the phenomenon of land-grabbing which has severely diminished the amount of land available to local communities including women.

Indonesia: Need for Enhanced Reproductive Rights for Women Workers in Sukabumi, West Java



About the Research Programme

Gabungan Serikat Buruh Independent (Federation of Independent Trade Union)(GSBI) led this feminist participatory action research from August 2015 to March 2016 in the industrial district of Sukabumi in West Java. GSBI partnered with workers from 3 different garment and textile factories in the district.

This is part of APWLD's FPAR programme active in 9 different countries.

Indonesia is shifting from an agrarian economy to an industrialized economy as the industrial sector is expanding and as transnational corporations continue to flock to the country to exploit its abundance of cheap labour. As the labour market undergoes this structural transformation away from agriculture jobs, more women are entering the labor force. Women comprise 51% of Indonesia's registered labor force.¹ Though women now make up the majority of workers, they continue to be excluded from decision making processes at all levels and their social and political subordination continues to be reinforced.

Wage Discrimination and Labour Exploitation- Women labourers are often not paid fairly for many hours of overtime. They often must work these overtime hours to meet daily production quotas for the factory. Additionally, Indonesia enacted a wage system in which district-level governments may decide their own minimum wage. This inspires a race to the bottom where some districts impose a very low minimum wage to attract more industry. For instance, Sukabumi district has a minimum wage of 1,699,000 IDR (\$128 USD), strikingly lower than the minimum wage in Jakarta of 3 million (\$226 USD). Because more jobs go to the districts with cheaper labour, more workers are forced to take on lower paying jobs.

Job Insecurity Obstructs Freedom of Association- Many factories also use short-term contract systems, which keep women in a state of vulnerability and prevent them from standing up for their rights. Under the threat of having their contracts discontinued, women are afraid to collectively organize to address such issues as wage discrimination and being underpaid. Wage deprivation and discrimination remain such pervasive problems that they often overshadow the issue of reproductive health rights causing labour organizations and government to overlook the issue.

Reproductive Health and Rights: Massive Gap between Laws and Implementation

Many laws exist which guarantee the reproductive rights of women. However, there remains a major gap between what laws technically exist on paper and the actual real benefits women workers experience as a result of them. Women workers also often have low levels of formal education and are not informed of their rights as women or as labourers. Many of the laws go unregulated and unimplemented, and women workers continue to be deprived their basic rights including access to decent reproductive healthcare.

1 <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=ID>

Existing Laws and Policies

The Government Regulation No. 61 of 2014 on Reproductive Health establishes a range of regulations regarding implementation of reproductive health rights legislation including; prioritizing reproductive health rights in national development initiatives, accelerating efforts to ensure reproductive health rights in Indonesia, using a justice and equality-based approach in all reproductive health efforts, and providing good quality health services for the poor.

Law Number 36 of 2009 regarding Health recognizes women's right to quality and affordable comprehensive reproductive health services. The law also establishes that women must be enabled to breast feed their babies within the first six months after it is born. This means workplaces must provide safe and decent places for women to breastfeed or pump and store their breast milk.

National law regarding maternity leave also requires women be given 3 months off of work in total when they have a child, 1.5 months before giving birth and 1.5 months after. Also, women are granted the right to take off of work for the first two days of their menstrual cycle.

Impacts of Unimplemented Policies on Working Womens' Lives

In the absence of government supervision on the matter many companies fail to implement existing national reproductive health policies and the reproductive rights of women workers remain neglected.

Women workers want companies to care more about their workers who get pregnant. Management should provide more facilities for pregnant women, such as clean restrooms, as well as work to improve overall sanitation in the factories. Companies should also allow pregnant workers to rotate positions to prevent women from having problems during pregnancy.

Deprived Benefits and Access to Good Health Resources- The allotted three months for maternity leave is rarely granted in reality. Many women receive only two weeks off prior to giving birth, and are told they can instead have more time off after giving birth, but this rarely actually takes place. Women are shown no leniency during pregnancy and are made to meet the same output target points while pregnant.

Though women are allotted two days off during the two first days of their menstrual cycle, this law is not implemented and women are not allowed to take off days for their periods. Women are also not provided access to good health facilities. There are no special facilities or restrooms for pregnant women. There is also a major lack of adequate facilities for women to breastfeed after giving birth.

Women Organizing and Demanding Change

Women workers joined together on International Women's Day in March 2016 to meet with the Ministry of Women's Empowerment to discuss major gaps in women's reproductive health policy implementation. The ministry promised to assess the problem and ensure that the relevant policies are implemented at the district level and below.

