



PROGRESS REPORT
*On Women's Rights
and Gender Equality*



Asean Commission on the Promotion
and Protection of the Rights
of Women and Children



Progress Report On Women's Rights and Gender Equality



The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The Member States are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The ASEAN Secretariat is based in Jakarta, Indonesia.

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ASEAN: A Community of Opportunities

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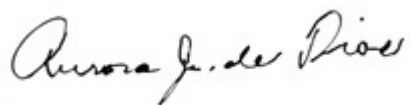
The ACWC was established to strengthen the promotion of women and children's rights in the ASEAN region through more effective implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child. To fulfill this objective, it was necessary to establish a baseline data profile of the ten ASEAN countries using the framework of the Convention on the Elimination of All Forms of Discrimination Against Women, the Millennium Development Goals and the Beijing Platform for Action, which together, form a strong bases to assess women's progress on women's rights and gender equality. This report is a product of long and tedious work by all Representatives on Women's Rights. It underwent several revisions and consultations with women NGOs at the national level.

We would not have completed this report without the substantial and substantive support of EU-READI which funded the project from start to finish. We especially appreciate the valuable inputs and guidance of Yuyun Wahyuningrum, Team Leader Regional EU-ASEAN Dialogue Instrument Human Rights Facility (HRF), whose presence throughout the different phases of the project significantly facilitated the consultation process. The UN Women provided start up funding for the first conceptualization and consultative meetings of Progress Report on Women's Rights and Gender Equality, as well as, the Institutional Strengthening Project and enabled us to invite representatives of regional women's organizations in Manila. Our two consultants, Luz Rodriguez and Lucy Lazo patiently worked on several revisions incorporating useful suggestions and comments from ACWC members. Country researchers /writers from the ten countries provided interesting case studies on how women in ASEAN have made a difference in their countries' economic and social development.

All the ACWC representatives gave their full support for this project by way of their constructive inputs, comments and suggestions. Each of the previous and current ACWC Representatives on women's rights provided their country profiles and went through several revisions of the reports. I am truly grateful to ACWC's past and present Chairpersons, namely: Madame Kanda Vajrabhaya, Datin Paduka Hajah Intan bte Haji Mohd, and Lily Purba, who were fully supportive of the project. ASEAN Secretariat led by Madame Alice Bala, former ASEAN Deputy Secretary General; Rhodora Babaran, Director for Human Development at the ASEAN Socio-Cultural Community Department; Mega Irena, Assistant Director/Head of Social Welfare, Women, Labour and Migrant Workers Division, ASEAN Secretariat, who ably managed and facilitated the numerous meetings and communications between the Project Coordinator, our consultants

and ACWC members towards the completion of the project. Finally, we thank the many NGOs that gave suggestions to their ACWC representatives, which enriched the Report.

Yours truly,

A handwritten signature in black ink that reads "Aurora J. de Dios". The signature is written in a cursive style with a large initial 'A'.

Prof. Aurora Javate de Dios
ACWC Representatives, Philippines
Lead Coordinator, Progress Report on Women's Rights and Gender Equality

MESSAGE



I commend the dedication and tremendous amount of work that the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has put into the development of the Progress Report on Gender Equality and Women Empowerment in ASEAN. The report is indeed timely and significant given the global and regional developments that have focused the attention on issues of women and girls. Specifically, the adoption of the Sustainable Development Goals has highlighted the global consensus on advancing gender equality, with clearer targets on ending all forms of discrimination, violence and harmful practices against women and girls, recognising and valuing unpaid care and domestic work, and ensuring women's full and effective participation and equality opportunity for leadership, among others.

In ASEAN, almost half of the 625 million people living in the region are women. Women thrive as entrepreneurs of micro- and small-scale industries, which is the backbone of ASEAN's economy. They occupy leadership positions both in the public and private spheres. Girls in ASEAN are at par with boys in terms of access to education, with most young women attending universities. And yet, challenges still abound in advancing the rights and welfare of women and girls. They are constantly threatened with violence and discrimination, especially in light of our borderless society and the fast-pace of technological advances. The poorest among women have limited or no access to basic health and welfare care, much more the required assets and capital to empower them economically.

Building upon the accomplishments and recognising the gaps, this report contributes to the ongoing work of ASEAN to promote and protect the rights of women and girls. Inspired by ASEAN Community Vision 2025, the region moves to greater heights in advancing gender equality and women empowerment. In particular, the ASEAN Socio-Cultural Community (ASCC) Blueprint 2025, which charts the ten-year strategic direction that the ASCC will take towards realising an inclusive, sustainable, resilient and dynamic ASEAN Community that engages and benefits the people, has categorically identified a specific strategic measure indicating that ASEAN will work towards achieving gender equality and the empowerment of all women in girls. Also, ASEAN has taken concrete action by developing the Regional Plan of Action to Eliminate Violence Against Women, following the adoption by the ASEAN Leaders of the Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN. These regional instruments are translated into concrete actions in the five-year work plans of ACWC and the ASEAN Committee on Women (ACW). And as ASEAN moves toward a more comprehensive and integrated approach in addressing the multi-faceted issues

faced by women and girls, mainstreaming gender issues in ASEAN's work is fast becoming an imperative.

It is my hope that this report would be useful to policy-makers, civil society organisations, and the partners of ASEAN, to fully understand the great strides that the governments and peoples of ASEAN have achieved, and the commitment to do more in the coming years. More importantly, this report is for the women and girls of ASEAN, who constantly serve as an inspiration for all of us.

A handwritten signature in black ink, appearing to read 'L. Minh', enclosed in a thin black rectangular border.

Le Luong Minh
Secretary-General of ASEAN

MESSAGE

I would like to convey my sincere appreciation and congratulations to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) for the publication of this Progress Report on ASEAN Women's Rights and Gender Equality.



This publication is a significant contribution for increasing social awareness of gender equality and women empowerment in ASEAN. It provides a thorough analysis and overview of where the ASEAN region stands and the lessons to be drawn for responsive strategies to better achieving gender equality and empowerment of women and girls. The study also reviews how the ASEAN Members States have fulfilled the Millennium Development goals (SDGs) in relation to gender equality and women empowerment, making it relevant toward the planning and implementation of the 2030 Sustainable Development Agenda and the Sustainable Development Goals in the region.

The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to our Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. Therefore, The EU remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences.

We are strongly committed to gender equality, human rights, the empowerment of women and girls and the eradication of gender-based violence.

In this 40th anniversary of our bilateral relationship, the EU is resolved to work with ACWC and the ASEAN Member States to promote gender equality, women's empowerment and the advancement of women's rights in the region.

We hope that this publication can serve as a starting tool to move forward for any efforts to foster gender equality and women's empowerment in ASEAN.

A handwritten signature in blue ink, appearing to read 'Francisco Fontan'. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Francisco Fontan
EU Ambassador to ASEAN

MESSAGE



On behalf of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), I am deeply honored to welcome the publication of the Progress Report on ASEAN Women's Rights and Gender Equality. It is our hope that this Progress Report will be useful to policymakers, women's and civil society organizations, and all our ACWC partners in promoting gender equality and equitable development in the ASEAN region.

Gender equality and empowerment are recognized by the United Nations Sustainable Development Goals as fundamental to our shared development. We are encouraged by the serious commitment of ASEAN member states to confront the status quo of women and girls in their societies, and are confident that this internal review provides critical baseline data for refining and strengthening ASEAN intervention as we seek to advance the rights of women and girls in the region.

This study draws from ACWC's sustained research on the state of women and girls' access to a diverse range of indices: education, basic health care, and services; decision-making in legislative and executive levels of governance; and economic resources and benefits. These and other aspects show there is still a significant gender gap in the ASEAN region. Reviewed here are existing mechanisms and enabling factors which will prove critical to finding best practices for accelerating equality and empowerment in these different areas. This report also suggests pathways for gender mainstreaming in other ASEAN pillars as cross-cutting issues. To achieve sustainable development within the unique context of our region, we need an ASEAN that is truly gender-responsive and people-centered, guided by a vision where women and girls are not only free from gender-based violence and discrimination, but are recognized as equal and valuable members of society.

Together with other sectoral bodies, ACWC has developed the Regional Plan of Action on Eliminating Violence Against Women (RPA on EVAW), and the Regional Plan of Action on Eliminating Violence Against Children (RPA on EVAC). We are committed to identifying strategic solutions that put a decisive end all forms of violence against women and children. Significantly, this target has been reflected in the 2016-2020 Work Plan and the 2030 Agenda for Sustainable Development. In the next five years, some of the key thematic areas that ACWC will continue to work on include child protection systems (including juvenile justice and restorative justice); combating trafficking in persons (women, children and other vulnerable groups); women peace and security; access of women to economic resources; empowering women migrant workers; and the rights to nationality for women and children.

Moving forward, we hope to find new synergies in our initiatives. It is only through coming together, learning from one another, and building on each of our strengths that we may

progress in realizing an inclusive, sustainable, resilient, and dynamic ASEAN Community that engages and benefits all people especially women and children.



Lily Purba

Chairperson, ASEAN Commission on the Promotion
and Protection of Women and Children's Rights

TABLE OF CONTENTS

Acknowledgement

Foreword

Messages

Acronyms

EXECUTIVE SUMMARY

CHAPTER 1: Introduction	1
Background	1
The Framework of the Report	5
Methodology and Limitations	8
CHAPTER 2: Overview of ASEAN	12
ASEAN Vision	12
ASEAN in the Global Context	14
Political Context	15
Economic Context	16
Socio-Cultural Context	17
CHAPTER 3: Country Narrative Reports	
Brunei Darussalam	23
Cambodia	41
Indonesia	59
Lao People's Democratic Republic	81
Malaysia	105
Myanmar	125
Philippines	145
Singapore	169
Thailand	187
Vietnam	209

CHAPTER 4: Claiming Women’s Rights: Political, Economic and	
Socio-Cultural Rights	236
Progress on Women’s Social Rights	237
Progress on Women’s Political Rights	251
Progress in Women’s Economic Rights	261
Conclusion	268
CHAPTER 5: Challenges and Ways Forward	277
Issues Pertaining to Women as Rights Holders	277
Issues Pertaining to Duty Bearers and the Policy Environment	280
Ways Forward	287
Conclusion	397

LIST OF TABLES

CHAPTER 1: Introduction

- Table 1. Status of CEDAW Ratification and Reports of ASEAN Member States
- Table 2. Selected CEDAW Provisions Covered in the Report
- Table 3. Suggested Core Regional Indicators

CHAPTER 3: Country Report

Brunei Darussalam

- Table 1. Gender Development Index, Brunei Darussalam, 2014
- Table 2. GDI Performance Indicator in Education
- Table 3. Labour Force Participation Rate by Sex, 2006-2013 (in percent)

Cambodia

- Table 1. International Human Rights Treaties Ratified by Cambodia
- Table 2. Cambodia's GDI Value and its components
- Table 3. Households headed by women (in percent)
- Table 4. Persons who are currently attending school by education level and sex, 2004, 2009 and 2014 (in percent)
- Table 5. Proportion of Women in Decision-Making in Politics and Public Sector
- Table 6. Labor Force Participation Aged 15-64 years by Sex (in percent)
- Table 7. Proportion of women in wage employment in different sectors
- Table 8. Employment status, main occupation aged (15-64 years) by geographical domain and sex, 2014 (in percent)

Indonesia

- Table 1. UN Human Rights Treaty Obligations of Indonesia
- Table 2. Gender Development Index, Indonesia, 2014
- Table 3. Violence Against Women (number of victims): 2001-2011
- Table 4. Median Age at First Marriage by Background Characteristics, 2012
- Table 5. Key labor market indicators
- Table 6. Labour Market Breakdown, Indonesia
- Table 7. Registration of Land Title by Marital Status and Type of Land (Java), 2002

Lao People's Democratic Republic

- Table 1. UN Treaty Obligations of the Lao PDR
- Table 2. Women in Decision-Making, Lao PDR
- Table 3. Women in Political Leadership Positions at Central Party

Malaysia

- Table 1. Annual Government Budget for the MWFC and NGOs
- Table 2. Sex-specific infant mortality rate
- Table 3. Sex-specific under-five mortality rate

- Table 4. Enrollment in Special Education Schools
 Table 5. Statistics on Violence Against Women in Malaysia (2000-2012)
 Table 6. Percentage of Women in National Parliament
 Table 7. Women Candidates elected at parliamentary and state assembly levels
 Table 8. Total number of male and female civil servants in Malaysia (31 December 2015)

Myanmar

- Table 1. UN Human Rights Treaty Obligations of Myanmar
 Table 2. Gender Inequality Index of Myanmar
 Table 3. Various Types of Violence of the Complaints received by Myanmar Women's Affairs Federation (2008-2013)

Philippines

- Table 1. Gender Development Index Sub-Indicators, Philippines (in %)
 Table 2. Gender Inequality Index, Philippines (in %)
 Table 3. State of the World's Mothers, The Philippines
 Table 4. Elementary education school-leaver (drop-out) rate per grade level (%), SY 2012-2013, (public and private)

Singapore

- Table 1. Status of Singapore's International Human Rights Commitments
 Table 2. Singapore's GDI Value and its Components
 Table 3. Civil Service Staff as of December 2014

Thailand

- Table 1. List of Human Rights Treaties Ratified by Thailand
 Table 2. Thailand Gender Inequality Index for 2014

Viet Nam

- Table 1. UN Treaty Obligations of Viet Nam
 Table 2. Gender Inequality Index, Viet Nam.
 Table 3. Literacy rates for population aged 15 and older (in %)
 Table 4. Deputies in People's Councils by Terms: % of female
 Table 5. Employment to population ratio (%) by Sex, GSO 2008-2014
 Table 6. Proportion of self-employed and contributing family workers in total employment (%), by Sex
 Table 7. Share of women in wage employment in non-agricultural sector (%)

CHAPTER 4: Introduction

- Table 1. Suggested Core Regional Indicators of Women's Social Rights

LIST OF FIGURES

CHAPTER 1: Introduction

Figure 1. Framework of the Research

CHAPTER 3: Country Report

Brunei Darussalam

No figure

Cambodia

Indonesia

Figure 1. Gender Distribution of Indonesian Migrant Workers, 1994-2008

Figure 2. Women in Civil Service by Echelon (2009)

Lao People's Democratic Republic

Malaysia

Figure 1. Enrolment of primary and secondary students in Malaysia

Figure 2. Enrolment by gender in institutions and higher education (2010-2014) (in thousands)

Figure 3. Male-female labor force participation in Malaysia, 1957-2015 (%)

Myanmar

Figure 1. Countdown 2015. Maternal, Newborn and Child Survival. Myanmar

Philippines

Singapore

Thailand

Viet Nam

Figure 1. Ratio of girls to boys in primary, secondary, and tertiary education 2000-2013 (in %)

Figure 2. Percentage of female teachers at different school levels (in %)

CHAPTER 4: Introduction

Figure 1. Labor Force Participation Rate: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Viet Nam

ACRONYMS

ACCCRN	The Asian Cities Climate Change Resilience Network
ACWC	ASEAN Commission on Women and Children
ACTIP	ASEAN Convention Against Trafficking in Persons
ACW	ASEAN Committee on Women
ADB	Asian Development Bank
AEC	ASEAN Economic Community
AICHR	ASEAN Interagency Commission on Human Rights
AMS	ASEAN member state
ARMM	Autonomous Region of Muslim Mindanao
ASCC	ASEAN Socio-Cultural Community
ASCPA	ASEAN Security Community Plan of Action
ASEAN	Association of South East Asian Nations
APSC	ASEAN Political Security Community
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CAW	Committee for the Advancement of Women (Viet Nam)
CLMV	Cambodia, Lao PDR, Myanmar, Viet Nam
CMW	Convention on Migrant Workers
CNCW	Cambodian National Council on Women
CRC	Convention on the Rights of the Child
CPWP	Committee to Promote Women in Politics
CSES	Cambodia Socio-Economic Survey
CSOs	Civil Society Organizations
DOVIPNET	Domestic Violence Prevention Network
EDI	Education for All (EFA) Development Index
EVAC	Elimination of violence against children
EVAW	Elimination of violence against women
FGM	Female genital mutilation
GAD	Gender and development
GBV	Gender-based violence
GDP	Gross domestic product
GGI	Global Gender Index
GENCOMNET	Gender and Community Development Network (Viet Nam)
GDI	Gender Development Index
GNI	Gross national income
GII	Gender inequality index
GMAG	Gender Mainstreaming Action Group
HDI	Human Development Index
HDR	Human Development Report
HIV/AIDS	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
HRC	Human Rights Council
IAC-VAWC	Interagency Council on Violence against Women and their Children
IESCR	International Economic, Social and Cultural Rights
ILO	International Labour Organization
IPU	Inter Parliamentary Union

