

Feminist Participatory Action Research on Labour Rights 2020-2022: “Women’s labour rights in the Special Economic Zones”

A. Background

Asia Pacific sees a surge in Special Economic Zones (SEZs) in the recent decades, partially due to the promotion from neoliberal international financial institutions such as the Asian Development Bank (ADB) and the World Bank, which have provided assistance in forms of financing, technical support and promotion of such zones.¹ The main aim of the SEZs is to liberalise the national economies and attract Foreign Direct Investment (FDI) by providing convenient access to cheap labour, infrastructure and favourable fiscal policies to investors.

Asia is the host to three quarters of all SEZs in the world, of which about 57 per cent of countries in Asia and the Pacific have national laws on SEZs in place. Those national laws on SEZs commonly stipulate trade, investment promotion and facilitation, establishment of investment, providing convenient access to land, incentivising taxation schemes, as well as labour and environmental regulations.²

Even ADB and the World Bank acknowledged that SEZs have a “mixed record of success” in terms of creating jobs, technology transfer and export earnings. Yet, SEZs continue to expand rapidly in recent decades throughout many countries in the region to further export oriented economic ‘growth’ of developing countries. UNCTAD reports that as of 2019, there are at least 5,383 SEZs in 147 economies in the world, of which 4,046 SEZs are in Asia, where additional 371 SEZs are on the pipeline.

SEZs come in various forms such as free trade zones, export processing zones (EPZ), free ports, and industrial parks or industrial estates. The highest numbers of SEZs in the region are found in China, the Philippines, India, and Thailand respectively.³ Southeast Asian countries share most industries of light and heavy manufacturing such as engines and vehicle parts, textiles and garments, agro-processing, and tourism, with Japan and China being major investors in the region.⁴

In Southeast Asia, Philippines has 528 SEZs which specialise on manufacturing, information technology (IT), agroindustry, tourism or health services⁵. Thailand has 74 SEZs mostly established near the borders of Lao PDR and Cambodia to promote cross-border trade and investment⁶. Meanwhile, Indonesia experiments 15 SEZs⁷ that focus on natural resource processing, including agricultural and extractive industries, and tourism.

¹ World Bank Group. *Special Economic Zones: An Operational Review of Their Impacts*.
<https://openknowledge.worldbank.org/bitstream/handle/10986/29054/P154708-12-07-2017-1512640006382.pdf?sequence=1&isAllowed=y>

² UNCTAD. *World Investment Report 2019 - Special Economic Zones*.
https://unctad.org/en/PublicationsLibrary/wir2019_en.pdf

³ *ibid*

⁴ Open Development Mekong. *Special Economic Zones in Context*.
<https://opendevelopmentmekong.net/topics/special-economic-zones-in-context/#ref-14486739-18>

⁵ UNCTAD. *World Investment Report 2019 - Special Economic Zones*.
https://unctad.org/en/PublicationsLibrary/wir2019_en.pdf

⁶ *ibid*

⁷ BP Lawyers. *List Of Special Economic Zones In Indonesia*.
<https://bplawyers.co.id/en/2020/03/30/list-of-special-economic-zones-in-indonesia/>

In South Asia, India sees 231 SEZs of which the majority specialise in ICT-related manufacturing and services. Bangladesh has nine EPZs which are only specialised in apparel and textiles,⁸ while Sri Lanka currently has 10 EPZs and two industrial parks.⁹

SEZs are also found in the Pacific. In Fiji, SEZs were introduced in the 1980s as a broader strategy for trade liberalisation. Manifesting as forms of Tax Free Factories (TFFs) and Tax Free Zones (TFZs), over a half of the TFF investment occurred in the garment industry, where women were the majority of the workers. Despite constituting a small percentage of SEZs around the world, the Pacific saw similar patterns of labour rights violations, including low wages, challenges in union organising, and inadequate maternity leave.¹⁰

According to the World Bank, female workers comprise more than 60 percent of zone workforces worldwide. This share is highest in EPZs focused on light manufacturing (e.g. garments, footwear and electronics).¹¹ In countries such as Bangladesh, the concentration of women workers in the zone was close to 90 percent.¹² It was noted that the feminisation of EPZ workforce is due to three factors: women's cheap labour; rising international competition; and gendered norms that associate women workers with low-skill, low-paying, and flexible work.¹³

Promoters of the SEZs argue that such zones would create more jobs, increase trade balance and investment, as well as making the country more competitive to the global markets. However, with the special sets of policies such as fiscal incentives, for example a partial or complete exemption from paying corporate taxes, or special labour regulations, SEZs are skewed to benefit corporations and private sectors while creating rampant human rights violations for the workers and communities.