Changes Required/ Policy Recommendations

- Enhance regulation of companies' compliance with national policy governing health of all workers, primarily those regarding reproductive health
- Implement strict sanctions for companies in violation of national health policy
- Ensure women's access to proper facilities for lactation at the workplace
- Provide 6 months Maternity Leave to ensure mothers 6 Months for exclusive Breastfeeding
- Recognize 6 months exclusive Breastfeeding as children's basic rights
- Stop Sexual Violence against women and children
- Enhance sanitation in workplaces

Bangladesh: Raising Voices for Gaining Rights of Urdu-Speaking Bihari Women



About the Research Programme

Naripokkho led this feminist participatory action research project from August 2015 to October 15 in the Kurmitola Camp (KTC) in Kalshi (under Pallabi Thana) in Mirpur-12 of Dhaka City. Naripokkho partnered with women from the Urdu-speaking Bihari community living in the camp.

This research is part of APWLD's FPAR Programme in 9 countries.

The Urdu-speaking Bihari people are culturally and politically isolated from the mainstream Bengali community due to anti-Bihari national sentiments that remain after the liberation war of Bangladesh in 1971. While Bangladesh's independence has brought about some improvements in the status of women in the country, women from poor and marginalized sectors of the population are excluded from the benefits of independence and development. This is reflected in the situation of Urdu-speaking women from the Bihari community who live in the Kurmitola Camp (KTC) in Kalshi in Dhaka City.

The Bihari people have lived as refugees in 116 camps across Bangladesh in a position of statelessness since 1971. The camps are congested and lack sufficient resources and services. Urdu-speaking Bihari women suffer more than just the poor conditions of the camp. They also face the interconnected problems of exclusion from decision-making processes, widespread discrimination, pervasive poverty, and rampant sexual harassment.

Discriminations/ Violations suffered by Women in KTC Camp

Sexual Harassment- Women in the camps live in constant fear of sexual harassment. Sexual harassment of women in public spaces reduces women's freedom of mobility and security. Many incidents of sexual abuse occur at the communal restrooms, and women are afraid to use the toilets alone at night.

Lack of Access to Justice or Remedy for Victims- Women do not trust the local police to address incidents of sexual harassment. There have been many reported instances of sexual harassment by police officers themselves. Even when police do address instances of sexual harassment, they respond to charges by making victims negotiate directly with their harassers, requiring bribes in order to take action, taking bribes to let criminals go unpunished, or engaging in victim-blaming and shaming.

Further, the police are not reliable in investigating crimes and some are even involved in the drug trade. Drug addiction in the community also contributes to high rates of sexual harassment in the camp. Police involvement in the drug trade and their failure to punish perpetrators creates a cyclical pattern of abuse and impunity.



"It is not easy to file a GD [General Diary complaint against a perpetrator]. Lots of things are involved here. A woman/ girl alone cannot make a GD. Her family has to support her for that. If you file a GD, you are going against the society. Society teaches women to keep silent and tolerate any type of gender- based violence against them. If you make a police complaint, you are not a 'good woman.'" - 'S', a woman who filed a police complaint against her harasser at the Pallabi local police station



Inability to Own Land- The land that the camp is built on is government-owned. The Bihari people have been living on this land for over 40 years but have no rights on the land on which they've built their homes. The Urdu-speaking people are allowed to live on the land as "internally displaced people." But government efforts to grant citizenship to the Urdu-speaking minority strip them of this classification and make women and their families more vulnerable to eviction.

Poor and Unsanitary Conditions of Community- The people live in makeshift, dilapidated dwellings. The camps also lack adequate restroom, water, and trash services. There is an average of one toilet for every 47 people living in the KTC camp. There is no running water in the bathrooms, and the facilities are cleaned only once a week.

There are only two trash collection sites for the entire camp population and garbage is only collected once every two months, so trash is constantly overflowing. Water is also scarce in the camp. Public water pumps are only opened twice a day and women must wait in long lines to collect water for their families. Though bathing is possible at these public water pumps, women never bathe or wash publicly and instead must create makeshift washing stations in their homes.



Child Marriage and Deprivation of Right to Education for Girls- Urdu-speaking people in the KTC camp cannot afford education costs beyond primary school level. Girls usually only receive a primary school education. Sexual harassment sometimes forces parents to stop their daughters' education when girls repeatedly suffer harassment walking to school. They instead marry them off at an earlier age to protect them from street harassment. Poverty also motivates child marriages, and after primary school girls are usually married off as soon as possible in order to reduce the cost of living for families.

Poverty Wages and Lack of Reliable Income- Women mostly work in making paper packets, embroidering, and tailoring. They earn a minimal income for their work, for instance 40 taka (\$0.51 USD) for making 1000 paper packets and 50-60 taka (\$0.64-\$0.77 USD) per piece of embroidered cloth. Corruption also prevents women from accessing full employment opportunities. In order to apply for a job, women need to have a certificate issued by the local chairman, but the chairman will not issue these certificates without money.

Women's Exclusion from Spaces of Power- There are no female representatives in any local mediation committees and men dominate all mediation processes. The root cause of women's problems is that their concerns, needs and issues are not recognized or addressed in the patriarchal environment that dominates in the community.