LBT	Lesbian-bisexual - transsexual
LFPR	Labour force participation rate
LNCAW	Lao National Commission for the Advancement of Women
MCW	Magna Carta of Women
MDG	Millennium Development Goals
MMR	Maternal mortality rate
MNCWA	Myanmar National Committee for Women's Affairs
MOLISA	Ministry of Labour, Invalids and Social Affairs (MOLISA)
MoWA	Ministry of Women's Affairs
MoWECP	Ministry of Women Empowerment and Child Protection (Indonesia)
MWFCD	Ministry of Women, Family and Community Development (Malaysia)
MWAF	Myanmar Women's Affairs Federation
NAPWPS	National Action Plan on Women, Peace and Security
NCHADS	National Center for HIV/AIDS Dermatology & STD
NPA	Non-profit associations
NGOs	Non-government organizations
NSEDP	National Socio-Economic Development Plan (Cambodia)
OP-CEDAW	Optional Protocol to CEDAW
OECD	Overseas Economic Corporation and Development
OVOP	One Village, One Product
OSPD	Outline of Strategy and Policy for Development (Brunei Darussalam)
PCW	Philippine Commission on Women
PMTCT	Prevention of mother to child transmission
SDGs	Sustainable Development Goals
SIGI	Social Institutions and Gender Index
SOGIE	Sexual orientation, gender identity and expression
TIP	Trafficking-in-persons
TVET	Technical vocational education and training
UN	United Nations
UNCED	Convention for the Protection of All Persons from Enforced Disappearance
UN-ESCAP	UN Economic and Social Commission for Asia and the Pacific
UNESCO	UN Educational, Scientific and Cultural Organization (UNESCO)
UNDP	UN Development Program
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN-OHCHR	UN Office of the High Commission on Human Rights
UN Women	UN Entity for Gender Equality and the Empowerment of Women
UPR	Universal periodic review
RPRH	Responsible Parenthood and Reproductive Health
VAW	Violence Against Women
WEF	World Economic Forum
Women's EDGE Plan	Women's Empowerment, Development and Gender Equality Plan
WAGI	Women and Gender Institute - Miriam College (Philippines)
WEF	World Economic Forum
WHO	World Health Organization

EXECUTIVE SUMMARY

ACWC Progress Report on Women's Human Rights & Gender Equality

The Progress Report on Women's Rights and Gender Equality in the ASEAN, 2010 – 2015 is a milestone initiative of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). This Report is an expression of its commitment to implement with due diligence its obligations and commitments to the Convention on the Elimination of All Forms of Discrimination Against Women to which all ten ASEAN member countries are parties. In fulfilling its commitments, ACWC needs to review the progress of women in the ASEAN Region utilizing a human rights framework and parameters set for the by CEDAW, the Beijing Platform for Action (BPfA) and the Millennium Development Goals (MDGs). These three documents assert that without women's full enjoyment of their human rights, there can be no real and genuine development. The documents further spell out in concrete terms the desired goals and core indicators in achieving and fulfilling women's rights and gender equality. The study analyzed the policies, programs and practices of the ten AMS in advancing and implementing the political, economic and socio-cultural rights of women.

There are five (5) main chapters to the Report. Chapter 1, on Introduction, describes the background, objectives and methodology of the progress report. Chapter 2 provides the ASEAN social, cultural and political context of the realization of women's rights. Chapter 3 consist of country reports from the ten AMS framed according the progress in duty bearers' implementation and the women claim holders' benefits. Chapter 4 describes the regional trends of progress in women's human rights across the ten countries. Chapter 5 sums up the challenges and ways forward.

Recognizing that the availability of official statistical baseline data is uneven across the ten countries, the research team focused on core regional indicators that were agreed upon during the first consultation in September 2013. These were complemented with country-specific indicators that each country chose to highlight as most relevant to their respective context. The research team utilized statistics from the latest ASEAN and UN publications and web-accessible government databases. Country-specific case studies were also compiled by national researchers to provide illustrative case studies of good practices.

Common core indicators on social, political and economic contexts were identified that were relatively accessible across all ten countries. The social indicators were on: a) women's access to health services that include health and maternal mortality rate, total fertility rate, HIV/AIDS by sex, child mortality rate by sex, violence against women incidence; and b) women's

access to education that include sex-disaggregated participation, cohort survival, dropout and completion and achievement rates at elementary, secondary and tertiary levels; literacy and functional literacy rates by sex; technical and vocational graduates by sex; and percentage of women in adult and non-formal education. The political indicators included: number and percentage of men and women in national level of governance - at executive, legislative and judicial branches; number of men and women in local government positions; and type and number of decision-making bodies with representatives from the women's social movement. The economic indicators involved: labor force participation rate of men and women; employment rate for men and women; average daily pay for men and women across all economic sectors; proportion of land titles awarded by sex; percentage of women beneficiaries of financial and nonfinancial business services; percentage of women entrepreneurs and business owners.

The analysis of the documents, the statistics and case studies show progress in terms of the following areas:

A. Duty-bearers' compliance to women's human rights.

1. In the past five years, the ASEAN has made significant progress in terms of recognizing human rights as a key principle. The establishment of the ASEAN Charter, the ASEAN Intergovernmental Committee on Human Rights (AICHR) and the ACWC were steps in the right direction of promoting democracy and respect for human rights as a new objective of the ASEAN.
2. All the ten ASEAN member states (AMS) have ratified CEDAW and CRC. Four (Cambodia, Indonesia, Philippines and Thailand) have also ratified the Optional Protocol to CEDAW. Some AMS that have reservations on specific articles partially withdrew them but further actions are needed to lift all reservations.
3. There have been considerable advances in applying the Convention on the Elimination of All Forms of Discrimination Against Women in the development of gender equality laws and policies across the region. The AMS' commitment to gender equality is articulated in their national policies and legislation. Non-discrimination and equality principles are embedded in the Constitution of some AMS countries while others are in the process of incorporating such principles and clear definition of discrimination in their domestic legislation.
4. The institutional architecture for the implementation of gender equality policies varies among the AMS. Centrally-based women's machineries, such as those in Brunei and Singapore, two member states with small populations, may be more appropriate. In rest

of the 8 bigger AMS, there are mechanisms for decentralized implementation and for inter-agency coordination at the national level and sub-national levels. An interesting development is the emergence of a Gender Ombudsman in Vietnam, the Philippines and Thailand but these are still at the incipient stage hence will still require capacity building and resources to eventually demonstrate effective processes and results.

B. Progress in women's social rights and benefits

1. There has been social progress in ASEAN as manifested in the declines in poverty rate and poverty gap. The past two decades have seen significant strides in health and education outcomes such as the sharp reduction in infant mortality rate and marked increase in youth literacy rate especially in the CLMV countries. Adult schooling completion (in years) and life expectancy have also increased modestly.
2. Data show that there has been greater access to education, an increase in life expectancy and an improvement in maternal mortality rates (MMR). As a result, the Human Development Index (HDI) shows that most AMS are ranked "medium" in progress, with the exception of Singapore and Brunei Darussalam, which are at the "high" end (UNDP Human Development Report, 2015).
3. ASEAN Member States have significantly reduced health risks facing their populations, especially for children and women. Poorer countries have seen significant progress due to targeted prevention programs like vaccination. Nonetheless, many countries in the Asian region were unable to achieve the Millennium Development Goals 4 and 5 or the target of reducing child and maternal mortality by two thirds. And in spite of increased attention given to prenatal care and safe deliveries, progress on reducing health risks to pregnant women is uneven and has even been reversed in five countries (Cambodia, Indonesia, Lao PDR, Myanmar and the Philippines) where maternal mortality ratios and adolescent birth rates remain high compared with most middle-income countries globally.
4. Gender parity in education in the AMS is close to being achieved except for Cambodia, Lao and Myanmar (CLM). Gender parity in literacy rates and primary completion rates are reaching equality. But adult literacy rates and female literacy rates are comparatively low. The CLMV countries will need to raise their secondary completion rates so that students can transition into vocational, technical and university opportunities.
5. Domestic violence (DV) is one of the most common but under-reported forms of violence in the ASEAN region. Governments have highlighted progress in moving against VAW such as: the introduction of legislation; strengthened law enforcement capacity; establishment of government entities tasked to address this specific issue; and awareness-raising in communities. Most AMS have enacted dedicated national laws on VAW and/or domestic violence, while some have developed National Action Plans to support the implementation of laws and policies.

6. The ACWC has made violence against women and violence against children a priority issue in their Five Year Workplan (2010-2015). To this end, it developed a Declaration on Violence Against Women and Violence Against Children in 2014. In 2015, it collaborated with the ASEAN Committee on Women and women NGOs to produced a detailed Regional Plan of Action on VAW and VAC which now serves as the roadmap of ASEAN in the elimination VAW and VAC.

C. Progress in women's political rights

1. Generally, there is uneven progress in the political participation of women in the ASEAN Member States based on the core indicator - women seats in parliament. Some countries are coming close to the target of 30 percent women in parliament such as Singapore, Lao PDR and Viet Nam but on the whole, the AMS still fall short of the global target of 30 percent of seats in parliament to be occupied by women.
2. Not enough attention is paid for the participation of women in decision-making in the area of peace and security and there is very slow movement towards the adoption of UN Security Council 1325 and the development of National Action Plans in AMS.
3. Since the establishment of the ACWC, numerous regional and national NGOs have participated in its consultation processes. Significantly, ACWC has opened its doors and welcomed many national and regional women's groups and networks in its consultative processes to elicit suggestions in identifying key issues of concern to women and in formulating policies and guidelines to address the same.

D. Progress in women's economic rights.

1. Measuring progress on women's economic rights is limited by the fact that most government data and international development reports only capture the contribution of women in the formal economy. Collecting data on women's informal economic activities, as well as, carework remains a challenge.
2. Persistent gender gaps in poor economic participation in the AMS are due to gender differences in human capital, discrimination in institutions and traditional social norms. These three factors exist in varying degrees in the AMS and prevent women from equal access to opportunities. Women tend to spend fewer years in school than men except in Brunei, Myanmar and the Philippines where gender parity in education is higher. However, labor force participation rates by educational level show that a large percentage of the highly educated women remain unemployed.
3. Women dominate vulnerable employment in the ASEAN where there is a significantly higher proportion of employment in ASEAN. In 7 out of 10 AMS for which there are available data, the share of women employed exceeds that of men. Vulnerable

employment in ASEAN may be explained by difficulties in transitioning from informal to formal employment.

4. In search of economic opportunities, there have been in country migration from the less prosperous to the more prosperous areas. In recent times, migration for work in overseas destinations has become the regional trend. Singapore, Malaysia, Thailand have been receiving nationals from Indonesia, Philippines and the other developing states; i.e. Cambodia, Lao PDR and Myanmar in the region. Attendant to the feminization of migration are social concerns, such as human trafficking, abuse, exploitation and violence against women, which impair women's claim to their social and economic rights.

All ASEAN Member States have enacted laws and have adopted programs to protect women and children from violence, exploitation, and abuse and discrimination in the context of migration. There is considerable variation in national legal frameworks; the extent of implementation, monitoring, and data collection also vary widely.

5. At the end of 2015, the ASEAN Economic Integration ushered an era of free trade greater market access in other ASEAN countries, low tariff regimes, substantial margin of preference to exports of member countries and less expensive production inputs from member countries. The ASEAN Member States need to brace for challenges related to job gains and losses, skills development, wages and productivity, labor migration and social protection systems. Addressing these key issues will help ensure that more women and men benefit from deeper integration, and vulnerable groups are not left behind.

E. Challenges

1. Obstacles for advancing women's rights are many and diverse, ranging from discriminatory attitudes towards women in public positions to persistent gender inequities in literacy rate and education, in health care, and in economic empowerment and in women's burden of care and unpaid work. Violence against women in various forms, as well as, trafficking in women and children also remain widespread. The depth and influence of each obstacle vary within and between the AMS countries.
2. Violations of women's social rights are found in transnational phenomena like trafficking, prostitution and migration. These concerns have both economic and social underpinnings as they represent women's ways of coping with poverty. However, they require the government to provide social protection and facilitate women's access to social justice. The cross-border character of migration and trafficking requires a regional mechanism for handling complaints and cases. The recent ratification of the ASEAN Convention Against Trafficking of Persons, especially Women and Children, is an excellent initiative in this direction. The possibility of a similar regional instrument governance mechanism for migration should be pursued as it strengthens the protection

- of all migrants, especially women and children.
3. Progress has been uneven; some forms of VAW, such as marital rape and other forms of sexual violence, were sometimes not covered in current legislation. Other areas that still require further attention include data gaps on the extent and impact of VAW; limited financial and human resources to support the enforcement of laws and the delivery of support services; and the pervasiveness of discriminatory gender norms that condone VAW.
 4. There are constraints to the effective implementation of national plans for gender equality. In each country, there are eminent challenges of gender capacities and budget support. The lack of updated sex disaggregated statistics on gender equality indicators is a common concern among the AMS. Policy and practices for gender-responsive budgeting vary such 10.5 percent of the national budget in Viet Nam to 5 percent of the total government agency budget in the Philippines. Others have yet to make explicit their GAD budget policy and annual budget allocation.
 5. There is a need to develop the capacity of legal enforcement officials on substantive recognition of the rights of women and children. Also, there is a need to raise duty bearers' consciousness of women's rights and overall public awareness and involvement in preventing and eliminating violence and discrimination against women and children. To address this gap, the ACWC must assist, upon request, ASEAN Member States in the implementation of CEDAW and CRC Concluding Observations and preparation of state reports for CEDAW and CRC in partnerships with other stakeholders.
 6. In an integrating regional economy, gender equality in education goes beyond ensuring equal enrolment rates of boys and girls. Measures are needed to address issues such as violence in schools i.e. bullying and harassment of the girl child, the quality of education and ensuring women's competitiveness in the ASEAN labor market.

F. Ways Forward

1. Enhance women's human capital to make them competitive in the integrated ASEAN market and enable them to take advantage of the opportunities that regional integration will bring. The AMS must scale up the skills of its citizens, especially women in both formal and informal economies. Relative to this, social dialogues and information dissemination must be intensified to make the citizens aware of the ASEAN markets' requirements and challenges and internalize the long-term implications on their lives. A key action for ASEAN member states is to align their Technical Vocational Education and Training (TVET) education & training to the demands of the labor market in an integrated ASEAN economy and must comply with regional level standards to facilitate mobility of people. The women's movement in the AMS must exercise their activism and advocacy around this issue.
2. Focus on cross-border concerns such as migration and trafficking; and implement

and sustain the regional initiatives in eliminating violence against women and human trafficking. Enforce and implement Regional Action Plan on VAW and the Convention on Trafficking of Persons, especially Women and children. *Migrant women workers, including undocumented ones, need to have social protection and access to justice as they are often the most vulnerable.*

3. Strengthen the systematic collection and analysis of adequate and reliable data and information in order to systematically monitor progress in addressing the root causes behind the obstacles to political participation. Information on women's political participation at subnational levels of government as well as women in the judiciary and the executive branches of government needs to be tracked.
4. Continue the advocacy for women's political participation to increase/deepen understanding by key stakeholders of women's political participation and voice in the ASEAN region and identifying gaps, barriers and good practices in addressing these.
5. Women's active participation in peace and security issues needs to be encouraged and UN Security Council Resolution 1325 and the development of National Action Plans to give space to women's voices and perspectives in peace processes and peace building initiatives in the region.
6. ASEAN economic integration may have negative impacts in the lives of women and as such ASEAN must take proactive and anticipatory measures to mitigate such impacts on women. This implies the need for dedicated studies and research on the ASEAN economic processes.
7. High level Advocacy on Gender, Women's Rights and Development addressed to the other ASEAN pillars, the policy makers and national planners of the ASEAN Member States. Women's issues and concerns cut across socio-cultural, economic and political pillars. Women's rights are central issues of the ASEAN as a whole, and hence should be mainstreamed in the various pillars of the ASEAN and the governance bodies including the respective ministerial, sector and human rights bodies of the association. The human rights perspective is yet to be incorporated in the agenda setting of the ASEAN governance bodies. *Build on existing regional initiatives to foster the fulfillment of women's economic rights.*
8. *Capacity building of AMS and stakeholders to undertake collective and regional actions to protect, promote and fulfill women's economic rights.* This should be fostered by timely and relevant reports on the progress of women's rights and gender equality in all three interlinked pillars of political security, economic and socio-cultural. This is a concrete way to ensure that the caring and sharing community that ASEAN envisions itself to be, can be a reality.