For instance, freedom of association and collective bargaining are prohibited by law in EPZs in Pakistan and Indonesia. In Indonesia, trade unions have to deal with fear as the biggest obstacle. Unionists in EPZs, especially women, are very frequently dismissed and experience intimidation from the strict security measures. As EPZs are considered as "vital national objects" where the rights to strike are restricted, the authority can order police and military assistance to disperse the strikes. In the Philippines, there is an alleged unofficial policy of 'no unions, no strike' by the Export Processing Zone Authority. In Sri Lanka, although workers in EPZs are now legally allowed to join trade unions, attempts to associate and bargain collectively continue to be frustrated in practice.¹⁴

⁸ UNCTAD. *World Investment Report 2019 - Special Economic Zones*.
https://unctad.org/en/PublicationsLibrary/wir2019_en.pdf

⁹ Oxford Business Group. *Sri Lanka expands special economic zones to attract international investment*.
<https://oxfordbusinessgroup.com/analysis/expansion-economic-zones-attract-international-investment-park-life>

¹⁰ APWLD. *Fiji Tax Free Zone, Women Workers in Fiji's Tax Free Zone A Rights Approach*.
http://apwld.org/wp-content/uploads/2013/09/Fiji_Tax_Free_Zone.pdf

¹¹ FIAS (2008), "Special Economic Zones. Performance, Lessons Learned, and Implications for Zone Development", The World Bank.

¹² UNCTAD. *World Investment Report 2019 - Special Economic Zones*.
https://unctad.org/en/PublicationsLibrary/wir2019_en.pdf

¹³ International Labour Organization. *Promoting decent work and protecting fundamental principles and rights at work in export processing zones: Report for discussion at the Meeting of Experts to Promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones*. (Geneva, 21-23 November 2017)

¹⁴ Richardson, B., Harrison, J., & Campling, L. (2017). *Labour rights in Export Processing Zones with a focus on GSP+ beneficiary countries*.

In 2017, the ILO concluded that “problems persist [in zones] in the protection of fundamental principles and rights at work, in particular freedom of association and collective bargaining, and gender equality” and that “other violations of workers’ rights are also common, especially concerning hours of work and safety and health.”¹⁵ Reports by human rights organisations also report widespread instances of unpaid overtime, poverty wages, unremunerated work at night, precarious employment, gender pay gap, sex discrimination and lack of social security.¹⁶

ILO also noted that sexual harassment, are “common across regions, and have remained unchanged over the years”. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has noted the prevalence of sexual harassment of women in EPZs in Fiji and a number of countries in Latin America.¹⁷ Research also documents that the violence against women, sexual harassment and even rape of women workers in EPZs goes unaddressed due to cultural norms which look down on young women travelling far from home. Other forms of gender discrimination in the EPZs includes discrimination against pregnant women workers, a lack of childcare and maternity leave, and greater discrimination in access to social protection.

Overall, SEZs contribute to the inequalities of wealth between countries, between rich and poor and between men and women and gender injustice through reinforcing the neoliberal economic rules and policies. The nature of employment in the zone which is vastly low-waged, precarious and flexible made labour organising challenging thus weakening the collective labour power.

Compliance on labour rights could also be weakened through international investment treaties, which safeguards the investors’ profit over public interests and human rights, including labour rights.¹⁸ There have been at least 20 arbitrations to challenge diverse aspects of SEZs regimes, of which several cases stem from state’s withdrawal or amendment of tax incentives, while some relates to withdrawal of SEZ concessions.¹⁹ Strengthening labour rights could also similarly affect investors’ rights or returns and trigger claims.