Women Demanding Recognition and Change

On May 14, 2015, 65 women took part in a demonstration to claim women's safety in public spaces and to demand elimination of gender-based violence. This demonstration showed that Urdu-speaking women in the camp are organizing to address women-specific struggles and to demand greater inclusion in decision-making processes. The women plan to take a unified stance to stop gender-based violence, child marriages, and the drug business. Women aim to elevate the position of women in the personal, familial, social sphere through camp-based educational initiatives. Women also plan to promote changes at an institutional level by continuing to engage with local authorities to reduce gender-based violence.

Women have met with the local chairman, the Stranded Pakistani General Repatriation Committee (SPGRC), and the female ward councilor to demand local authorities work in a united manner to reduce gender-based violence against women and to improve women's standing in the community.

The women and girls also wish to form a women's organisation amongst themselves to give themselves strength and confidence to demand their rights. They have started meeting regularly to this end.

Myanmar: Chin Customary Law Impedes Women's Rights



About the Research Programme

NINU Women in Action Group led this feminist participatory action research from August 2015 to July 2016 in three townships of Southern Chin State of Myanmar; Kanpetlet, Mindat, and Matupi. NINU partnered with women's community-based organizations working on Chin customary law and women's rights issues in the region.

This research is part of APWLD's FPAR Programme active in 9 countries.



*"...It was like buying and selling of business. The groom's family would propose and the bride's family would name the price. If the groom's family could afford, they paid and took that woman to their house. After that, her husband owned her, and forced her to work as hard as possible because he bought her already."
– 58 year old married man*

The Mountainous Chin State, bordering India and Bangladesh, is Myanmar's poorest state. Chin State has the highest poverty rate in the country, with 73 percent of its population living below the poverty line compared with 26% of the population in the country as a whole. The Chin people have long been subject to conflict over land and resources, forced labor, arbitrary arrests and detention, torture, religious repression and other restrictions on fundamental rights. Chin women bear the brunt of these conflicts, as economic and political policies set by government or Chin Customary Law, have excluded women from decision-making processes and remain deprived their basic rights. Taking into account the intersecting issues of poverty, isolation, conflict over land and resources, and poor access to justice, in order to demand Chin women's rights to inheritance it must be ensured that assets and resources remain for them to inherit.

Gendered Impacts of Chin Customary Law in the areas of Marriage, Inheritance, and Property rights

Gender inequality remains a large problem amongst rural ethnic groups in Myanmar. This is reflected in the situation of tribal groups living in Chin State. Chin people follow customary law that has been passed down through the generations. Issues of governance and inheritance fall under the purview of the Chin Special Division Act (commonly known as the Chin Act). Chin customary laws and practices perpetuate and reinforce a patriarchal system that excludes women from decision-making processes and deprives women access to justice and resources.

Bride-prices Reinforce Women's Oppression- Chin customary law dictates that grooms must pay a price to a bride's family in order for a marriage to take place. The practice of bride-pricing reinforces the subordinate position of women in Chin society. The prices are negotiated only by male family members and Aungtamans (men who serve as community negotiators). Women are entirely excluded from discussions regarding the price that then has a major influence over the power structures of the marriage.

The practice of paying for brides also reinforces traditional domestic obligations by perpetuating the idea that a woman must "deliver" on her high bride price. Upon marriage a woman is expected to move in with the husband's clan where she is made to do farming work, fulfill household chores, bear and tend to children, and care for her in-laws.

Violence Against Women and Lack of Access to Justice- Chin customs that reinforce men's dominant position in society and deny women's access to opportunities and resources leave women extremely vulnerable to high rates of domestic abuse. Violence against women is not a criminalized offence under Chin customary law and therefore no pathways to justice or remedy exist for women who fall victim to domestic abuse. Women's exclusion and lack of access to justice perpetuates the cyclical nature of violence and discrimination against women.

Repressive and Discriminatory Divorce Customs- Chin customary laws regarding divorce reiterate men's dominant position as the primary controllers of assets, resources, and children. Under Chin customary law men can freely decide to divorce their wives while many obstacles exist to prevent women from divorcing husbands and many women remain stuck with the husband even in situations where domestic abuse or alcoholism occurs. Women wanting a divorce must discuss the situation with the local Aungtamans in order to negotiate with her husband.

Women may initiate a divorce, but if they do so their family must return the received bride-price. If a divorce does take place, men maintain ownership of all property as well as custody of all children. If a man initiates a divorce he must pay the family of the wife. A man may also refuse to accept a divorce initiated by a woman in which case the wife would remain legally bound to him. In Kanpetlet and Mindat Township, if the man refuses or is unable to pay a divorce fee, the two are not considered divorce.