CHAPTER 1: Introduction

I. BACKGROUND

The Association of Southeast Asian Nations (ASEAN) is home to more than 600 million people, half of whom are women. It is currently one of the fastest growing regions in the world, with a total gross domestic product (GDP) growth rate of 5.7 percent. Since its establishment in 1967, it has aimed at pursuing, economic growth, social development, and peace and stability in the region. Following its inception, there have been attempts to support women's rights within its member-states.

At the 10th ASEAN Summit in November 2004, the ASEAN Leaders adopted the Vientiane Action Programme 2004-2010 (VAP) which among others, called for the establishment of an *ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)* (Measure 1.1.4.7 of the VAP). This was realized when the ACWC was formally launched in 2010 as the mechanism for Member-states to enhance the protection of the rights of women and children. Many consider this intergovernmental body as an important and significant structure complementing the ASEAN Committee on Women (ACW), which is composed of national machineries on women in the region.

Prior to the ASEAN Committee on Women and Children (ACWC), various joint statements, such as the 1988 Declaration of the Advancement of Women, the 2004 Declaration against Trafficking in Persons, particularly Women and Children, and the 2004 Declaration on the Elimination of Violence against Women paved the way for regional efforts to pursue important and urgent issues confronting women. Moreover, the Joint Statement and Commitment to Implement Gender Mainstreaming in 2008 is considered as groundbreaking because for the first time, ASEAN recognized the importance of the Convention on All Forms of Discrimination Against Women (CEDAW) as a guiding international framework. Finally, CEDAW has been integrated in development planning among member-states, aided in great part by international donor agencies, non-government organizations, particularly women's groups.

All ten of its member states have ratified the Convention on All Forms of Discrimination Against Women (CEDAW). The Philippines ratified the Convention in 1981. Lao PDR, Vietnam, Indonesia, and Thailand followed. In the 1990s, Cambodia, Malaysia, Singapore and Myanmar likewise acceded to the Convention and Brunei Darussalam was the last to ratify in 2006. Some member-states have expressed reservations in certain articles of the Convention. All are at various stages of the reporting process as indicated in Table 1.

Table I. Status of CEDAW Ratification and Reports of ASEAN Member-States¹

Country	Date of Accession/ Ratification		Reservation	Reporting Status
	Main Treaty	Optional Protocol		
Brunei Darussalam	24 May 2006 (acceded)	-	Article 9 (2) and Article 29(1)	Combined 1st and 2nd report (BRN/1-2) submitted on 5/1/2013; Dialogue with committee still to be calendared.
Cambodia	17 Oct 1980 (signed); 15 Oct 1992 (acceded)	13 Oct 2010	None	Combined 4th&5th report (KHM/4-5) submitted on 1/11/2011; Latest Concluding Observation was issued on 1/25/2006.
Indonesia	29 July 1980 (signed); 13 Sept 1984 (ratified)	8 Feb 2000	Article 29, paragraph 1	Combined 6th and 7th reports (IDN/6-7) submitted on 10/14/2010. The latest Concluding Observation was issued on 8/15/2007. The 8th report will be due on 7/30/2016.
Lao PDR	17 July 1980 (signed), 14 Aug 1981 (ratified)	-	None	Combined 6th and 7th reports submitted on 5/25/2008. Concluding Observation was issued on 8/14/2009. The 8th report will be due on 9/13/2014. Follow-up report on VAW and migrant women workers due 2011, <i>drafts of which are being finalized in 2013.</i>
Malaysia	5 Jul 1995 (acceded)	-	Article 5 (a), 7 (b), article 9, paragraph 2, article 16.1 (a) and paragraph 2	Combined 1st& 2nd Reports submitted on 03/22/2004. The latest Concluding Observations were issued in June 2006.
Myanmar	22 Jul 1997 (acceded)	-	Article 29	Combined 2nd and 3rd combined reports submitted 8/21/2006. The latest Concluding Observations were issued in 2008. The combined 4th and 5th report was due in August 2014 and the Oral Report occurred in July 8, 2016.
Philippines	17 Jul 1980 (acceded); 19 July 1981	Dec 11, 2002; Jurisprudence on: Individual Complaint on VAW; Inquiry Procedure on RH	-	The Combined 5th & 6th (CEDAW/C/PHI/5-6) submitted in 2004. The latest Concluding Observations were issued in August 2006. The Combined 7th and 8th reports were due in September 2010 and submitted in January 2015. The dialogue with CEDAW occurred in July 6, 2016 in Geneva .
Singapore	5 Oct 1995 (acceded)	-	Withdrawn reservation on Article 9; and partially withdrawn reservation on Articles 2, 11 and 16.	The 4th Report was submitted in Mar 2009. The latest Concluding Observations , CEDAW/C/SGP/CO/4, was issued in Jan 2012. The 5th report was submitted in October 2015.

¹ Consolidated matrix prepared by Luz Rodriguez. Data derived from UN Women website. www.un.org/womenwatch/daw/cedaw/reports.htm

Country	Date of Accession/ Ratification		Reservation	Reporting Status
	Main Treaty	Optional Protocol		
Thailand	9 Aug 1985 (acceded)	14 June 2000	Withdrawn the reservations on Articles 7, 10, 16, Article 9, para. 2 Sustained the reservation on article 29, para.1	The latest Concluding Observations, CEDAW/C/THA/CO/5 was issued on 2/3/2006. The 6th and 7th Report due in 2010 was submitted in May 2015.
Viet Nam	29 July 1980 (signed), 17 February 1982 (ratified)	-	Article 29, paragraph 1	The Combined 7th & 8th reports, CEDAW/C/VNM/7-8, was submitted in Jan 2013. The latest Concluding Observations were issued in July 2015.

Why a Progress Report on Advancing ASEAN Women’s Rights?

Despite significant efforts on the part of ASEAN, progress in the region in terms of advancing women’s rights has been uneven. Currently, there is no consolidated and comparative baseline study. Since 2004, Vientiane Action Plan commitments to women’s rights and gender equality to assess the extent of progress that has been achieved and to identify persistent gaps that need to be urgently addressed.

In view of this, the ACWC initiated a study to assess the progress that ASEAN member-states have made in implementing its commitments, in particular the CEDAW, other ASEAN declarations on the advancement of women and gender equality. This assessment also linked the AMS situation with the fulfillment of the MDGs considering that all 10 Member States have committed to the Millennium Development Goals (MDGs). The study utilized a rights-based approach with focus on substantive equality (both de facto and de jure) and non-discrimination in the ASEAN.

This research implements the ACWC mandates: (5.9.) *To promote studies and research related to the situation and well-being of women and children with the view to fostering effective implementation of the rights of women and children in the region;* (5.10.) *To encourage ASEAN Member States to undertake periodic reviews of national legislations, regulations, policies, and practices related to the rights of women and children;* (5.11.) *To facilitate sharing of experiences and good practices, including thematic issues, between and among ASEAN Member States related to the situation and well-being of women and children and to enhance the effective implementation of CEDAW and CRC².*

Significance and Objectives of the Report

A Progress Report on Advancement of Women’s Rights and Gender Equality in ten ASEAN

² Terms of Reference of the ACWC accessed at http://www.asean.org/images/2012/Social_cultural/ACW/TOR-ACWC.pdf

member-countries has been initiated by the Philippine Representative for Women to the ACWC in collaboration with all members of the ACWC. The report is timely and relevant for many reasons as herein cited. Foremost among these reasons is the formal establishment of the ASEAN Economic Community at the end of 2015 which proposes to follow an 'inclusive' growth path.

The ASEAN Economic Community (AEC) paves the way for the creation of a single market and production base where there is free and unhampered movement of goods, investments, capital, services, and labor. This strategic program of ASEAN is critically important for women who are often marginalized in economic programs. A baseline data on women's status and conditions politically, economically and socio-culturally can help identify areas where women's economic contribution can best be maximized and enhanced.

A second practical reason for this Progress Report is to keep track of the improvements in the implementation of CEDAW obligations through peer sharing, collaborative and joint advocacy and action in response to critical gender issues in the region. Considering the uneven levels of understanding and compliance of countries in the region, and the long period of waiting to consolidate a state report and to queue for the schedule of dialogue with the CEDAW Committee, this progress report will fill in the need for updates and periodic analyses of achievements, as well as, gaps and weaknesses to facilitate more responsive strategies to critical gender issues in the region.

Thirdly, two global declarations/agreements, namely: 1) the 1995 Beijing Platform for Action (BPfA) marked its 20th year anniversary in 2015 and 2) the Millennium Development Goals (MDGs) ended in 2015. In both instances, this Progress Report will contribute to the assessment of what women have achieved in terms of advancing gender, peace and development, as well as, in promoting gender equality and women empowerment as the MDGs. All the ASEAN states have committed to the MDGs that is now taken over by the 'Post-2015 Development Agenda'. The findings of this report will inform the gender indicators for the 12 Universal Goals being considered for this emerging development agenda.

Aside from serving as a baseline, the report will raise awareness and galvanize support for the cause of women's human rights and gender equality in the region. The project aims to:

1. Document the progress and milestones made by ASEAN member states (AMS) in promoting women's human rights and gender equality in the ASEAN region from a CEDAW perspective in the context of changing global and regional developments;
2. Identify and analyze the gaps and challenges faced by the AMS in implementing programs on gender equality and women's human rights;
3. Provide recommendations on possible policy interventions and innovative strategies to further improve the implementation of programs for gender equality and women's human rights; and
4. Highlight good practices of ACWC members in empowering women at the economic, political and socio-cultural fields.

2. THE FRAMEWORK OF THE REPORT

The Human Rights Framework

In recent years, the human rights discourse has entered the region’s development repertoire but with varying degree of assimilation into the fabric of the member societies. “The rights-based approach comes from an essentially political understanding of development, based on analyzing cross-cutting inequalities among different classes, races, ethnic groups and men and women, as well as, a range of other factors that distinguish groups of people from one another. It is quite different from economic or technical approaches that see development as a benign process where the rich world helps the poor world to ‘catch up’; in these types of approach, the political nature of development tends to be understated or ignored. In the rights-based approach, human rights are tools that poor men and women can use to bring about improved social justice” (Terry, 2007:15-17).

As women’s rights are human rights, this Progress Report takes a human rights perspective in reviewing the progress of women in the ASEAN Region during the reporting period, 2005-2015. Following the rights based approach, actions of the duty bearers and the claim holders were analyzed in terms of their contribution to the advancement of women’s economic, social and political rights.

In particular, the progress review was primarily benchmarked against the CEDAW provisions and makes reference to the Twelve Areas of Concern in the Beijing Platform for Action and the Eight Millennium Development Goals which overlap with the CEDAW themes discussed in the Progress Report.

Table 2. Selected CEDAW provisions covered in the report

Economic Rights		Political Rights		Social Rights	
Article 11	Employment	Article 7	Political and Public Life	Article 6	Exploitation of Prostitution
Article 13	Economic and Social Benefits	Article 8	International Representation	Article 10	Education
		Article 9	Nationality and Citizenship	Article 12	Health
Article 14	Rural Women	Article 15	Law	Article 17	Marriage and Family

Note that articles 8, 9 and 15 were not addressed in this report in lieu of which attention was paid to national women’s machineries and access to justice.

Underpinning these rights are international treaties to which many of the ASEAN member states are signatories. Primary among these treaties is the Convention on the Elimination of Discrimination Against Women (CEDAW, adopted in 1979). Other treaties pertinent to the promotion of the rights of women and children are: the Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights, 1976; International Covenant on Economic, Social and Cultural Rights, 1976; Convention on the Rights of the Child, 1990; World Conference on Human Rights, Vienna, 1993; International Conference on Population

and Development, Cairo, 1994; Fourth World Conference on Women, Beijing, 1995.

In the past five years, the ASEAN has made significant progress in terms of recognizing human rights as a key principle. The establishment of the ASEAN Charter, the ASEAN Intergovernmental Committee on Human Rights (AICHR) and the ACWC were steps in the right direction. To give full meaning to these mechanisms, there is a need to mainstream a rights-based approach to development planning, in particular, in addressing gender equality and women's empowerment. A rights-based approach is also consistent with the current goal to make inclusive growth a framework for development. Indeed, if inclusive growth is to happen, women who constitute half of the ASEAN population must be taken into account.

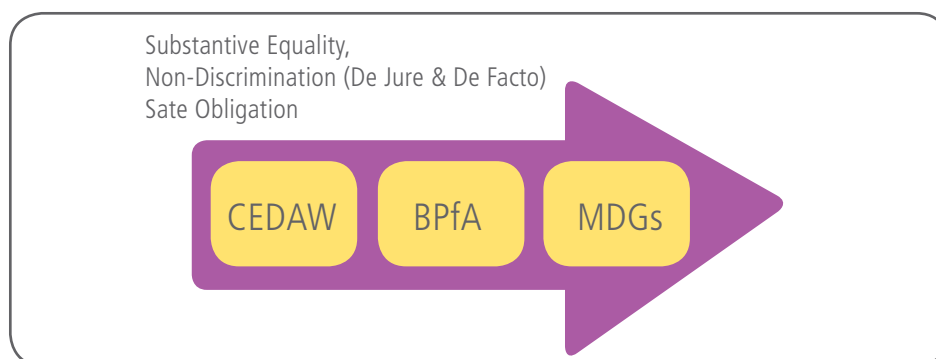
The Convention on the Elimination of Discrimination Against Women (CEDAW) serves as the substantive framework of this Progress Report. It is noted however that CEDAW is interlinked with the frameworks provided by the BPfA and the MDGs (see Figure 1).

While there have been various declarations upheld by the ASEAN on many women's issues and in various occasions, these are non-binding and are therefore quite weak in terms of accountability mechanisms. Since ASEAN-member states have acceded to the CEDAW, they are bound by its standard-setting principles and norms. The BPfA is likewise non-binding but it reiterates normative gender equality goals that are relevant to both the CEDAW and the MDGs. Moreover, the Millennium Declaration specifically mentioned the CEDAW as a policy standard to achieve the right to development encapsulated in all the eight MDGs. The MDG goals and targets provide some quantitative milestones to measure the quality standards described in CEDAW. Overall, Lorraine Corner (2008:5) emphasized the "complementary and mutually reinforcing roles" of the three international agreements:

- CEDAW highlights specific areas of women's rights
- the BPfA's 12 Critical Areas of Concern provide a roadmap of the actions needed to achieve gender equality and women's rights;
- the Millennium Development Goals, as the focus of the global development agenda, present an important opportunity for integrating a gender-responsive and rights-based approach into development in ways that will benefit all-women and men, girls and boys."