Despite myriads of challenges in fighting for human rights, activists and labour movements find ways to contest the rules of SEZs. For example, in Bangladesh, wage strikes in late 2016 which resulted in a week-long shutdown of nearly 60 factories in one industrial zone, made the EU consider suspending trade benefits under legislation governing its Generalised System of Preferences.²⁰ In Thailand, activists have filed complaints to the Thai National Human Rights Commission to examine alleged human rights violations associated with Thai investments of SEZs in Mekong countries.²¹ In Myanmar, organised workers’ actions successfully reinstated the union leaders who were terminated after leading a successful strike gaining 70 million MMK (51,570 USD in 2017) from the factory to pay their delayed overtime wages of 570 workers. Women workers, through FPAR, continued their organising to demand decent work and

¹⁵ Conclusions adopted by the Tripartite Meeting of Experts to promote Decent Work and Protection of Fundamental Principles and Rights at Work for Workers in Export Processing Zones (EPZs) (Geneva, 21-23 November 2017) https://www.ilo.org/empent/Eventsandmeetings/WCMS_605081/lang--en/index.htm

¹⁶ Asian Institute of Technology and Mekong Migration Network. *Jobs in SEZs: Migrant garment factory workers in the Mekong region*. <http://www.mekongmigration.org/wp-content/uploads/2019/09/Jobs-in-SEZs-23-Sep-2019.pdf>

¹⁷ UN Committee on the Elimination of Discrimination against Women: *Report of the Committee on the Elimination of Discrimination against Women (A/57/38 (Supp.))*, General Assembly, Official Records, fifty-seventh session.

¹⁸ Cotula and Mouan. *Briefing: Special economic zones: engines of development or sites of exploitation?* <https://pubs.iied.org/pdfs/17481IIED.pdf>

¹⁹ Marisi, F (4 April 2018) *Five key takeaways from the Asia FDI Forum IV*. www.linkedin.com/pulse/five-key-takeaways-from-asia-fdi-forum-iv-flavia-marisi/

²⁰ Ibid.

²¹ Suk. *Reckoning with Human Rights Violations in Thailand’s Extraterritorial Investments*. <https://thediplomat.com/2018/07/reckoning-with-human-rights-violations-in-thailands-extraterritorial-investments/>

living wage, health and social protection, which led to a formal response by the H&M committing labour rights and workers justice throughout their supply chains.²²

B. FPAR as our response to challenges to workers' exploitation in SEZs

The COVID-19 pandemic crisis has worsened the pre-existing inequalities with women workers being hit hardest. The triple (health-social-economic) dimensions crisis have made women workers in supply-chain-based manufacturing sectors as well as tourism sector to encounter precarity and devastating working conditions; while the absence of a strong, universal social protection system jeopardising their right to life and dignity. For instance, in the garment and textile sector, order cancellations and suspensions have created the domino effect on delayed wages or termination of employment of women workers in Asia and the Pacific region. In tourism industry, women are more likely to be self-employed and earn lower income, leaving them more vulnerable to the shock of losing their job without any chance to diversify their income, especially with the regions that have tourism as their main source of income/livelihood²³. Some have been relying on bank loans as a coping strategy because the wage is too low, which will soon to deepen private/household debt crisis. There are also reports of workers, including health and care workers as well as SEZs workers, being required to work with extended working hours and insufficient Personal Protective Equipment (PPEs). Some have been employed to be shift workers with 50 percent wage cuts. Conversely, this situation aggravates workers' dependence on their employers, increasing their potential vulnerability²⁴.

APWLD conducted research on the situation of women workers in SEZs of Fiji²⁵ and Korea²⁶ in 2007-2008. However, there are very few documentations on the situation of human rights of workers in SEZs in Asia and the Pacific; and therefore an urgent need to increase the evidence and documentation on the impacts of SEZs on women's labour rights. The Labour FPAR 2020-2022 aims to strengthen the organising power of women workers and their unions to demand their labour rights and to further a system change for economic justice. The FPAR journey will provide an opportunity to deeply investigate the situation of women workers in SEZs reflecting emerging challenges in the context of COVID-19 at local, national and regional levels.