Women Denied Inheritance and Property Rights- Chin customary law dictates that only men may inherit properties, lands, and other valuable family assets. Because women usually change clans when they marry, they are not permitted to receive inheritance from their own family, as this would constitute transfer of property between clans. However, they are then excluded from inheritance in the case of a husband's death, as ownership of property goes to sons or other male relatives. Daughters and widows may continue to live in a home if the patriarch dies, but the daughter does not receive ownership and must vacate the home when the widow passes. Other male relatives inherit the property in the case that there are no sons.



"Men think they are head of the family and want other family members to obey meekly to their decisions. Among Chin marriages, there is no gender equality yet." – 38 year old woman divorcee

Changes Required/ Policy Recommendations:

- Abolish the practice of bride-prices.
- Divorce customs must be modified so women are free and able to initiate divorce proceedings.
- Establish equal division of properties when a divorce does take place.
- Establish child custody rights for women after a divorce.
- Establish child support for women after a divorce if the woman is granted child custody.
- Establish equal inheritance rights for daughters and sons.
- Provide the right to own property for daughters.
- Enhance women's property ownership rights, including the provision of the right to co-ownership of homes for wives.
- The Chin State Hluttaw must withdraw the draft they sent to Pyidaungsu Hluttaw in 2016 and discuss amendments with women leaders before redrafting and resubmitting a new version.
- The Chin State Hluttaw must consider CEDAW in amending or enacting new laws and give women equal rights with men.
- The national government must take action to reduce and address the problem of violence against women.
- The national government should make sure the current laws that protect women from violence are practiced and enact new laws.
- Women should be included in decision-making processes at the local and national levels. For example, the creation of a quota system for Hluttaws.

India: Distress Migration and Exploitation of Bonda Tribal Women



About the Research Programme

Regional Initiative for Tribal Empowerment and Solidarity (RITES) led this feminist participatory action research program from September 2015 to March 2016 in the eastern state of Odisha. RITES partnered with members of the Bonda tribal group, a unique tribal community residing on a vast and dense hill forest tract on the Eastern Ghats mountain range. RITES collaborated with Bonda families and young migrant women from 9 Bonda villages in Odisha's southernmost Malkangiri district.

This is part of APWLD's FPAR Programme active in 9 countries.



"Earlier we never felt the urgent need for cash income, but today it has become a major push factor for forced migration." – ChankiKirsani, Baunspada Village

Recent decades have seen rapid growth in the movement of young Bonda tribal women towards urban areas in search of employment in the state of Odisha in eastern India. In the last decade Bonda people have been facing issues of chronic hunger, endemic exploitation by outsiders in the marketplace, administrative apathy, and major rights violations with regards to implementation of Government livelihood and employment generation programmes. Distress migration has become a regular feature in Odisha's poverty-stricken tribal areas.

Young girls travel to towns and cities in search of work in hotels, on construction sites, and in rice mills. Failure by relevant government agencies to enforce existing labour policies has left Bonda women workers vulnerable to labor exploitation. Corruption and unreliable wages in government employment programs act as major drivers of the migration of young Bonda women.

In the absence of alternative opportunities and options for tribal communities, distressed migration constitutes a form of bonded labour. Policies aimed at abolishing bonded migration and protecting the rights of migrant laborers, such as the Bonded Labour System (Abolition) Act and the Inter-State Migrant Workmen's Act, remain unimplemented because the Government does not recognize distress migration as a form of bonded labour. District vigilance committees responsible for conducting regular surveys of migrant and bonded labourers are not functional in any of the districts, and young tribal migrants remain vulnerable to rights violations and exploitation.

Factors Driving Bonda Women's Migration

Insufficient Income from Agriculture- The Bonda community historically did not venture out of their forested habitats in search of either food security or wage employment. Bonda people source their livelihoods primarily from agriculture, labour, and forest foraging. Recent years have seen a decline in the reliability of income from agricultural products, as changing top-soil, drought, and the destruction of indigenous seed stocks from flash flooding have reduced the number of crops the Bonda people are able to grow.

Bonda women traditionally sell forest products like hill brooms, bamboo baskets, liquors, and cooking utensils at local weekly markets in surrounding plains areas. However, due to reduced crop variety combined with price-gauging by non-tribal traders in local markets, their once-reliable income from local markets no longer covers household costs. Income from markets and food yielded on family land tend to provide for a minimum level of survival, but young family members must migrate to meet the basic needs of the household such as education, costs associated with important cultural festivals, travel, clothes, and more.





Exploitation in Government Employment Programs- In 2005 the Government enacted a guaranteed employment program called the National Rural Employment Guarantee Act. The NREGA established that every rural family be guaranteed 100 days of work at a rate of Rs 175 (\$2.57 USD) per day. Though 82% of Bonda households have been registered and received a job card, reportedly no one has received the guaranteed 100 days work. There is also a rampant problem of wage exploitation by contractors and Government officials in the form of non-payment of wages, taking major wage cuts from labourers, and delayed payment of wages. The wait for wages ranges sometimes from one month to even two years and wage cuts usually result in workers receiving an actual paid wages of around Rs 150 (\$2.20 USD) per day.