The elements of these three agreements are graphically shown in Figure 1 below:

Figure 1. Framework of the Research



An ASEAN Roadmap for the Attainment of the MDGs was collectively formulated by the AMS, manifesting regional commitment to exert the best effort to meet the goals enshrined in the declaration. More importantly, these international agreements, already have commonalities in terms of indicators that have been established by gender and development experts and disseminated internationally. It must be noted however, that the MDGs have been replaced by the **Sustainable Development Goals** post 2015 agenda:

1. End poverty
2. Empower girls & women & achieve gender equality
3. Provide quality education & life-long learning
4. Ensure healthy lives
5. Ensure food security & good nutrition
6. Achieve universal access to water & sanitation
7. Secure sustainable energy
8. Create jobs, sustainable livelihood and equitable growth
9. Manage natural resource assets sustainably
10. Ensure good governance & effective institutions
11. Ensure peaceful and stable societies.
12. Create a global enabling environment and catalyse long-term finance.
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalise the global partnership for sustainable development

3. METHODOLOGY AND LIMITATIONS

Desk Review and Analysis

This research tracked progress of women's status and position in ASEAN member-states using CEDAW's substantive equality and non-discrimination framework. The CEDAW indicators provide the process indicators, such as the legal and policy framework and reforms, the capacity development of institutional mechanisms to translate from 'de jure' to 'de facto' equality, and the jurisprudence to make women's rights justiciable. The CEDAW indicators are reinforced by the MDG and Beijing outcome indicators that attempt to quantify target results.

The analysis of women's status probed into the material conditions of women in specific areas outlined in the overlapping sectoral themes of CEDAW Article nos. 6 to 16, MDG goals 1 to 8 and their sub-targets; and in the BPfA critical areas of concern. Quantitative indicators using sex-disaggregated statistics and qualitative indicators were looked into for a gender analysis of gains, gaps and lags. The analysis of women's position delved into process and outcome indicators in terms of awareness, capacities and levels of participation and nature of the agenda negotiated with men, as well as, with social structures that reflect women's agency and shifts in power relations. These were shown in the substance and constitutional provisions, legislations, policies, plans, programs and budgets. Evidence of institutional capacities to implement CEDAW and the outcomes of implementation were reflected in the accomplishment and monitoring reports of MDG and BPfA targets, in the court jurisprudence on gender-related cases, in the women NGO reports, and national and globally-reported gender statistics.

Data Sources and Data Collection Strategies

- a. *The Country Reports.* The report primarily relied on the desk review and analysis of latest secondary data collected by national government agencies in each member-country, particularly from 2004, when ACWC was conceived and established under the Vientiane Action Plan, to 2013. The key data collection strategies and data sources were as follows:
 - sex-disaggregated secondary data and gender statistics collected by national statistical agencies on labor, education, health, population, social welfare government agencies, and the national women's machinery
 - latest state periodic reports, mid-term reports, list of issues and concluding observations from CEDAW that are posted at the OHCHR website and/or updated by state parties
 - Shadow or alternative reports submitted by various women's NGOs to CEDAW
 - latest MDG reports published by governments and UNDP
 - Human Development Reports per country
 - Country Gender Assessment and related sector-specific reports by the UN Economic and Social Commission for Asia and the Pacific (UNESCAP), World Health Organization (WHO), World Bank, and Asian Development Bank, and bilateral

- development agencies
 - Global gender monitoring indices such as the Gender Inequality Index (GII) of UNDP, the Gender Gap Index (GGI) of the World Economic Forum, the Social Institutions and Gender Index (SIGI) of the Overseas Economic Cooperation and Development (OECD)
 - identification of good practices per country illustrated by three case studies each in the ten member states
- b. *The ASEAN Regional Progress Report*. The regional analysis was based on two global reports, namely the UNDP Human Development Report, 2015 and the ASEAN Regional Report. While these documents served as the fundamental basis for the regional analysis, information was also drawn from the country reports and ASEAN regional studies undertaken by the International Labor Organization and the Asian Development Bank. Comparative analysis was done as far as the available data would allow. Specific countries were cited to illustrate vital trends that were observed at the regional level.
- c. *Success Stories, Good Practices and Lessons Learned*. National researchers in each of the AMS contributed case studies and information on success stories, good practices and lessons learned in the furtherance of gender equality in their respective countries. These were presented at a regional workshop in Bangkok at the end of March 2016.

Limitations of the Study

The study covers the five-year period from 2010, when ACWC was formally constituted to the year-end of 2015 when the ASEAN economic integration was officially launched. However, there were serious data limitations.

Recognizing that the availability of statistical baseline data is uneven across the AMS, the research team focused on core regional indicators agreed upon during the first consultation in September 2013, which were complemented by country-specific indicators that are most relevant to their respective contexts.

Core Indicators. Aside from thematic focus, the participants suggested key indicators (see Table 3) that can form part of a core set of indicators which can be comparable across the ten countries.

These indicators were refined subject to data availability, accessibility and data sources for these indicators were re-checked by the country gender experts and consultants.

Review of the Report

The first draft of the Regional Progress Report was prepared in October 2015, which was then presented to the ACWC Meeting in Manila on 19 November 2015. Each country report in Chapter III was written up by the ACWC Representatives in conjunction with their respective ministries while the rest of the Report was prepared by the Consultants. Comments were

collected from December 2015 to January 2016 and based on these, the Regional Report was revised in February 2016.

Table 3. Suggested Core Regional Indicators

<p>1. Access to economic opportunities</p>	<ul style="list-style-type: none"> • labor force participation rate of men and women • employment rate for men and women • average daily pay for men and women across all economic sectors • proportion of land titles awarded by sex • % of women beneficiaries of financial and nonfinancial business services • % of women entrepreneurs / business owners
<p>2. Political participation and Decision-Making</p>	<ul style="list-style-type: none"> • number and % of men and women in national and sub-national levels of governance; at executive, legislative and judicial branches • number of men and women in local government positions type and number of decision-making bodies with representatives from the women’s social movement
<p>3. Access to health</p>	<ul style="list-style-type: none"> • maternal mortality rate • total fertility rate • HIV/AIDs by sex • child mortality rate by sex • data on violence against women
<p>4. Access to education</p>	<ul style="list-style-type: none"> • Sex-disaggregated participation, cohort survival, dropout and completion and achievement rates at elementary, secondary and tertiary levels • Literacy and functional literacy rates by sex • Technical and vocational graduates by sex • % of women in adult and non-formal education

Validation Workshop

The Revised Report was again reviewed by the ACWC Representatives in consultation with relevant government agencies, gender experts and NGOs. Following the submission of inputs and comments, the Draft Complete Report was presented to the 14th ACWC Meeting for final comments before its publication in 2017, in time for the 50th Anniversary of the ASEAN.

Organization of the Report

The Report consists of five chapters. Chapter 1 describes the background, objectives and methodology of the progress review while chapter 2 provides the social, cultural and political context of the realization of women’s rights. Chapter 3 consists of the country reports of the ten ASEAN member states. Chapter 4 describes the regional trends across the ten member states in terms of the benefits and outcomes for claimholders, i.e. furtherance of social, economic and political rights while chapter 5 discusses the Challenges and Ways Forward.

References

Terry, G. (2007). *Women's Rights: Small Guides to Big Issues*. UK: Pluto Press.

UN Women Website (2017). *CEDAW Section*. Retrieved from <http://www.un.orgwomenwatch/daw/cedaw/states.htm>

CHAPTER 2: Overview of ASEAN

ASEAN Vision

The ASEAN Charter envisions a region where members are committed 'to strengthen democracy', enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms (APSC Blueprint, 2009). "In the ASEAN Socio-cultural Community (ASCC), ASEAN member states acknowledge the imperative of promoting democracy and respect for human rights as a new objective of the ASEAN. The 2004 ASEAN Security Community Plan of Action (ASCPA) outlines areas of cooperation in order to achieve this objective: (1) political development, (2) norm-setting, (3) conflict prevention, (4) conflict resolution, and (5) post-conflict peace building in order to 'achieve peace, stability, democracy and prosperity in the region' (Sukma, 2009).

ASEAN has drawn up blueprints for each of the three pillars of regional integration. The AEC Blueprint 2009-2015 was approved by the ASEAN Leaders in 2009 with the Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community 2009-2015. The declaration also includes the blueprints for the ASEAN Political-Security Community and the ASEAN Socio-Cultural Community.

The ASEAN Socio-Cultural Community Blueprint addresses the region's aspiration to lift the quality of life of its peoples through cooperative activities that are people-oriented and environmentally friendly, geared towards the promotion of sustainable development. The ASCC shall contribute to building a strong foundation for greater understanding, good neighborliness, and a shared sense of responsibility. The ASCC is characterized by a culture of regional resilience, adherence to agreed principles, spirit of cooperation, collective responsibility; to promote human and social development, respect for fundamental freedoms, gender equality, the promotion and protection of human rights and the promotion of social justice.

The ASCC will focus on Narrowing the Development Gap (NDG) among Member States. The ASCC envisages the following characteristics: (a) Human Development; (b) Social Welfare and Protection; (c) Social Justice and Rights; (d) Ensuring Environmental Sustainability; (e) Building the ASEAN Identity; and (f) Narrowing the Development Gap (ASCC Blueprint, 2009).

As far as human development is concerned, ASEAN will enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to human development opportunities by promoting and investing in education and life-long learning, human resource

training and capacity building, encourage innovation and entrepreneurship, promote the use of English language, ICT and applied science and technology in socio-economic development activities. This will include developing a qualified, competent and well-prepared ASEAN labor force that will benefit from, as well as, cope with the challenges of regional integration; incorporating decent work principles in ASEAN work culture, safety and health at work place and ensuring that the promotion of entrepreneurship becomes an integral part of ASEAN's employment policy to achieve a forward-looking employment strategy, developing gender-responsive skills training programs for trainers in ASEAN Member States, in particular, the Cambodia, Laos, Myanmar, and Vietnam by 2010; designing and implementing training programs to address the needs of high value-added industries that enhance ASEAN global competitiveness; and developing a consolidated plan for regional cooperation for skills development for women, youth, and persons with disabilities (ASCC Blueprint, 2009).

The ASEAN Economic Community

The ASEAN Economic Community Blueprint seeks to transform ASEAN into a single market and production base, a highly competitive economic region, a region of equitable economic development, and a region fully integrated into the global economy. These characteristics are inter-related and mutually reinforcing. The AEC Blueprint spells out actions in respect of four areas:

1. Single Market and Production Base - An ASEAN single market and production base shall comprise five core elements: (i) free flow of goods; (ii) free flow of services; (iii) free flow of investment; (iv) freer flow of capital; and (v) free flow of skilled labour. In addition, the single market and production base also include two important components, namely, the priority integration sectors- food, agriculture;
2. Competitive Economic Region - The main objective of the competition policy is to foster a culture of fair competition. Institutions and laws related to competition policy have recently been established in some (but not all) ASEAN Member Countries (AMCs);
3. Equitable Economic Development which looks at the need to ensure the deepening and broadening of ASEAN by developing policy to enhance economic growth, strengthen economic competitiveness, increase domestic and foreign direct investments, expand private sector enterprises;
4. Integration into the Global Economy by enabling ASEAN businesses to compete internationally, to make ASEAN a more dynamic and stronger segment of the global supply chain and to ensure that the internal market remains attractive for foreign investment.

In order to enable ASEAN businesses to compete internationally, to make ASEAN a more dynamic and stronger segment of the global supply chain and to ensure that the internal market remains attractive for foreign investment, it is crucial for ASEAN to look beyond the borders of AEC. External rules and regulations must increasingly be taken into account when developing policies related to AEC (AEC Blueprint, 2008).

The ASEAN Political-Security Blueprint

The ASEAN Political Security Community (APSC) shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights of member states of the ASEAN Community. It shall consolidate and strengthen ASEAN's solidarity, cohesiveness and harmony; and contribute to the building of a peaceful, democratic, tolerant, participatory and transparent community in Southeast Asia. Moreover, cooperation in political development will bring to maturity the political elements and institutions in ASEAN, towards which the sense of inter-state solidarity on political systems, culture and history will be better fostered. Such inter-state solidarity can be achieved further through the shaping and sharing of norms.

The APSC envisages the following three key characteristics: A Rules-based Community of shared values and norms; A Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security; and A Dynamic and Outward-looking Region in an increasingly integrated and interdependent world. These characteristics are inter-related and mutually reinforcing, and shall be pursued in a balanced and consistent manner (APSC Blueprint, 2009).

ASEAN in the Global Context

ASEAN sits at the crossroads of many global flows and it is well positioned to benefit from such. It is the fourth-largest exporting region in the world, trailing only the European Union, North America, and China/Hong Kong. It accounts for 7 percent of global exports. Singapore is currently the fourth-highest-ranked country in the McKinsey Global Institute's Connectedness Index, which tracks inflows and outflows of goods, services, finance, and people, as well as, the underlying flows of data and communication that enable all types of cross-border exchanges, such as Malaysia (18th) and Thailand (36th) also rank among the top 50 most connected countries (McKinsey Global Institute, 2016).

Foreign direct investment in ASEAN has boomed, surpassing its pre-crisis levels. In fact, the ASEAN-5 (Indonesia, Malaysia, the Philippines, Singapore, and Thailand) attracted more foreign direct investment than China (\$128 billion versus \$117 billion) in 2013 (Song, 2014). Additionally, many new multinational companies have been launched in ASEAN.

A vital development is the change in the world of work that has resulted in the technological revolution and a knowledge-driven economy. The new world of work puts a high premium on workers with skills and qualifications in science and technology, workers historically less likely to be women. Women are vastly under-represented in these subjects at the secondary level of education. On the other hand, globalization, digital technologies and new ways of working are also ushering in new notions of men's and women's work. The digital economy has enabled many women to access work that allows them to apply their creativity and potential. In 2013 about 1.3 billion women were using the Internet. Some have moved to e-trading

as entrepreneurs or are employed through crowd working or e-services. Even poor female entrepreneurs in developing countries can now use mobile phones to gain access to market information and sources of finance. They can also do so flexibly from home.

Political Context

“(T)he ASEAN member states have different political and electoral systems. Brunei is a monarchy, Thailand is a constitutional monarchy while the other states are presidential or socialist republics. Nine of the ten states have sitting parliaments: Indonesia, Laos, Singapore, and Viet Nam have election systems with single house representation while Cambodia, Malaysia, Myanmar, Philippines and Thailand are bicameral, composed of a lower house and an upper house or senate (Sherlock, 2015).

Many of the AMS are faced with internal political and security issues including among others, ethnic tensions, separatist movements, fundamentalist and extremist groups and terrorist attacks and threats in both urban and rural areas. Since 1986, significant democratic transitions have occurred in four ASEAN members, namely, Philippines, Thailand, Cambodia, and Indonesia. Thailand recently experienced political unrest that have led to military rule. After the death of King Bhumibol Adulyadeh and the assumption of new King—Thailand is faced with many challenges, the most important of which is the normalization of political processes that a new Constitution seeks to achieve. Despite its previous record of strong democratic processes, the Philippines under the new dispensation and leadership finds itself grappling with human rights issues, such as the possible reimposition of the death penalty, the phenomenon of drug-related extra judicial killing, as well as, the contentious return of the Marcoses. Myanmar is undergoing a difficult transition process to a more democratic political system after a long period of military rule. Tensions between ethnic groups continue to fester in the country thus, making the initiatives for a lasting peace more difficult than ever.

The South East Asia has seen the growth of vibrant civil society organizations (CSOs) in recent years. The CSOs play an important role as fiscalizing agents in their countries providing critical inputs and perspectives that have sometimes resulted in tense relationship with their governments. Nevertheless various, national, regional networks of CSOs, as well as, academic research institutions have been contributory to the democratic transitions in Southeast Asia. For example, ASEAN-ISIS and the ASEAN People’s Assembly have served as important conduits for collaboration among research institutions and non-governmental organizations (NGOs)/CSOs. The existence of these networks is a significant building block in democracy building in ASEAN member states and the region (Kusuma, 2009:11). Women NGOs are a force to reckon with in politics, as well as, in development matters. They provide critical inputs in the shaping of their country’s political agenda; render services and expertise in areas such as health, community development, and gender sensitive development planning, budgeting and project implementation. More importantly, engage their governments in critical issues concerning women’s issues, such as reproductive health, women’s representation in parliament, as well as,

in environment issues. They complement government's efforts in areas that are either neglected, or are inadequately addressed by government programs particularly in the marginalized sectors, such as in urban and rural poor areas and among indigenous communities endangered by development projects or mining activities.