C. Focus areas of the FPAR

The focus of the Labour FPAR in 2020-2022 would fall into at least one of the three issues: a) **right to organise and freedom of association in SEZs**; b) **issues relating to Decent Work and Living Wage in the SEZs**; and c) **sexual and gender-based violence in the SEZs**. **All of our collaborative work will incorporate the impact of Covid-19 pandemic crisis in the situation of women workers in the SEZs.**

²² APWLD. *Changing Development from the Inside-Out Feminist Participatory Action Research (FPAR) for Development Justice in Asia and the Pacific*.

<http://apwld.org/wp-content/uploads/2018/10/2017-BOOM-RIW-FPAR-Regional-Report.pdf>

²³ UNCTAD. *COVID-19 and Tourism Assessing the Economic Consequences*.

https://unctad.org/en/PublicationsLibrary/ditcinf2020d3_en.pdf

²⁴ Care International and IRC. *Global Rapid Gender Analysis for COVID-19*.

https://www.care-international.org/files/files/Global_RGA_COVID_RDM_3_31_20_FINAL.pdf

²⁵ See *Fiji Tax Free Zone, Women Workers in Fiji's Tax Free Zone A Rights Approach*.

²⁶ *Seoul Women's Trade Union and APWLD's Task Force on Labour and Migration's internal publication*

D. Overall objective

To advance women's labour and human rights in Asia and the Pacific by increasing their capacity to author evidence-based community research and be vocal and effective policy advocates for labour rights, human rights and development justice.

E. Specific objectives

- Develop the capacity of women workers and their organisations in six to eight labour unions and workers' organisations to research and document evidence for use in engaging decision-making processes on labour rights in SEZs at local, national, regional and international levels;
- Foster knowledge and resources on violation of women's labour rights in the SEZs;
- Establish strategic advocacy plans and opportunities to share evidence-based results and support women's own positions and solutions for policy change around SEZs at national, regional and international levels; and
- Strengthen institutional development of partner organisations through leadership development and movement building.

F. Participants

- 6-8 women's organisations and labour unions/workers organisations with experience in advocating on the issues discussed in the selected focus area.
- Two participants from each organisation will form a team to conduct FPAR and evidence-based advocacy using the skills they learned from APWLD-organised trainings;
- The team shall consist of one (1) young woman researcher (below 35) and one (1) mentor from the same organisation - **one of them must come from the workplace/union/area involved in the research.**
- Participating organisations should have experience in organisational work and advocacy for women's human rights and commitment to women's movement.

G. Management

APWLD will provide the partner organisations with a small sub-grant to employ a young woman researcher and carry out the research including salary and on-costs with the approximate amount of **US\$ 13,000**. Sub-grant partners will need to appoint a mentor to assist the young woman researcher throughout the FPAR process.

APWLD will also support the young women researchers and their mentors to participate in capacity building workshops and provide advocacy or network opportunities. They will access training in International Human and Labour Rights standards and rights-based approach in their area of research. Through a combination of face-to-face and online modules, they will share the frameworks within their communities, learn practical research skills, and develop a community-based research plan.

H. Programme Activities

1st Regional Feminist Participatory Action Research Training on Labour Rights: Methodology and Approach

Through the 1st regional training, participants will gain skills and knowledge on the framework of labour rights, feminist development justice and feminist participatory action research. The training particularly encourages young women researchers to build their leadership and foster a generation of women rights advocates. The training will use simple, clear and participatory methodologies, to ensure that participants are comfortable in new concepts and issues.

Expected Outputs

- Participants understand about the objective, approach, and timeframe of Labour Rights Feminist Participatory Action Research 2020-2022;
- Participating organisations have a more detailed research plans for research in their respective communities
- Training participants gain skills and capacity on the key concepts on framework feminist participatory approach, human rights-based approach, international human rights/labour rights framework, labour rights issues around SEZs, Decent Work principles and Development Justice;
- Training participants gain skills and capacity on the tools of Theory of Change, Power Mapping and Critical Pathway to be used together with the community to plan the research and the impact objectives.

Pre-Research Consultation to the constituency

After the 1st regional training workshop, appointed young women researchers will go to their constituency for consultation. All FPAR projects should start with consultation at their workplace/community before the research has been designed and commences. There may need to be a series of consultations with various stakeholders. FPAR almost always includes consultations with women in women-only space to ensure that discussions of gendered power relations and of issues that may not be easy to speak about in front of men are explored.