LaxmiKirsani of Bodvel village says she has been working in a hotel at Malkangiri for the past three years and has been working as a cook from the beginning. She gets Rs 300 (\$4 USD) per day though she works 11 hours a day and suffers under the heat and oil of the kitchen fires. She gives all of her savings to her parents for household expenses. She related that her parents had worked on an NREGA project in 2012 for 30 days and should have received wages of Rs 4500 (\$66 USD), but up until today have only received Rs 500 (\$7.34 USD).

Failure by government agencies to pay wages for completed work is the main factor contributing to women and girls' migration. Women also suffer major abuses such as harassment and intimidation if they confront contractors to demand their due wages. Corruption between local political leaders, private contractors, and government agencies is reportedly at the core of such wage violations.

Distress Continues at Migration Sites

Poor Working Conditions and Exploitation of Labor- Bonda girls working in hotels and rice mills are subject to poor living conditions and unregulated exploitation of their labour. They are made to sleep 6-12 people to one small room, often under makeshift roofs. Their dwellings do not have bathrooms and girls must relieve themselves outdoors and shower in nearby ponds and streams. Girls in both rice mills and hotels often work 11 to 12 hour days without breaks.

Middle agents, often unemployed Bonda men acting on behalf of urban traders and business establishments, are reportedly paid Rs 500 per girl they supply, so agents are quick to exploit girls' poverty and need for cash income as bait for migration.

Changes Required/ Policy Recommendations

- The Government must initiate strict labour cases against all those contractors who have cheated, harassed, and abused the Bonda people and must recover all lost wages due to the Bonda people.
- The rice mill and hotel owners must increase wages, limit shifts to 8 hours a day, and rotate work in shifts so that women are not overworked and are afforded time to relax and complete personal chores and provide separate and decent living conditions.
- Government must take a collaborative approach with the Bonda community leaders and elders to implement land development initiatives, flash flood prevent and seed savers' group promotion plans based on the input and needs of the community.
- Addressing the current crisis in agricultural production and trade of its products is the foremost manner through which the Bonda peoples can be supported for a better cash income so that girls do not need to set off in distressed migration.
- The Government agencies like the district labour office, child welfare committee, and district vigilance committees must function effectively to listen to people's grievances but also take timely and strict action against the exploiters to deter recurrence.

Lao: Gendered Impacts of Poverty in Rural Khammuan Province



About the Research Programme

Social Development Alliance Association (SODA) led this feminist participatory action research project in Soppeng and Napang villages in the mountainous Bualapha district of Khammuan province. SODA partnered with the member-driven women's rights organization Lao Women's Union (LWU), administrative representatives from Bualapha district, as well as poor community members working in these two rural villages. This research is part of APWLD's FPAR Programme in 9 countries.

women in the formal economy, women now comprise 34% of the national workforce. Additionally, women comprise 63% of service and market sales workers and 65% of unpaid family workers.

However, women in rural settings like Bualapha district continue to suffer from the mutually reinforcing issues of gender inequality, lack of employment, and poverty. Women in these communities suffer under multiple dimensions of marginalization being that they are women, poor, usually from ethnic minorities, and live in isolated, rural villages.



"Lack of labour skills prevents us from job opportunity. Although some jobs are available in the district, we cannot access to these jobs because of men have higher qualification" A woman in Napang village said

Women-Specific Issues of Poverty in the Rural Employment Sector

Poverty, Income Inequality, and Lack of Resources- Women are moving toward wage-earning employment as the labor market undergoes a structural transformation and becomes less reliant on agricultural work. They work as farmers, forest product collectors, domestic workers, or work in the trade and service sector. Women in this region face gross levels of gender-based economic discrimination.

Women are deprived equitable access to financing and have a much more difficult time than men in obtaining micro-credit and investing. They are also often only able to take on lower-paying part-time work because they have the responsibility of running the household and taking care of domestic chores. When they can take on full-time jobs, income inequality is common and women earn less money than their male counterparts. This is reflected in that male-headed households earn a monthly average of 110 USD while female-headed households earn a monthly average of 78 USD.

Food Insecurity- Food insecurity and rice shortages are frequent and serious problems for these rural communities. Women are the worst and most often impacted. 37.5% of female-headed households experience rice shortages versus 28.3% of male-headed households. Low productivity of rice production, a lack of access to arable land, labor shortages, and destruction caused by natural disasters are common factors that lead to food insecurity.