Since the establishment of the ACWC, numerous regional and national NGOs have been participating in its consultation processes. Several regional organizations, such as International Women's Rights Action Watch-Asia Pacific (IWRAP-Asia Pacific), Asia Pacific Women Law and Development (APWLD) and ASEAN Women's Caucus have actively presented and lobbied for women's concerns and issues in ASEAN and other regional and international platforms (see List of Women NGO partners of ACWC). Significantly, ACWC has opened its doors and welcomed many national and regional women's groups and networks in its consultative processes to elicit suggestions in identifying key issues of concern to women and in formulating policies and guidelines to address the same. An example of this collaboration is the formulation of the ASEAN Declaration on Violence Against Women 2014 and the ASEAN Declaration on Violence Against Children, 2014 and their respective regional action plans, which were finalized in 2016.

The Economic Context

At the end of 2015, the ASEAN Economic Integration ushered an era of free trade greater market access in other ASEAN countries, low tariff regimes, substantial margin of preference to exports of member countries and less expensive production inputs from member countries. By increasing flows of trade and investment, enabling the freer movement of skilled workers, and by strengthening economic institutions, AMS can fully harness their growth potential. This will necessarily change the composition and distribution of jobs across the region. Consequently, ASEAN Member States will face challenges related to job gains and losses, skills development, wages and productivity, labour migration and social protection systems. Addressing these key issues will help ensure that more women and men benefit from deeper integration, and vulnerable groups are not left behind. *"In short, unless managed properly, the AEC may add to existing labor market deficits and increase inequality"* (ADB and ILO, 2014).

ASEAN has the third-largest labor force in the world, behind China and India; its youthful population is producing a demographic dividend. Perhaps most important, almost 60 percent of total growth since 1990 has come from productivity gains, as sectors (manufacturing, retail, telecommunication) and transportation grow more efficient. To capitalize on these trends, however, the region must develop its human capital and workforce skills. In Indonesia and Myanmar alone, an **undersupply** of 9 million skilled and 13 million semi-skilled workers is projected by 2030 (ITC & WB, 2015).

To benefit from economic integration the AMS must raise skill levels to improve economic competitiveness and in turn, this will require structural reforms in their TVET systems, good national qualification frameworks that are jointly developed with industry, trade unions and

government education and training officials to ensure the production of the required skills (ILO, 2015:17-18).

As the ASEAN economies shift to jobs that require higher skills, policy-makers will be challenged to collaborate more within their own countries and within the region. Each country will need to align its educational and training institutions with qualification standards across the entire ASEAN region, from primary through tertiary education. This will require continuing dialogue with the private sector and collaboration in the AMS to determine the skills needed by industry sectors in the region (ILO, 2015:17-18).

The Socio-cultural Context

The ASEAN region is home to ten member states with a total regional population of 625 million with diverse cultures seeking to unify and establish a common identity for varied economic and political reasons. The ASEAN states vary in land area, population, socio-cultural and political system and levels of human and economic development. At one extreme is Brunei with a population of less than half a million while Indonesia is a huge land mass with a population of 250 million.

The AMS are culturally diverse given the varied ethnic groups within and between countries. The ASEAN region has been undergoing major demographic transitions over the past two decades. The current population growth rate of the region is 1.1 percent (Gavin Jones, 2014:20). Singapore, Malaysia, Thailand and Vietnam have reached below replacement levels. Philippines, due to its Catholic religion, has had slow fertility decline. The fertility decline in the region is linked to delayed marriage trends and the increasing cost of bearing and raising children.

There have been social progress in ASEAN as manifested in the declines in poverty rate and poverty gap. The past two decades have seen significant strides in health and education outcomes, such as the sharp reduction in infant mortality rate and marked increase in youth literacy rate especially in the CLMV countries. Adult schooling completion (in years) and life expectancy have also increased modestly (Intal, Jr. P., Y. Fukunaga, F. Kimura, P. Han, P. Dee, D. Narjoko (2014).

Such progress can be linked to demographic changes in the region that has led to changes in the dependency ratios. "For Southeast Asia as a whole, right up to 2030, there will continue to be high proportions in the working age groups" (Jones, 2014:24). Most AMS face issues of employment of the educated youth, as well as, quality issues in education.

While there is youth dependency, there is also an emerging old age dependency as some AMS have aging populations. In Singapore, the population is aging rapidly and it is expected to increase the dependency ratio starting 2015. Singapore and Thailand are well ahead in the ageing process and Viet Nam is expected to experience rapid aging in the 15 years following

2015 (Jones, 2014:24). In addition, migration from the rural areas could intensify the need for the elderly care services because women who traditionally perform the caregiving role may be leaving for the cities or overseas in search of better jobs.

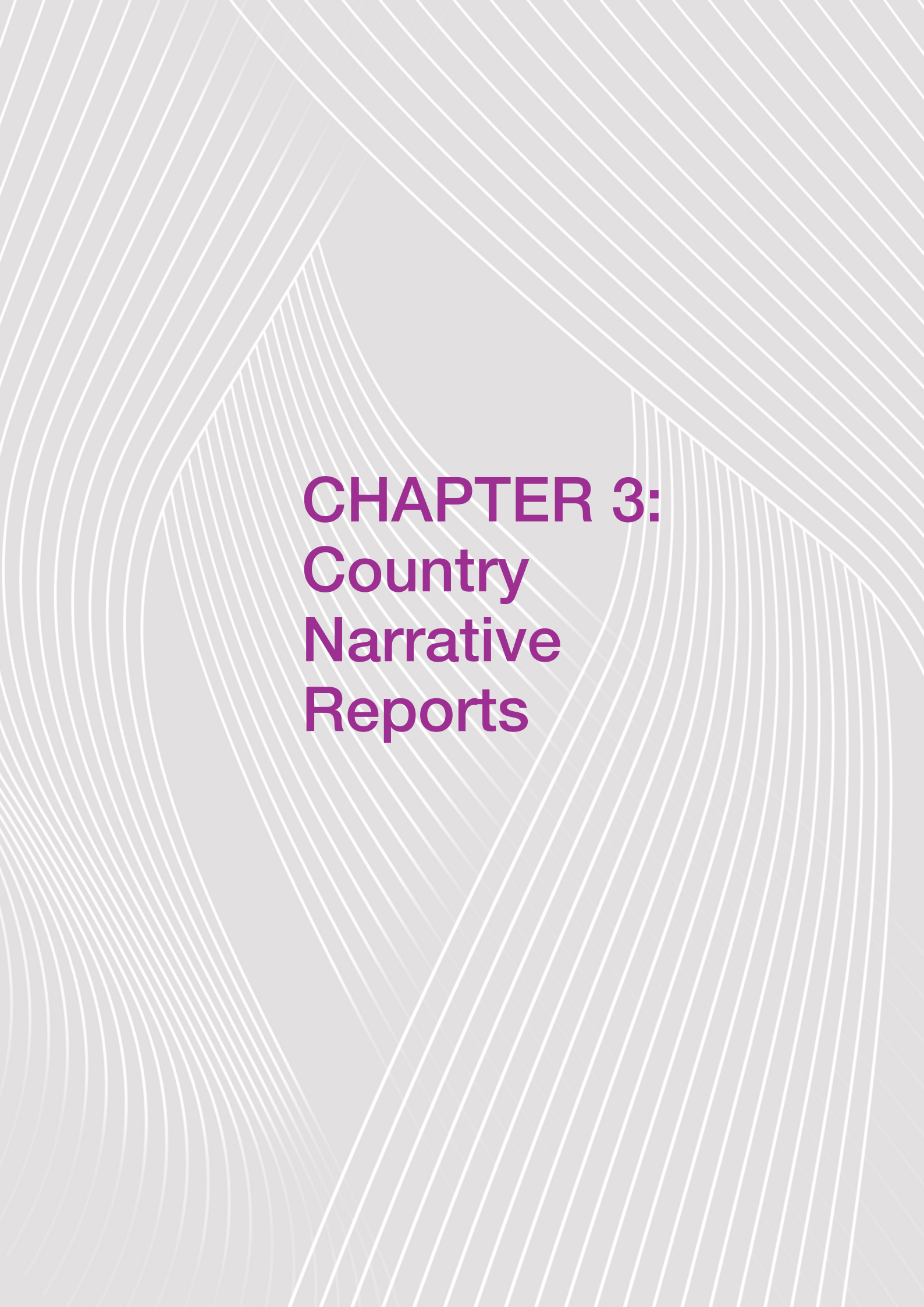
In search of economic opportunities, there have been in country migration from the less prosperous to the more prosperous areas. In recent times, migration for work in overseas destinations has become the regional trend. Singapore, Malaysia, Thailand have been receiving nationals from Indonesia, Philippines and the other developing states; i.e. Cambodia, Lao PDR and Myanmar in the region. Attendant to international migration are social concerns, such as human trafficking, abuse, exploitation and violence against women, which impair women's claim to their social and economic rights. Many of the migrant workers are women who seek jobs as domestic helpers.

References

- ADB and ILO (2014). *ASEAN Community 2015: Managing Integration for Better Jobs and Shared Prosperity*. Thailand: ILO and ADB. Retrieved from <https://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf>
- ASEAN Economic Community Blueprint (2008). Retrieved from <http://asean.org/wp-content/uploads/archive/5187-10.pdf>
- ASEAN Political Security Blueprint (2009). Retrieved from <http://asean.org/wp-content/uploads/archive/5187-18.pdf>
- ASEAN Socio-Cultural Community Blueprint (2009). Retrieved from <http://www.asean.org/wp-content/uploads/2012/05/8.-March-2016-ASCC-Blueprint-2025.pdf>
- International Labour Organization (ILO) (2015). *World Employment Social Outlook: The Changing Nature of Jobs*. Geneva: ILO Research Department. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_368626.pdf
- International Trade Centre (ITC) and World Bank (WB) (2015). *Technical Report ASEAN - Economic Overview and Trade Analysis*. UAE: ASEAN Export Initiatives and Partnerships Division. Retrieved from <http://www.dedc.gov.ae/StudiesAndResearchDocument/MTR054032015ASEANMyanmar.pdf>
- Jones, G. (2013 January). *The Population of Southeast Asia in Asia Research Institute Working Paper Series No. 196*. Singapore: National University of Singapore. Retrieved from http://www.ari.nus.edu.sg/wps/wps13_196.pdf
- McKinsey Global Institute (2016 March). *Digital Globalization: The New Era of Global Flows*. San Francisco: McKinsey & Company.
- Sherlock, S. (2015 September). *One ASEAN: Many Systems Legislative Procedures of AIPA Member Parliaments*. Jakarta: AIPA. Retrieved from <http://www.aipasecretariat.org/wp-content/uploads/2015/10/2015-October-Legislative-Procedures-in-AIPA-Parliaments-Stephen-Sherlock.pdf>

Song, S. (2014 March 5). Southeast Asia Receives More Foreign Direct Investment (FDI) Than China, Which is Now the World's Third Largest Foreign Investor in *IBT Website*. Retrieved from <http://www.ibtimes.com/southeast-asia-receives-more-foreign-direct-investment-fdi-china-which-now-worlds-1559537>

Sukma, R. (2009). *Democracy Building in South East Asia: The ASEAN Security Community and Options for the European Union*. Stockholm: IDEA. Retrieved from <http://www.idea.int/sites/default/files/publications/chapters/the-role-of-the-european-union-in-democracy-building/eu-democracy-building-discussion-paper-53.pdf>



**CHAPTER 3:
Country
Narrative
Reports**



BRUNEI
DARUSSALAM

A. General Country Profile

1. Brunei Darussalam has a population of 411,900 as of 2013, of which 52 percent are male and 46 percent are female. In 2014, its gross domestic product (GDP) in current prices was BND 1.7 billion (USD 16.7 billion) with GDP per capita in current prices of BND 52,614 (USD 40,472). Meanwhile, its GDP in constant prices was BND 18.7 billion (USD 14.4 billion) with a GDP per capita in constant prices of BND 45,404 (USD 34,961) in the same year (Brunei Darussalam Statistical Yearbook, 2014).
2. Brunei Darussalam is a monarchy and an Islamic state. The form of government is Melayu Islam Beraja (MIB) or Malay Islamic Monarchy, which has been in existence since the 15th century, and was officially proclaimed as such in January 1984. MIB is a national philosophy that integrates the Malay language, culture and customs, teachings of Islam, and the monarchical system of administration. While Islam is the official religion of Brunei Darussalam, non-Muslims practise their religions in peace and harmony, as is written in its Constitution (Human Rights Council, 2014).
3. It is ranked 31st out of 188 countries and territories in terms of its Human Development Index (HDI)¹ with a value at 0.856 in 2014, putting the country in the very high human development category. Between 1985 and 2014, Brunei Darussalam's HDI value increased from 0.755 to 0.856, an increase of 13.3 percent or an average annual increase of about 0.43 percent.
4. The 2015 Human Development Report reviewed Brunei Darussalam's progress in each of the HDI indicators. Between 1980 and 2014, Brunei Darussalam's life expectancy at birth increased by 8.6 years; mean years of schooling increased by 2.7 years; and expected years of schooling increased by 3.0 years. Brunei Darussalam's gross national income (GNI) per capita decreased by about 46.3 percent between 1980 and 2014.

B. Duty Bearer's Accountability of the State

5. Brunei Darussalam became a full-pledged member of the United Nations (UN) on 21 September 1984; hence, it upholds the principles of the 1948 United Nations Universal Declaration of Human Rights and other major UN decisions related to promoting and protecting human rights².
6. International Human Rights Commitments. As of May 2016, Brunei Darussalam is a signatory to two out of nine core international human rights treaties. The Convention on the Rights of the Child (CRC) was acceded on 27 December 1995 and the Convention on

¹ The HDI is a summary measure for assessing long-term progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living. All indices and indicators, along with technical notes on the calculation of composite indices, and additional source information are available online at <http://hdr.undp.org/en/data>

² Initial and Second Periodic Reports, Brunei Darussalam (01 November 2013). CEDAW/C/BRN/1-2. para 5.

the Elimination of All Forms of Discrimination Against Women (CEDAW) on 24 May 2006. The Convention on the Rights of Persons with Disabilities was ratified on 11 April 2016. Additionally, Brunei Darussalam had acceded the two Optional Protocols to the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 21 November 2006 and 17 May 2016, respectively. Brunei Darussalam had also recently become a signatory to the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment on 22 September 2015.

7. In the ASEAN Region, Brunei Darussalam's commitments include the ASEAN Declaration of Advancement of Women in the ASEAN Region (1988), ASEAN Declaration on the Commitments for Children in ASEAN (2001), ASEAN Declaration on the Elimination of Violence against Women in the ASEAN Region (2004), ASEAN Declaration against Trafficking in Persons Particularly Women and Children (2004), ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007). During Brunei Darussalam's chairmanship of ASEAN in 2013, ASEAN leaders endorsed, among others, the ASEAN Declaration on the Elimination of Violence Against Women and Children and the ASEAN Declaration on Social Protection, both of which are important documents that would guide the region's work towards ensuring the protection and welfare of vulnerable groups particularly, women and children.