The objectives of pre-research community consultations should include:

- Gaining the support, collaboration and ownership of the community / stakeholders;
- Forming a research team with researchers from the constituency;
- Identifying the problem to be the focus of the project;
- Designing methods for the research, questions and objectives;
- Developing advocacy plans for long term change (on-going throughout research process).

Based on the consultations, the young women researchers are expected to prepare the draft Research Design and submit to APWLD.

2nd Regional Training on Feminist Participatory Action Research on Labour Rights: Research Design and Analysis

Young women researchers will present the Research Design and advocacy plan formulated together with the workers at their workplace, and will gain inputs from facilitators and other participants. This training will provide skill building and capacity on the framework and methodology on Feminist Participatory Action Research, data analysis and reporting. The training will also build the skill on participatory monitoring and evaluation with the community.

Expected Outputs

- Participants gain their capacity on feminism and feminist framework – as a core concept to practice and analyse the research in their respective workplace;
- Participants gain skills and capacity on the framework and methodology on feminist participatory action research – including research designs, methods and feminist analysis;
- Participants are able to self-reflect and refine their evidence-based advocacy plans and strategy, in particular to work with their workplace to advocate for labour rights, Decent Work and Development Justice.

3rd Regional Training on Feminist Participatory Action Research on Labour Rights: Reflections and Ways Forward for Advocacy

The 3rd regional training will be a mutual learning process where participants' can share their understanding and experiences on qualitative data analysing, identifying the gaps and challenges, and further improving their research report. The training will reflect the impact of the research, starting from the personal, organisational, and community level. The reflection will discuss the success stories, best practices, the lesson learnt, the threat and challenges and ways to address these challenges.

Furthermore, the 3rd training will an important venue to discuss the ways forward, including advocacy and campaign strategy, be it in local, national, regional and international level; and also identifying ways to work together sustainably – cross issues, cross countries – to strengthen feminist and labour movement building in the region.

Expected Outputs

- Participants gain their capacity and skill on data analysis, particularly qualitative data analysis and able to share their experience on analysing the data, identifying the challenges and ways to address the challenges;
- Participants are able to identify the gaps in their research report and gain concrete recommendations for the improvement of their research;
- Participants are able to refine their evidence-based advocacy plans and strategy, in particular to work with the workers to advocate their labour rights in the local and national level; and also have a concrete plan with APWLD for advocacy in the regional and international level.

Research and Reporting

The country team will conduct research on their specific focus. General time frame will be from December 2020 to December 2021. Based on the data and information collected, the team will make an interim narrative report and submit it to APWLD for review by August 2021.

The final country report will need to be submitted by January 2022. The country report can be written in any language but English version is expected to be sent to the APWLD secretariat. Guidelines for the final country research report will be discussed at the training.

The final programme narrative and financial report along with financial receipts will need to be submitted in January 2022.

I. Timeline and Process

Feminist Participatory Action Research on Labour Rights 2020-2022: Women's labour rights in the Special Economic Zones

2020	
Call for applications	August-September 2020
Selection process	October-November 2020
Announcement of selected partners. Confirmation with the selected partners and appointment of young women researchers	November-December 2020
Agreements with selected partners, first payment	Dec 2020 - January 2021
1st Regional Labour FPAR Training	Dec 2020
2021	
Pre-research community consultation	Jan-Mar 2021
Submission of draft research design	March 2021
2 nd Regional Labour FPAR Training	April 2021
Final research Designs	May 2021
2nd payment	June May 2021
Submission Interim financial reports	June 2021
Submission of Interim narrative Reports	August 2021
Conducting FPAR in communities	May - October 2021
Submission of 1 st Draft FPAR Story	October 2021

3rd Regional Labour FPAR Training	November 2021
2022	
Community Validation and Finalisation of FPAR Story	November 2021 - January 2022
Submission of Final FPAR Story and financial report	January 2022
Finalisation of the Final FPAR Story and financial report	February 2022
Final payment	February - March 2022
Advocacy phase 2022	
Submission of Advocacy plans proposal and budget	March 2022
Agreement on Advocacy Phase	March 2022
Advocacy Phase (6 months)	April - September 2022
Submission of Advocacy narrative and financial reports	October 2022
Reflection Meeting	Nov/Dec 2022