Need for land and property rights- Land-grabbing due to foreign direct investment and the expansion of corporate plantations and energy projects have resulted in a major loss of land for poor people in these rural villages. Families rely on the land to farm to meet their food needs and as a source of livelihood. 1.4 hectares per person are considered the minimum necessary to meet and sustain the food needs of a five-person household. Poor families in this region have an average of 0.25 hectare of land per person- far below the minimum. There are also major gender disparities in land distribution, as 77% of male-headed households have access to two plots of land versus 68% of female-headed households.



Lack of water- Women's economic production is dependent on their ability to access to water. Water is a crucial resource for agricultural work and for meeting household food needs in the villages. Water shortages are a prevalent and recurring issue the villages, and the income from agricultural work is made even less stable without water and sufficient irrigation. Poor irrigation system caused the shortage of water.

Limited access to health and education services- Women in the villages view education as vital for a pathway out of poverty, but continue to be deprived adequate opportunities and access to education. 42% of women in these villages have not attended school and remain illiterate. The remote location and the poor quality roads leading in and out of the villages increase women's isolation from formal employment opportunities and access to resources like health centers and better schools for their children.

In the absence of proper health clinics, the duty to care for the ill falls to women. Women often have to miss work or quit their jobs if a family member is hurt or injured. Female-headed households are especially vulnerable if health problems arise, as they do not have a second income-earner to help meet household needs if the woman is forced to stop working. Lack of adequate maternal healthcare also cuts into women's ability to earn and manage family income.

Women's Exclusion- Women are excluded from village meetings and discussions regarding public investment projects. They are not allowed to actively participate, and are instead made to serve snacks, tea, and alcohol at some of the meetings. Women are allowed no input, and the particular struggles of their experience are not considered in the development of projects. The few public investment projects that do take place in the village thus fail to recognize or support the particular needs and interests of women.



Changes Required/ Policy Recommendations:

- A gender perspective should be mainstreamed in employment initiatives that aim to create decent work for women in rural areas.
- Create options for women to seek employment in rural areas through creating and improving the quality of employment in the agriculture sector.
- Promote entrepreneurial culture and enabling environment for women in wage and/ or self-employment sector.
- Strengthen the promotion and dissemination of information, opportunities, and services to rural poor women through relevant and appropriate outlets including social media, radio, television, newspapers, the internet, and through schools and training institutions.
- Enhance employment assistance and career guidance for rural women by creating and improving facilities in rural areas with trained professionals and access to technologies such as internet-based information databases.
- Enhance women's access to micro-credit schemes, financial training, business development services, and market information.
- Implement gender equitable land allocation policies that improve agricultural land access for all rural poor.
- All development stakeholders should focus on qualitative services for the poor that provide economic opportunity and quality of growth in the 8th NSEDP 2016-2020. Policies should seek to deliver inclusive growth, fair resource allocation, and good governance.
- Enhance national mechanisms of coordination with line ministries in order to deliver gender and ethnicity-disaggregated data on poverty statistics.
- Seek to diversify the rural economy in order to create additional opportunities and alternative sources of employment and income for rural poor communities.



"We would like the Government to support our poor women to improve our livelihood, especially to support income generation activities" A poor woman in Soppeng said.

Philippines: Privatization of Public Markets

About the Research Programme

Tanggol Bayi led this feminist participatory action research from August 2015 to March 2016 in Sampaloc, Manila. Tanggol Bayi partnered with women living in various urban poor communities who work in the informal economy as market vendors in the Maisan section of Sampaloc. Tanggol Bayi also collaborated with local vendors associations and engaged with hundreds of vendors and consumers to inform this research.

This is part of APWLD's FPAR Programme active in 9 countries.



Is it impossible to modernise without private contractors? We want modernisation, we want development; but we want a kind of development in which we are included, in which we are thought of, and our situations and capacities taken into consideration. – Faela Esponilla, 38

Amidst growing international trends towards the privatisation of public spaces and services, the Manila Local Government has in recent years enacted public-private sector partnerships called Joint Venture Programs. The Manila Joint Venture Ordinance, also known as City Ordinance No. 8346, which came to light in early 2015, calls for the privatisation, demolition, and rebuilding of 7 of the city's 17 public markets.

In the Philippines, 26% of the population lives below the national poverty line. The government narrative portrays the urban poor as lazy people responsible for their own poverty. In reality, the struggles of the urban poor are perpetuated and reinforced by an absence of social protections and failure by the government to fulfil protect and fulfil their rights. The government promoted Ordinance No. 8346 as a plan to renovate and modernise the markets, but by privatising public utilities and services the government is giving power to profit-driven private entities that have no obligations or motives to protect the rights of the urban poor. The privatisation of public marketplaces threatens the lives and livelihoods of urban poor women and further exacerbates their vulnerable position as workers in the informal economy who lack legal and social protections.