Harmonizing Laws with CEDAW

8. Brunei Darussalam has formulated its 30-year plan called the "*Wawasan Brunei 2035*" (Brunei Vision 2035). The Plan, among others, aims to make Brunei Darussalam among the top 10 countries in the world with a dynamic economy, sustainable per capita income, educated and well-skilled people. To fulfil the targets of the vision, eight (8) strategies were identified to improve the following areas: education, economy, security, institutions development, local business development, infrastructure development, environment and social guarantees (CEDAW/C/BRN/1-2, para. 2.1).
9. The Outline of Strategy and Policy for Development (OSPD), covering the period up to 2017, comprises 50 policy directions. Gender equality is mentioned in one of the directions, on 'Economic Strategy', where the government has called for the need to "encourage equal opportunities for women in the workforce and in the nation building." This policy direction is designed to give equal opportunities to women in the labor force and further enhance their status in nation building (CEDAW/C/BRN/1-2, para. 2.2).
10. Various legislations are enforced in Brunei Darussalam to ensure the promotion and protection of human rights, including safeguarding the welfare of all, particularly women and children, in the country. These legislations include the following:
 - a. Women and Girls Protection Act (Cap. 120), which gives protection for women and girls

- by stipulating provisions that criminalises any acts that may harm and endanger them, including the acts, such as commercial sex exploitation, prostitution and trafficking;
- b. Married Women Act (Cap 190), which governs the rights of married women, as well as, provides for matters incidental thereto such as rights to maintenance, respect of property, remedy, civil actions and legal representation and protection of a spouse physically injured. In 2010, the Act was amended to include provisions on domestic violence such as the issuance of protection orders and expedited orders by the court, award of compensation to the abused victims and the grant of power of arrest to the police officers;
 - c. Islamic Family Law Act (Cap 217) which stipulates provisions relating to Islamic family law in respect to marriage, divorce, maintenance, guardianship and other matters connected with family life of a Muslim. The Order provides protection for women and children by preserving and safeguarding their interests and rights in order to guarantee and promote their welfare, such as maintenance and accommodation of married women, division of and partaken in matrimonial property for women after divorce, treatment of wife or husband, maintenance of dependents and guardianship of children. In 2010, new provisions on '*dharar syar'ie*' or domestic violence was added into the Act;
 - d. Children and Young Persons Act (Cap 219), which provides for the care and protection of children and their rehabilitation; and the establishment of the Juvenile Courts and Action Teams on Child Protection. The Action Teams on Child Protection has been set up for the purposes of coordinating locally-based services to families, children, and young persons in cases where children or young persons are suspected of being in need of protection. The Order provides for temporary custody, medical examination and treatment, remand homes, place of detention, approved schools, homes and procedure in juvenile courts. It also stipulates offences against children and young persons, such as trafficking, ill-treatment, begging and leaving them without reasonable supervision;
 - e. Penal Code (Cap 22), which provides protection for women by criminalizing acts that cause hurt and grievous hurt to any person, such as rape, incest, insult the modesty of women and voluntarily cause a woman with a child to miscarry. In 2012, the Penal Code was amended to strengthen the protection for the young and vulnerable from sexual exploitation, as well as, introduce to the prosecutors a wider range of sexual offences, such as commercial sex, child pornography, prostitution, engaging in sexual activity in the presence of a person under the age of 16, sexual grooming, voyeurism, offences that use technology as a medium, and offences related to the outraging of one's modesty;
 - f. Criminal Procedure Code (Cap 7) contains provisions that are specifically applicable to women, such as the prohibition of death sentence on pregnant woman if she is convicted of capital offence, prohibition of whipping on women and the ode of searching woman, which must be made by another woman with strict regard to decency;
 - g. Compulsory Education Act (Cap 211) provides 9 years compulsory education for all, including girls;
 - h. Employment Order 2009 contains specific provisions, which govern the employment of women in Brunei Darussalam;
 - i. Trafficking and Smuggling of Persons Order 2004 criminalizes the activities of human

- trafficking, human smuggling, and exploitation of trafficked persons;
- j. Unlawful Carnal Knowledge Act (Cap 29) protects girls against sexual exploitation and makes it an offence to have sexual intercourse with a girl under the age of 16 years; and
 - k. Old Age & Disability Pensions Act (Cap 18) provides pecuniary payments by way of pensions for blind persons and their dependents, allowances for persons who are suffering from Hansen's disease & the mentally disabled, and their dependents.

Implementation and Monitoring Mechanisms

11. A ministerial level National Council on Social Issues (MKIS), under the chairmanship of the Ministry of Culture, Youth and Sports (MCYS), was established in April 2008 to replace the Special Committee on Social Issues. The MKIS undertakes the responsibility of, among others, (1) identifying current social issues, (2) formulating policies, legislation and plan of actions for social issues, and, (3) coordinating and ensuring its implementation by relevant agencies. Members of the MKIS include the Ministers of Finance, Education, Religious Affairs and Home Affairs; the Deputy Minister at the Prime Minister's Office (PMO); and the Chairman of the Sultan Haji Hassanal Bolkhiah Foundation (CEDAW/C/BRN/1-2, para. 3.1.1).
12. The national machinery on women issues is the Department of Community Development (DCD), which is under the Ministry of Culture, Youth and Sports (MCYS). Specific to women's affairs, the DCD is mandated to undertake and coordinate programs and activities, such as research on women in development; collection and dissemination of information on women; awareness programmes on women issues, including the rights and responsibilities of women as agents of development, which also involves their responsibilities in strengthening the family unit in order to achieve harmonious living in family life, society and the nation; awareness programs designed to eliminate discrimination against women, such as violence against women, legislation, trafficking; and encouraging the participation of women in national development without compromising the stability of their marriage and/or family life (CEDAW/C/BRN/1-2, para. 3.1.1).
13. Under the MKIS, the Special Committee on Women and Family Institution was established in order to better coordinate national efforts towards promoting and protecting the rights of women and the family institution. The Special Committee is chaired by the Minister of Culture, Youth and Sports, while its Vice-Chair and Secretary are the Deputy Minister and Permanent Secretary of the MCYS, respectively. Members of the Special Committee include Permanent Secretaries at the PMO, Ministry of Finance (MOF), Ministry of Education (MOE), Ministry of Health (MOH), Ministry of Religious Affairs (MORA) and Ministry of Home Affairs (MOHA); the Royal Brunei Police Commissioner; the Director General of Civil Service; and representatives from the Attorney General's Chambers (AGC), the Shari'ah Court and the Council of Women of Brunei Darussalam (CWBD). The Department of Community Development is the Secretariat of the Special Committee. The Special Committee is tasked, among others, to formulate policies, legislations and plans of actions to address issues on women and family institution; to ensure that the gender and family perspectives are

incorporated into all national policies and budgetary requirements; and to ensure close cooperation between relevant stakeholders from government and non-government agencies, including the private sector, voluntary organizations, corporate bodies, businesses, community and village leaders, parents, as well as, the general public in addressing issues on women and family institution. Members of the Committee include stakeholders from the government sector, as well as, NGOs (Brunei Darussalam Country Report, 2014).

14. The inter-ministerial and inter-sectoral committee implements the Action Plan on Women which outlines measures to promote and protect the right of women, as well as, to promote gender equity. This Plan of Action outlines several action lines under eight priority areas namely, legal rights, economic participation, health, information and research, family institution, work life balance, and the National Mechanism for Empowering Women. The strategic objectives of this action plan are designed to ensure that its implementation is aligned with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in areas of protection, advocacy, formulation of policies and support (Brunei Darussalam Country Report, 2014).
15. The CEDAW Committee observed the general lack of updated statistical data, disaggregated by sex, age, ethnicity, geographical location and socio-economic background, which is necessary for accurately assessing the situation of women and for determining whether they suffer from discrimination, as well as, for informed and targeted policymaking and the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention (CEDAW/C/BRN/1-2, para. 42).
16. The Government of Brunei Darussalam acknowledged the challenges it faces, particularly the need for more sex-disaggregated data and for greater capacity building, gender mainstreaming, and gender-responsive budgeting, policy analysis and advocacy³.

C. Claimholder's Benefits and Enjoyment of Rights

17. In the 2014 Human Development Report, the Gender Development Index (GDI) was introduced based on the sex-disaggregated Human Development Index (HDI) and defined as the ratio of the female to the male HDI. The 2014 female HDI value for Brunei Darussalam is 0.840, in contrast with 0.860 for males, resulting in a GDI value of 0.977. The GDI score is derived from the sub-indicators shown in Table 1⁴.

Social Benefits

18. In Brunei Darussalam, there is no restriction for women in gaining ownership right to land

³ CEDAW/C/SR.1259. Summary record of the 1259th meeting Held at the Palais des Nations, Geneva, on Wednesday, 29 October 2014, at 10 a.m, para.9

⁴ UNDP (2015). Briefing note for countries on the 2015 Human Development Report. Brunei Darussalam, page 3.

and housing. The Government of Brunei Darussalam’s national policy is to provide citizens with house ownership and proper accommodation in a pleasant environment.

Table 1. Gender Development Index, Brunei Darussalam, 2014

Life expectancy at birth		Expected years of schooling		Mean years of schooling		GNI per capita		HDI Values		F-M ratio
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	GDI Value
80.7	77.0	14.9	14.2	8.5	9.0	54,228	90,437	0.804	0.860	0.977

19. The Housing Development Department Statistics from year 2000 to 2006 indicates that out of a total of 9,674 applicants for the national housing schemes, 3,630 were women.
20. Women have equal access as men to social and welfare benefits. For the poorest households, the MCYS through the DCD and the Brunei Islamic Religious Council provides monthly welfare benefits in cash and in kind namely, monthly subsistence, education allowances, food, housing and other benefits in times of natural disasters including provisions of old-age pensions and welfare support for the elderly, as well as disability allowances.
21. Women also have equal access as men to Tabung Amanah Pekerja (TAP) or Employees Trust Fund, which is a compulsory retirement saving scheme that aims to facilitate savings by Brunei Citizens and permanent residents for their retirement, as well as, the Supplemental Contributory Pension Scheme (SCP).

Access to Health

22. Brunei Darussalam has put in place a comprehensive health-care system that is easily accessible to the population throughout the country, including providing flying medical services to rural areas. There are also targeted health-care programs for women, including safe motherhood, nutritional, and reproductive health programmes, as well as, screening measures related to diseases affecting women. Maternal and Child Health services have been in place since 1929 and are provided free to all pregnant mothers and children. The Maternal and Child Health (MCH) service in Brunei Darussalam provides quality antenatal and postnatal care, as well as, comprehensive health screening for women between the ages of 38-65. More than 99 percent of women receive antenatal care. More than 99 percent of deliveries are conducted by trained midwives in hospital settings. Special preventive services for women are provided through the Well-Women Clinic, which includes screening for breast and cervical cancers, hypertension, diabetes, and other diseases. The government has also introduced the National HPV Vaccination Programme for young girls in secondary schools and for all female citizens and permanent residents who wish to be vaccinated. Vaccination for these women is carried out in designated vaccination centres throughout the country (Brunei Darussalam Country Report, 2014:4).

23. Total fertility rate (TFR) for Brunei Darussalam is 2.0 percent while its Maternal Mortality Rate (MMR) has fluctuated from 27 in 2010 to 23 in 2015 per 100,000 live births (WHO, 2015).
24. Infant mortality rate for Brunei Darussalam has slightly increased from 6.1 percent in 2010 to 7.6 percent in 2013, while under-5 mortality rate has also increased from 7.2 in 2010 to 9.7 in 2013 (ASEAN Statistical Yearbook, 2014).
25. Brunei Darussalam recorded its first local case of HIV in August 1986; by the end of 2014, there were 110 cases cumulatively among citizens and permanent residents. Out of these 110 cases, 38 new cases were reported in 2012-2014. As of 2014, there were 78 persons known to be living with HIV in Brunei. There was only one AIDS-related death recorded in 2014.
26. Since 1995, Brunei Darussalam has only recorded one case of Mother-to-Child Transmission (MTCT), which was recorded in 2011. A total of nine (9) other children have been born to five (5) other HIV-positive mothers in the past seven (7) years. Brunei Darussalam has achieved its target of reducing HIV-AIDS cases by 2015 and has begun to significantly reverse the spread of HIV/AIDS. This result is due to numerous initiatives being carried out to combat the disease, such as the HIV Serosurveillance Programme, which allows routine screening for HIV on workers, pregnant women, blood donors, tuberculosis patients, detainees at prisons and drug rehabilitation centres.

Education

27. The Education for All (EFA) Development Index (EDI) for 2009 classified Brunei Darussalam as being close to achieving the four most quantifiable EFA goals – universal primary education, adult literacy, gender parity, and quality education. Brunei Darussalam ranked 36 out of 129 countries with a high EDI, which stands at 0.972. Students of both sexes also enjoy equal educational benefits, which include monthly transportation allowances and educational allowances in vocational and tertiary educational institutions. In addition, disadvantaged families can apply for monthly educational allowances for each of their children. Females make up more than 70 percent of tertiary education graduates despite the fact that their primary net enrolment is on par with males.
28. Table 2 presents performance indicator data available for Brunei Darussalam. The adult literacy rate (99.6% in 2012) is above UNESCO's regional average of 94.7 percent in 2011, as are the literacy rates being achieved by young people aged 15 to 24 years (99.6% for males and females in 2012) – compared with the UNESCO regional average of 98.9 percent. The net enrolment rates in primary (97.58% in 2011) and secondary (91.19% in 2011) are high – the rate for secondary is well above the regional average, which according to UNESCO was 73 percent in 2011. The student-to teacher ratios for primary (11.34:1 in 2011) and secondary (10.2:1 in 2011) are the best for the ASEAN region. Survival rates for the primary and secondary school sectors are very high with 100 percent for primary

education in 2011, and 95 percent for secondary education (ASEAN State of Education Report, 2014).

Table 2. GDI Performance Indicator in Education

General				
	2009	2010	2011	2012
Total adult literacy rate (%)	99.60	95.22	99.6	-
Youth (15-24 years) literacy rate (%), male	99.59	99.75	99.6	-
Youth (15-24 years) literacy rate (%), female	99.6	99.68	99.6	-
Ratio of student to teacher (primary)	11.95	11.35	11.34	-
Ratio of student to teacher (secondary)	10.6	10.3	10.2	-
Human Development Index: mean years of schooling	-	8.6	-	-
School life expectancy: From primary to tertiary (years)	15.1	15	15.1	-
In tertiary (years)	0.9	0.8	1	-
Net enrolment rate (%)				
Primary education	97.5	97.36	97.58	-
Secondary education	89.88	90.11	91.19	-
Tertiary education - gross	17.83	16.84	20.15	-
Survival Rates (%)				
Primary education	98	99	100	-
Secondary	75	92	95	-
University Qualifications	11	11	11	-

29. Millennium Development Goal 3 - Promote gender equality and empower women; focuses to eliminate any inequality and reduce all the barriers for female education. This is to ensure gender equality and empowerment. Eliminating gender disparity at all levels of education improves women's health and well being; position in family and society; economic opportunities and returns; and political participation.
30. The official designated indicators for this goal are: ratio of boys to girls at levels of schooling including tertiary education; ratio of literate men to women over 15 years old; and the proportion of women in the Brunei Darussalam Legislative Council.
31. Brunei Darussalam has no difficulty in meeting the first two of these indicators. The third indicator of the empowerment of women might, therefore, be the proportion of women in the top three divisions of the civil service.
32. Using these indicators Brunei Darussalam again does exceptionally well. Not only is there no discernible difference between ratio of boys to girls in primary and secondary schooling, the ratio of girls to boys in tertiary education is a staggering 1.74 to 1. Besides the fact that this might itself explain the dominance of women in the civil service, the large discrepancy between men and women requires more detailed investigation. One possible reason might be the inclination of a larger proportion of men relative to women to study abroad, a fact

that is not captured in the national educational statistics. This is an important subject for future research, but in terms of the MDGs, there is little doubt that Brunei meets all the three indicators for the reduction of gender disparity and women's empowerment.

33. Education remained as one of the top priorities, with nearly 13 percent allocation from the national budget. The provision of free, quality education from early childhood to tertiary-level, equally accessible to both boys and girls had been further enhanced. Scholarships to study in the country and abroad were granted to eligible students. Brunei Darussalam has attained one of the highest literacy rates in the region. Technical and vocational qualification opportunities were provided for its people to gain the necessary skills required to increase their competitiveness and improve their self-development. Its efforts were in line with the goals of UNESCO's 'Education for All', and the country ranked 34 out of 127 countries in UNESCO's most recent Development Index in a Global Monitoring Report 2011. It had also worked with UNICEF and UNESCO to complement its nine-year compulsory education legislation currently in place through enhancing the Early Childhood Care and Education Programme⁵.