Gendered Impacts of the Privatization of Markets on Urban Poor women in Sampaloc, Manila

In December 2015, dialogues between the local vendor's association Save Manila Public Market Alliance and local government officials resulted in a series of concessions in favour of vendors. ; halting rent increases for two years, declaring that supervision and control of market administration would continue to be the responsibility of local government, the creation of a spot on the market management board for a representative from the vendors association, allowing vendors to continue to work during renovations, and more.

Exacerbates Women's Economic Struggles- Approximately 6.6 million women work in the informal economy as providers of a wide variety of vital goods and services. Women dominate unpaid family work, as four in every seven unpaid family workers, equivalent to 2.4 million, are women. Women also act as parking attendants, taxi-retrievers, food vendors, newspaper deliverers, clothing sellers and repairwomen, and more. Women who work as vendors in or outside of the markets pay a small rent for their stalls and therefore rely on the low prices afforded by public markets.

Women vendors earn an average daily take-home of 140PhP (approx. 3 USD per day). What they earn is what they have to manage all of their household expenses each day. If the women do not work, they and their families do not eat. Higher rent prices under market privatization would hurt women workers doubly as both vendors and consumers. Women workers would be unable to afford the commodity goods they rely on for income, let alone their own food, water, and other basic needs. This would force women to increasingly turn to taking on loans that reinforce the cycle of poverty. Women would then have to work double or seek additional forms of income to handle the added burden of loan repayments.



Threatens Women's Right to Housing- Access to a decent livelihood is inextricably linked to the right to decent housing. Urban poor communities live under the constant threat of losing their homes to demolition or falling victim to harmful relocation initiatives. Demolition teams often fail to provide the 30-day demolition notices required by law, and women are forced to act as immediate negotiators to protect what little they have. Vulnerable workers also often fall victim to relocation initiatives that leave them in provinces far away from urban centres where they are able to take on the informal jobs by which they earn their income.

Increases Vulnerability to Natural Disasters and Climate Change- The Philippines is prone to natural disasters, and the urban poor are highly affected by such events as destructive typhoons. For instance, Typhoon Haiyan in 2013 killed over 6,000 and left an estimated 1.9 million people homeless. The Maisan area of Sampaloc is extremely prone to flooding, with even short bouts of rain causing much damage. Many of the women working and living there live in makeshift homes built from light and fragile materials. As climate change enhances and increases major weather events, economic insecurity leaves urban poor women vulnerable to flooding and other weather related disasters.

Threatens the Right to Education for Girls and Children- Any increased economic strain poses a direct threat to workers abilities to meet even their most basic needs. Women are forced to work longer hours or take on more jobs, and often must sacrifice the education of their children due to inability to afford related costs or because they need an older child to care for their younger siblings while the parents work.



Women Fight for Pro-poor Modernisation

Urban poor women are at the forefront of community initiatives and unified efforts by vendors to oppose the privatisation of local markets. Out of 18 victims of extra-judicial killings perpetrated against the urban poor sector in the last 6 years, 8 of the victims were women. Women vendors are dedicated to remaining vigilant in monitoring the implementation of concessions and fighting for public modernisation initiatives that are not implemented in the interest of big businesses but as a form of livelihood development for vendors who have small capital and cannot afford costly rent.

Changes Required/ Policy Recommendations

- The Private-public Partnership model must be reassessed in relation to its impacts on and exclusion of vulnerable and marginalised sectors of society.
- The full implementation of the Urban Development and Housing Act or Republic Act 7279 which calls for the proper relocation of urban poor dwellers with proper regard and consideration for their needs and situations.
- Livelihood projects must always be implemented in conjunction with relocation initiatives.
- All of the December 2015 concessions must be fulfilled and the Manila Ordinance must be revised in accordance with the concessions.
- All market modernisation schemes should take place in a fully transparent manner and be developed through full consultations with the urban poor community.

Taiwan: Impact of Nationality Act on Marriage Migrants



About the Research Programme

The TransAsia Sisters Association (TASAT) led this feminist participatory action research in Northern and central parts of Taiwan from August 2015 to May 2016. TASAT partnered with immigrant women living in Taiwan as well as with the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM).

This is part of APWLD's FPAR Programme active in 9 countries.

Taiwan's Nationality Act in its current form imposes flawed and discriminatory regulations that reinforce the marginalization of migrant spouses and deprive them adequate legal and social protections. Marriage migrants' inclusion in the process to develop the laws must be enhanced so that their particular issues are recognized. A draft Nationality Act amendment that addressed the plight of marriage migrants was announced by the Alliance for Human Rights Legislation for Immigrants and Migrants (AHRLIM) in 2012, and women have been lobbying Congress for more support since then.

Neoliberal globalization has seriously affected both developing countries and the relatively affluent Taiwan in the past few decades. Many Southeast Asian peasants and workers leave the countryside to find jobs overseas or opportunities to start different lives via international marriages. The marriage migration between Southeast Asian countries and Taiwan also emerges due to the impacts of Taiwan's continued urbanization and industrialization of the agricultural sector. This leaves low-skilled agricultural and industrial laborers in a disadvantaged position in Taiwan's domestic marriage market. These people, mostly men, adhere to the patriarchal pressure that asserts a man must marry and have a son to carry on his ancestral line. So Taiwanese men marry women from Southeast Asia and those women are expected to take on traditional gender roles in the family.

In the early 1990s, Indonesia was the primary source of marriage migrants in Taiwan but Vietnamese caught up with the migration trend later. Today, of a total population of 169,423 foreign spouses, 56% are from Vietnam, 17% are from Indonesia, 5% are from Thailand, 5% are from the Philippines, and others come from Cambodia and other East Asian countries.

Problems Posed by Current Nationality Act

Vague Legal Terminology Threatens Women- Provision 3 of Article 3 requires that an immigrant behave "decently" but this vague term gives authorities the subjective power to decide what is decent and what is not. The provision also deprives petty crime offenders the chance to ever be naturalized. Nationality can also be revoked if an immigrant is deemed to have behaved "indecently," for instance if a woman has an affair. Additionally, the nationality of a woman's children may also be withdrawn. The vague terminology sets unclear requirements for immigrants and results in the exclusion of women from the social welfare system.



Chui Heng has been successfully naturalized for a couple of years, but the government withdrew her nationality after finding out she had an affair before divorcing her husband. Foreign spouses like Chui Heng, due to Articles 3 and 9, are very likely to be stateless for a really long time, because it is very difficult to regain original citizenship once it has been forgone. The nationalities of Chui Heng's children were also revoked. Children without nationality are deprived access to education, healthcare, and other basic fundamental protections.

Penalties for Divorcees- Article 4 made naturalization more difficult for foreign spouses who report domestic abuse, who suffer the loss of a spouse, and who go through a divorce. Women in these three categories face hyper-inflated fees if they choose to apply for naturalization because article 4 regards them as “regular foreigners” not “spouses” of Taiwanese nationals. Further, the law establishes that a divorced woman who has custody over her children can stay in Taiwan to raise her children, but must return to her home country once the children turn 20. These strict penalties against divorcees prompt many women to overstay illegally in Taiwan because they want to stay near their children.

No Naturalization for Married Underage Girls- The existing law allows naturalized foreigners’ underage children to apply for naturalization, but prohibits married underage children from applying for naturalization. As some children are married at a young age, many married underage girls are deprived naturalization rights under this provision.

Risk of Statelessness- Article 9 of the Act requires that foreign spouses give up their original nationality in order to apply for nationality in Taiwan. But there is no guarantee they will be granted nationality, and many are left stateless if their applications are rejected. There are no protections for marriage migrants who are made stateless. The women are then left stuck, because getting their original nationality back is hard once it has been renounced. If they remain in Taiwan they are left excluded from social benefits such as certain health insurance packages, the national pension fund, family assistance programs, and public assistance initiatives, etc.

Conflicting Laws- Article 19 of the Nationality Act establishes that the power to withdraw a naturalized person’s nationality is exercisable within five years after it is granted. However, Article 121 of a coinciding law, the Administrative Procedure Act, provides that withdrawal is exercisable only within two years after naturalization is granted. So in effect, the Nationality Act, which expands the time under which women live under the threat of having their naturalization revoked, violates the terms of the Administrative Procedure Act.

Attempts at Reform

There are two separate Acts that regulate immigrants in Taiwan. The Act Governing Relations Between People of the Taiwan Area establishes laws relating to immigrants from China, Hong Kong, and Macau and the Nationality Act, which applies to those from other countries. Reformation of the Nationality Act is currently deadlocked because of disagreements between the Democratic Progressive Party (DPP) and Kuomintang (KMT) political parties regarding Taiwan-China relations. Ethnocentric sentiments persist, and some do not want Chinese spouses to have full suffrage or full naturalization rights. For this, reformation of both acts remains stilted, and all foreign spouses continue to suffer a lack of adequate legal and social protections.



Women Taking Action

Advocates for marriage migrants’ rights have met with legislators and organized political actions to advance calls for an amended Nationality Act that addresses the specific issues of women marriage migrants seeking naturalization in Taiwan. Women have also organized an educational theatre production highlighting the plight of marriage migrants. The group plans on traveling and sharing the performance as widely as possible to spread awareness of immigrants’ nationality issues.

Policy Recommendations

- Delete vague description of naturalization requirements and allow the petty crime offenders the right to naturalization.
- Allow divorced and widowed foreign spouses to enjoy the same naturalization right as other foreign spouses.
- Protect married underage children’s right to naturalization.
- Maintain foreign spouses’ original nationality when applying for naturalization.
- Naturalized people should enjoy suffrage.
- Reduce government’s review time for withdrawing a naturalized person’s nationality.