Protection for Women

34. Efforts to eliminate violence against women include prevention, protection, legislation, enforcement, and rehabilitation and support services. Programs under these areas include awareness campaigns, interventions, educational programmes, screening services, support for victims, including the provision of shelters, counselling, and training and welfare benefits. Several legislations exist to protect women and girls from violence including, among others, the Penal Code (Cap 22), The Unlawful Carnal Knowledge Act, (Cap 29) Women and Girls Protection Act 1972 (Cap 120), Islamic Family Act (Cap 217), Married women Act (Cap 190), Children and Young Person Act (Cap 219), and the Trafficking and Smuggling of Persons Order 2004. In 2010, amendments to the Islamic Family Law (Cap 217) and the Married Woman Act (Cap 190) were made to include specific provisions on Domestic Violence, which covers immediate protection, protection in an area or institution, restraining order, power of arrest, compensation and mandatory counselling (Brunei Darussalam Country Report, 2014:8).

35. In terms of women trafficking, Brunei Darussalam has in place three legislations, which govern the protection of the victims, namely, the Trafficking and Smuggling of Persons Order 2004, the Women and Girls Protection Act (Cap. 120) and the Penal Code (Cap. 22). The Women and Girls Protection Act (Cap. 120) criminalizes any activity of buying, selling, procuring, trafficking in or importing of women and girls into Brunei Darussalam for the purpose of such traffic. It also criminalizes the selling, hiring, procuring, bringing into Brunei Darussalam, harbouring, detaining women or girls for the purpose of prostitution (Brunei Darussalam Country Report, 2014:9). The Trafficking and Smuggling of Persons Order 2004 also, in general, criminalizes the activities of human trafficking, human smuggling, and

⁵ A/HRC/WG.6/19/L.9. Human Rights Council. Draft report of the Working Group on the Universal Periodic Review: Brunei Darussalam, 6 May 2014, para. 8.

Case Study 1

Community Empowerment Program: Social Service Targeting Vulnerable Women

The four core objectives of the program are: (1) to reduce dependence against government's welfare; (2) to provide training on skills and exposure in the field of entrepreneurship and commerce; (3) to encourage self-subsistence attitude, self-sustainable and advancement among the targeted group; and (4) to help reduce the poverty rate in Brunei Darussalam. This program targets applicants who have the basic ability to generate income but have no educational qualification or reasonable skills to take advantage of job opportunities or available business in the market. The program is implemented by the Department of Community Development, Ministry of Culture, Youth and Sports in collaboration with the ministries of education, finance and home affairs and the local government units' economic development board, Islamic Religious Council and youth development centers.

The following courses are offered for three (3) months every 8:00 -12:00 a.m. from Monday to Thursday: Computer and Office Management; Cooking, Catering, Cake & Pastry; Makeup and Hair; Fashion Design Technology, Self-improvement Motivation; Entrepreneurship; and other relevant courses. The venues are the locally accessible community centers. The teaching staff are mostly ex-beneficiaries of the program who are successful and skilful, as well as, those qualified and certified from teaching institutions.

The beneficiaries received a monthly allowance. Out of the 100 beneficiaries for 2015, 87 participants managed to complete the mandatory courses provided. Most of graduates of the courses are now employed within the public and private sectors. Those who proposed to go into business availed themselves of a micro grant. Out of the fifteen (15) participants who have applied for this grant, ten (10) received the grant, nine (9) of whom were women. Women participants said that they are now able to generate income to pay for some of their bills and groceries. Some beneficiaries are even able to expand and diversify their businesses from only one type of business to other businesses that are profitable.



exploitation of the trafficked persons. The Penal Code (Cap 22) also contains provisions which criminalize the exploitation of prostitution of women and girls.

36. A growing trend in cybercrimes with a high risk of victimizing the girl child has prompted the government to make amendments to the Penal Code in 2012 aimed at curbing sexual predators and strengthening laws to prevent the sexual exploitation of children. A significant addition to existing laws is the criminalization of “sexual grooming,” a term used to describe how online predators prowl the web for the purpose of engaging in sex with a minor (Brunei Darussalam Country Report, 2014:8-9).
37. The Penal Code (ap 22) has also been amended to penalize those who offer or engage in prostitution. Previously, the laws focused on penalizing pimps who solicited business for prostitutes, but the new amendments seek to punish those who actively engage in the acts themselves. To reinforce child protection laws with regard to cyber security, a Child Online Protection Framework was also approved recently and it is currently being implemented by relevant government agencies, the private sector and non-government organisations. Protection for all victims including women and the girl child is provided through shelter homes run by the Department of Community Development of the Ministry of Culture, Youth and Sports. Support services by government agencies and NGOs are provided for victims, while counselling services are provided for victims as well as perpetrators. The government provides helpline services, as a venue for reporting, complaints, airing of grievances and provided counselling over the telephone. Calls are registered in accordance with the requirements of International Child Helpline.

Political Participation

38. Progress in women’s career development in various legal, political, financial and managerial professions has been recorded. The highest posts attained include ambassador-at-large and the attorney-general with ministerial rank, members of the Legislative Council, permanent secretaries, auditor-general, solicitor-general, accountant-general, judicial commissioner, judge in the civil high court, ambassador and as chief executive officers in both the public and private sectors, including banks. Two of the four universities in Brunei Darussalam are currently headed by women. Women also serve in Islamic institutes of higher education and as prosecutors both in the Syariah courts and Civil courts. Fifty-three point one percent (53.1%) of women make up the civil service and 18.4 percent of positions in Division I and above are held by women. There are 20 ministers and deputy ministers within the Government, including three (3) posts of ministerial rank namely the Ambassador-at-Large, the Attorney General and the State Mufti. Two or 10 percent of these posts are currently held by women. Meanwhile, the State Legislative Council consists of 36 members and two or 6 percent of these members are women. In addition, 15 of Permanent Secretaries or CEOs of Government Ministries, 26 percent of Deputy Permanent Secretaries and 19 percent of Heads of Overseas Missions are women (CEDAW/C/BRN/1-2 (November 2013), para. 7.5).

Case Study 2

Leadership Program: Positioning Women to Higher Responsibility

This program is the Executive Development Program for Middle Management Officers (EDPMMO) and Senior Executive Officers (SGO) conducted by the Institute For Leadership Innovation & Advancement (ILIA), Universiti Brunei Darussalam. It is an innovative training and development program for middle management officers and executives in the public service. The experts from the Universiti Brunei Darussalam and other organizations facilitate the program towards the following objectives:

- To build a shared understanding of the global scenarios, which will impact on the public sector and its administration.
- To acquire tools and techniques on how the participants can better mobilise their organization to get ahead and deliver value to the stakeholders and achieve transformational change in their workplace.
- To impart knowledge and know how in conceptualizing change, problem and issue identification in general, and for formulating, implementing and evaluating public sector performance, policies, projects and strategies.
- To boost the participants' leadership and management skills and improve their understanding of key organizational and business functions.



The beneficiaries of this program are those officers who are identified and recommended for higher positions in the organization succession plan. They are the officers who are expected to hold positions that involve high-level decision making such as directors, deputy permanent secretaries, vice chancellors, or permanent secretaries.

The total of 461 participants for Executive Development Program Middle Management from 2009 to 2016, of whom 42.3 percent are female and 57.7 percent are male. For the Executive Development Program Senior Government Officers of the 294 total participants for the same period, there were 41.84 percent female and 58.16 percent male.

39. There are two main women organizations that work closely with government through the MCYS and are included in national delegations at regional and international meetings⁶. The Council of Women Brunei Darussalam (CWBD) was set in the year 1985 to increase the effectiveness and inclusive participation of women in Brunei in the social, economic and political development of Brunei Darussalam. The CWBD has 13 women associations including young girls associations and a total membership of more than 1000 people.

⁶ Synthesis of AMS Country Studies: Advancing and Monitoring women's Political Participation in the ASEAN Region Project

The Women’s Business Council of Brunei Darussalam represents the interests and concerns of women in the area of business. It provides an avenue for the exchange of ideas and development of entrepreneurship skills and support for quality businesses for women. Its members are drawn from both women in the government and private sectors, including academicians. In addition, CWBD also participates in ASEAN Confederation of Women Organization (ACWO), as well as, the annual ASEAN Civil Society Conference/Peoples Forum held by host country of ASEAN Summit in order to enhance further the development of women in the country.

Economic Rights

40. The labor force participation rate (LFPR) has not changed significantly, both for male and female, and so has the gender gap been maintained. Women’s LFPR has remained at 56 percent in 2012, which is significantly less than the 76% that the men achieved as shown below (ASEAN Statistical Yearbook, 2014:24):

Table 3. Labour force participation rate by sex, 2006 – 2013 (in percent)

	2006	2007	2008	2009	2010	2011	2012
Male	78.2	77.6	77.7	77.4	76.3	75.7	76
Female	57.3	56.9	57.7	57.5	56.3	56.4	56

41. ILO sources noted that Brunei Darussalam has the lowest gender wage gap in the region at 1 percent in 2014 (Jha & Shri Saxena, 2015:46).

42. Over the last 5 years, the government has introduced new legislation, policies and regulations to promote gender equity in employment, including the following:

- a. Employment Order 2009, to replace the former Labour Act, which seeks to protect women in the workplace. The Order outlines maternity benefits, which a pregnant woman in confinement is entitled to, including rest, pay and protection against termination during maternity leave. In the case of pregnant employees, it is the practice of the attending obstetrician or occupational health doctor to recommend any special requirement to protect the mother and unborn child, e.g. receiving appropriate vaccinations, removal from hazardous work.
- b. Work Place Safety and Health Order 2009.
- c. The Maternity Leave Regulation 2011, which stipulates 105 days off and paid maternity leave for all women employees. For women civil servants, this is an increase from the previous 56 days paid maternity leave.

43. Other developments in the civil service include the amendment of regulation related to term of employment for non-graduate married women personnel from month-to-month basis to permanent basis, based on the same term as graduate women, as well as, men

Case Study 3

One Village One Product (OVOP)

Towards Self-Subsistence For Women In Brunei Darussalam

This program is aligned with the 'Economic Strategy' of Brunei's Outline of Strategy and Policy for Development (OSPD) that "encourages equal opportunities for women in the workforce and in the nation building." The National Long-Term Development Plan 2035 specified the set up of a special fund for women in business. The OVOP program has several objectives that range from increasing village welfare to encouraging entrepreneurship among the villagers. With its main focus on single mothers, poor people, orphans and those in need of additional income, OVOP program also helps to reduce poverty through employment created by the sustainable economy related activities. The program is implemented by the One Village One Product Unit of the Ministry of Home Affairs in collaboration with the Brunei Economic Development Board, Brunei Tourism Board, the Women's Bureau, various training agencies, and other local tour companies.

The OVOP enables women who are not gainfully employed, especially the elderly and housewives, to participate. These women learn new skills and at the same time, earn income for their self-subsistence. As of March 2016, 162 OVOP projects have been established all over the country involving a total of 617 people of which 410 or 66% are female and 207 or 44% are male.

Ministry of Home Affairs through the District Offices has implemented several strategies for the development of OVOP program. These include financial assistance to acquiring the necessary machinery and tools, product labelling and packaging, training and product development also participating in exhibitions at national and international level. The OVOP projects are in the areas of handicraft (weaving) and wood based product, food and beverages, services and eco-tourism, and agriculture and fishery.

OVOP Kapok Muara during its product sales event



From the interview with the women's participants in this program, they feel that their experiences, self-awareness, skills and creativity are enhanced and expanded. The program did not just consider them as beneficiaries but also involved them as decision-makers. They learned to become more proactive and independent.

which came into force on the 31st December 2008. This not only ensures job security for women but to their entitlement to various remuneration and benefits in the civil service, such as leave passage allowances and education allowances (Brunei Darussalam Country Report, 2014:5).

44. As of 28 July 2016, out of 52,800 civil servants in Brunei Darussalam, 28,039 are females and 24,761 were males. Women outnumbered men by 3,278 employees.

D. Challenges and Ways Forward

45. Whilst remarkable progress has been made towards gender equality and women's empowerment in Brunei Darussalam, gaps and challenges remain. These include the need for capacity building for policy makers, planners in all ministries for gender responsive budgeting, gender mainstreaming, gender analysis, and monitoring and evaluating these strategies. There is also a need for more sex disaggregated data and the regular updating of these data. Brunei Darussalam welcomes and supports any regional program and effort that will promote the advancement of women through the strategy of gender mainstreaming, such as capacity building in gender responsive budgeting, gender mainstreaming and gender planning, monitoring and evaluation and greater cooperation in research, exchange of information and data, and best practices on matters pertaining to gender responsive budgeting and gender mainstreaming strategy (Brunei Darussalam Country Report, 2014:11-12).
46. On the aspect of social right, there must be a comprehensive development framework⁶ where economic progress must be balanced with social development and progress. In order to spur quality life, enhancement for all should not limit the concept of progress to aspects that can be measured quantitatively only. Equal emphasis must be given to qualitative aspects as well such as social stability, moral values, intellectual power and cultural integrity. A measurement of progress from the perspective of stability of values of humanity must be done by a developed nation so that the comprehensive prosperity can be achieved.
47. On the aspect of economic right, the implementation strategy and plan of action can further be adapted and mainstreamed to promote changes so that the real impact on the lives of men and women can be evaluated. There are always ample rooms for improvements in the implementation strategy of the nation's good practice programs so that it will be more sustainable not only for the women and men, but also for the organization involved and the communities as a whole. This will help to scale up the projects that emerged from good practices and encourage more participation of women and men without gender bias and the objective of self-subsistence can be achieved.
48. On the aspect of political right, the beneficiaries of the good practices programs must be ready for a change and willing to challenge the status quo for the betterment of the society.

References

- A/HRC/WG.6/19/L.9. Human Rights Council. *Draft report of the Working Group on the Universal Periodic Review: Brunei Darussalam*, 6 May 2014,, paras. 18-20.
- A/HRC/WG.6/19/L.9. Human Rights Council. *Draft report of the Working Group on the Universal Periodic Review: Brunei Darussalam*, 6 May 2014. Retrieved from http://www.uprinfo.org/sites/default/files/document/brunei_darussalam/session_19_-_april_2014/a_hrcwg.6_19_l.9.pdf
- ASEAN Secretariat (2013). *ASEAN State of Education Report 2013*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/resources/2014/Oct/ASEAN%20State%20of%20Education%20Report%202013.pdf>
- ASEAN Secretariat (2014). *ASEAN Statistical Yearbook 2014*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/2015/July/ASEAN-Yearbook/July%202015%20-%20ASEAN%20Statistical%20Yearbook%202014.pdf>
- Brunei Darussalam Country Report (2014). *Asian and Pacific Conference on Gender Equality and Women's Empowerment, Beijing +20 Review.*, 17-20 November 2014. Retrieved from http://www.unescapsdd.org/files/images/Beijing20_national_review_Brunei.pdf
- "Brunei Darussalam." Report presented at the Consultative Meeting to Develop the ASEAN Progress Report on Women's Advancement and Gender Equality, Manila, Philippines, September 22-23, 2013.
- Brunei Darussalam Statistical Yearbook (2014). Department of Statistics, Department of Economic Planning and Development (DEPD), Prime Minister's Office. Brunei Darussalam.
- Cambodian Ministry of Women's Affairs. (n.d). *Synthesis of AMS Country Studies: Advancing and Monitoring Women's Political Participation in the ASEAN Region Project*
- CEDAW/C/BRN/1-2, Initial and Second Periodic Reports, 01 November 2013. para. 5
- Human Rights Council (6 May 2014). *Draft report of the Working Group on the Universal Periodic Review: Brunei Darussalam*, paras. 18-20. A/HRC/WG.6/19/L.9.

Human Rights Council (2014). *“National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21.”* United Nations General Assembly.

Jha, S. and Shri Saxena, A. (2015 November). *Projected Gender Impact of ASEAN Economic Community*. FES, UN Women, ASEAN, Australian Aid. Retrieved from http://www.asean.org/storage/images/2015/November/27th-summit/ASCC_documents/Projected%20Gender%20Impact%20of%20the%20ASEAN%20Economic%20Community.pdf

United Nations AIDS. *“Global AIDS Progress Report 2014 in Brunei Darussalam.”* http://www.unaids.org/sites/default/files/country/documents/BRN_narrative_report_2014.pdf

United Nations Development Programme. 2015. *Human Development Report*.

World Health Organization (WHO) (2015). *Maternal Mortality in 1990-2015*. Brunei Darussalam. Retrieved from http://www.who.int/gho/maternal_health/countries/brn.pdf



CAMBODIA

A. General Country Profile

1. The population of Cambodia is approximately 15.2 million people, with an annual population growth rate of 1.79 percent for the past sixteen years (1998 to 2014). There are more women than men, even with a slight shift in the sex ratio (men in relation to women) from 93 percent in the Population Census 1998 to 96 percent in the Cambodia Socio-Economic Survey (CSES) 2014 (Ministry of Planning - National Institute of Statistics, 2015:4).
2. The Kingdom of Cambodia is divided into 24 provinces and its capital is Phnom Penh. Provinces are subdivided into 26 cities, 159 districts and 12 *khans*, and 1633 communes or *sangkats*. The smallest administrative unit is the village, of which there are 14,147.
3. Cambodia's Human Development Index (HDI) value for 2014 is 0.555, which puts the country in the medium human development category. It is ranked 143rd out of 188 countries and territories in 2014. Between 1990 and 2014, Cambodia's HDI value increased from 0.364 to 0.555, an increase of 52.4 percent or an average annual increase of about 1.77 percent.
4. Gender-based inequalities are also measured in terms of the gender inequality index (GII). Cambodia has a GI value of 0.477, ranking it 104 out of 155 countries in the 2014 index¹.
5. The 2015 Human Development Report (HDR) tracked the HDI trends for past 34 years with progress stabilizing in the past 5 years. There has been significant improvements in life expectancy, from 66.5 years in 2010 to 68.3 in 2014, and the gross national income (GNI) per capita increased from USD2,390 in 2010 to USD2,949 in 2014.

B. Duty-Bearer's Accountability of the State

6. *International Human Rights Commitments.* To date, Cambodia ratified eight (8) core international human rights treaties, as shown in the Table 1. It also signed the Convention on Migrants' Rights but ratification has yet to be finalised.

Harmonizing National Laws with CEDAW

7. The government posited that Article 31 of the Cambodian Constitution recognizes and respects human rights as stipulated in the Charter of the United Nations and related human rights documents; and its provisions on women's and children's rights comply with and uses "a practical definition" of the term 'discrimination against women', as defined in CEDAW. It assured that domestic law ensures equality between men and women and human rights and fundamental freedoms in political, civil, economic, social and cultural fields for all, irrespective of marital status. This definition is characterized as general discrimination,

¹ Gender Inequality Index (GII) reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; the share of parliamentary seats held by women and attainment in secondary and higher education by each gender measures empowerment; and economic activity is measured by the labour market participation rate for women and men.

following the definition used in the Penal Code, promulgated in Royal Decree No. NS/RK/1109/022 dated 30 November 2009 (CEDAW/C/KHM/Q/4-5/Add.1, page 4).

Table 1. International Human Rights Treaties Ratified by Cambodia

Treaty Description	Treaty Name	Signature Date	Ratification, Accession(a) Date
6.1. Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT		15 Oct 1992 (a)
Optional Protocol of the Convention against Torture	CAT-OP	14 Sep 2005	30 Mar 2007
6.2. International Covenant on Civil and Political Rights	CCPR	17 Oct 1980	26 May 1992
6.3. Convention for the Protection of All Persons from Enforced Disappearance	CED		27 Jun 2013 (a)
6.4. Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	17 Oct 1980	15 Oct 1992
Optional protocol to the CEDAW	CEDAW-OP, Art. 8-9		13-Oct-10
6.5. International Convention on the Elimination of All Forms of Racial Discrimination	CERD	12 Apr 1966	28 Nov 1983
6.6. International Covenant on Economic, Social and Cultural Rights	CESCR	17 Oct 1980	26 May 1992
6.7. Convention on the Rights of the Child	CRC		15 Oct 1992 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC	27 Jun 2000	16 Jul 2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC	27 Jun 2000	30 May 2002
6.8. Convention on the Rights of Persons with Disabilities	CRPD	01 Oct 2007	20 Dec 2012

Source: UNOHCHR Ratification of 18 International Human Rights Treaties. www.ndicators.ohchr.org

8. The Cambodian government implements the following measures to change behaviours and practices (CEDAW/C/KHM/Q/4-5/Add.1, page 6):

- Legal measures: All laws that have been promulgated guarantee equality between men and women; for example, the Law on Marriage and Family, the Law on Prevention of Domestic Violence and Protection of Victims, the Penal Code, the Civil Code, Criminal Procedure Code, Civil Procedure Code;
- Educational measures: The Ministry of Education, Youth and Sport has provided gender training by mainstreaming the substance of CEDAW in its curriculum. Meanwhile, gender equality messages are also promoted through the media, for example, educational spots that are aired on radios and televisions;
- All government's ministries and institutions have Gender Mainstreaming Action Groups (GMAG) and these groups always disseminate CEDAW to their respective staff.

9. The Ministry of Women's Affairs (MoWA), in partnership with relevant ministries/institutions and other partners, has developed the strategic plan to continue the government's efforts

to promote gender equality and the empowerment of women in Cambodia called Neary Rattanak IV, the five-year strategic plan (2014 – 2018) for Gender Equality and the Empowerment of Women in Cambodia. Neary Rattanak IV supports the reform process of the Ministry of Women's Affairs to move from project-based activities to a Program-Based Approach, and promoting MoWA's role in providing effective gender analysis, institutional advocacy, and policy advice across the entire Government.

Implementation Mechanisms at National Level

10. The institutional women's machineries consist of the Ministry of Women's Affairs (MoWA) and the Cambodian National Council for Women (CNCW) have been leading the efforts to promote gender equality in Cambodia.
11. The Ministry of Women's Affairs was established as a full ministry in 1998 to promote and protect the rights of women and their families, and through its successive Five Year Plans (Neary Rattanak I, II, III and IV). In 2010, the Ministry of Women's Affairs was internally evaluated with support of the United Nations Development Programme (UNDP). As result of this evaluation, capacity development measures for the Ministry's staff were identified in key areas and a corresponding capacity development strategy was designed and started implementation in 2013 (CEDAW/C/KHM/Q/4-5/Add.1, page 6). In 2014, dissemination work took place very widely at both national and sub-national levels through workshops, training courses, meetings, fora, projects and programs with a total of 1.3 million people participating, seeing a jump of 700,000 people from 2013. The dissemination work was conducted through radios, televisions and websites, newsletters, diaries, leaflets and magazines.
12. At the same time, Gender Mainstreaming Action Groups (GMAGs) have been formed in the line ministries to develop Gender Mainstreaming Action Plans in order to provide a mechanism for implementing and monitoring gender equality policy commitments and harmonizing the inputs of different donor stakeholders. The development of Gender Mainstreaming Action Plans is one of three gender indicators in the National Strategic Development Plan 2006–2010, which stated that all line ministries/institutions should formulate their action plans by 2010. This goal has already been met; and 15 ministries now implement their plans. The GMAGs are chaired by officials from the decision making level, i.e., the Secretary of State, Under Secretary of State and General Director Level, and include male and female technical officers from each Department. Gender Focal Points have been designated in provincial line departments².
13. There is also a system for the empowerment and protection of women on the sub-national level. The Commune Council Women and Children Committees were established in the country's 1,633 communes and *sangkats* (urban communes). Consultative Committees on

² Summary Report on Activities of the Cambodian National Council for Women in 2014 and Action Plan for 2015 (February 2015). Retrieved from [http://cncw.gov.kh/userfiles/Report%20summary\(Final%20Final\)_Eng_.pdf](http://cncw.gov.kh/userfiles/Report%20summary(Final%20Final)_Eng_.pdf)

Case Study 1

The Cambodian National Council for Women (CNCW)

The CNCW was established in 2001 as an inter-ministerial mechanism of Secretaries of State to coordinate, follow up and evaluate the implementation of national policies, laws, orders and measures relating to the promotion of status, roles and social welfare of Cambodian women³. Based on CNCW's five-year strategic plan (2010-2014). The following key activities were implemented:

Forum on the Concluding Observations in response to the CEDAW Concluding observations



- Annual meetings of CNCW chaired by the Prime Minister, with the participation of all CNCW members, members of the National Assembly and the Senate, Ministers, Secretaries of State and Under Secretaries of State, all provincial Governors and female head of provincial departments.
- Quarterly meeting with the CNCW members to follow up on the situation of gender issues in line ministries
- Monitored the implementation of CEDAW and related national laws, and of the recommendations of the Prime Minister (these recommendations were issued at the end of each annual CNCW meeting) with provincial Board of governors, leaders of provincial departments and NGOs.
- The CNCW's delegates made monitoring visits to 14 provinces. As a result, it showed that the implementation of the government's policies and recommendations has contributed for the improvement of women's situation, life, status, ranks and position⁴.
- Organized dissemination workshops for male and female senior staff at provincial and district levels on CEDAW, the Optional Protocol and the Concluding Observations on the fourth and fifth periodic report of Cambodia.
- Disseminated CEDAW messages and events through radio, television, newsletters, and website.
- Prepared the national reports on CEDAW implementation for submission to the UN Committee on CEDAW.

Women and Children were established under the Provincial and District Councils recently created under the Organic Law on Decentralization and De-concentration after the elections in 2009. At the same time, civil society organizations, including women's organizations, have played a key role to advance women's status in Cambodia⁵.

³ Speech to the 56th Session of the CEDAW by Her Excellency Dr. Ing Kantha Phavi Minister of Women's Affairs of Cambodia and Head of the Royal Government of Cambodia Delegation, 8 October 2013, Geneva (Switzerland), page 5.

⁴ Summary Report on Activities of the Cambodian National Council for Women in 2014 and Action Plan for 2015 (February 2015). Retrieved from [http://cncw.gov.kh/userfiles/Report%20summary\(Final%20Final\)_Eng_.pdf](http://cncw.gov.kh/userfiles/Report%20summary(Final%20Final)_Eng_.pdf)

⁵ Summary Report on Activities of the Cambodian National Council for Women in 2014 and Action Plan for 2015 (February 2015). Retrieved from [http://cncw.gov.kh/userfiles/Report%20summary\(Final%20Final\)_Eng_.pdf](http://cncw.gov.kh/userfiles/Report%20summary(Final%20Final)_Eng_.pdf)

Case Study 2

GMAG in the Ministry of Education, Youth, and Sports (MoEYS)

The MoEYS established the GMAG in 2005. Since then, it has developed three gender mainstreaming action plans (GMAGs) in education for the periods 2006–2010; 2011–2015 and 2016–2020. The main objectives of the GMAG are:



- To achieve gender equality in access to education and good quality learning outcomes at all levels, in both formal and non-formal education;
- To increase women's participation in delivering education services;
- To ensure the establishment of a gender sensitive educational environment and social behavior.

Among some of the key achievements to date are:

- Gender concepts are mainstreamed into the teacher-training curriculum from preschool to basic education in both formal and non-formal education. These include women's and child rights, prevention of trafficking and exploitation, sexual abuse and harassment, inclusive education, and CEDAW.
- Gender awareness and the implementation of CEDAW are disseminated broadly to education staff, especially training on the Girl Counseling Program for directors/deputy directors of provincial office of education, trainers and lower secondary teachers.
- Women are given priority to participate in decision-making and management by promoting women to undertake leadership positions at all levels, both formal and non-formal.
- MoEYS gives priority to female teacher candidates, given equal level of qualification for both male and female applicants. Priority was given to women for career promotion where they achieve equal scores with their male counterparts. Female staff and teachers have more opportunities to participate in workshops and trainings, both inside and outside the country.
- The Ministry has received allocation from the national budget for gender mainstreaming activities.
- Guidelines for new teacher deployment, which enable female teachers to teach in a safe environment, have been developed. Dormitories for female trainee teachers at provincial and regional teacher-training centers in disadvantaged remote areas have been built.
- Girl counseling has been established in primary and lower secondary schools.
- Pro-poor scholarships have been provided (60% are girls).

14. At national level, as part of the broader aid effectiveness agenda, a Technical Working Group on Gender has been set up within the framework of the Cambodia Development Council, the leading forum for dialogue on development between the Government, civil society organizations and development partners. The group brings stakeholders together, monitor progresses jointly on an annual basis.
15. The Ministry of Women's Affairs and the Cambodian National Council for Women have cooperated with the National Training Institutes, such as the Royal School of Administration and the Academy of Cambodian Police School in incorporating the content of CEDAW in their curricula (CEDAW/C/KHM/Q/4-5/Add.1).
16. The Cambodian Human Rights Committee has conducted a training of trainers for dissemination and human rights training, including CEDAW, for 12 people at national level and 160 people at capital/provincial level. At the same time, the Cambodian Human Rights Committee conducted CEDAW awareness sessions for 800 human rights focal points and 3,000 students (CEDAW/C/KHM/Q/4-5/Add.1).
17. Sex-disaggregated statistics have been increasingly collected and reported. The Cambodia Socio-Economic Survey (CSES) was conducted annually by the National Institute of Statistics (NIS) since 2007. In 2014, the CSES was conducted with a nationwide representative sample of 12,096 households (a big sample size) (Ministry of Planning-National Institute of Statistics, 2015:117).

Civil Society

18. The Cambodian NGO Committee on CEDAW (NGO-CEDAW) is a major coalition of 72 local organizations working to advance the condition of women in Cambodia. NGO-CEDAW focuses on the implementation of CEDAW in Cambodia. Its work also includes research, advocacy, awareness raising and capacity building, and information exchange between its members.
19. Gender and Development for Cambodia (GADC) advocates for gender-sensitive projects and programs, national laws and policy formulation in Cambodia. At the commune level, GADC works to empower women through the Community Outreach Programme.
20. The Committee to Promote Women in Politics (CPWP) is a network of eight NGOs aiming to increase women's participation in political decision-making at all levels. They chose an NGO member, Silaka, as Secretariat coordinating the CPWP. Their key strategic priorities include effective and collective networking, capacity development, gender-responsive policies, and encouragement for young women's leadership.

C. Claimholder's Benefits and Enjoyment of Rights

21. The 2015 Human Development Report collated the latest data that comprise the Gender Development Index for Cambodia:

Table 2. Cambodia's GDI Value and its components

Life expectancy at birth		Expected years of schooling		Mean years of schooling		GNI per capita		HDI Values		F-M ratio
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	GDI Value
70.3	66.2	10.3	11.5	3.2	5.4	2,526	3,393	0.519	0.584	0.890

22. Every fifth household in Cambodia was headed by a women in 2014. As indicated in Table 3, the percentage of women-headed households has been fairly constant between 22-25 percent over the past 16 years, except for 2013 when the proportion of households headed by women is slightly higher at about 27 percent over the past years (Ministry of Planning-National Institute of Statistics, 2015:5).

Table 3. Households headed by women (In Percent).

Domain	Census 1998	CSES 2004	Census 2008	CSES 2009	CIPS 2013	CSES 2014
Cambodia	25.7	21.8	22.4	21.6	27.1	22.3
Phnom Penh	-	26.2	-	25.2	-	25.0
Other urban	27.2	23.0	24.2 ¹	23.9	28.2 ¹	22.5
Other rural	25.4	21.1	21.7 ²	20.9	26.8 ²	21.9

¹Includes all urban households

²Includes all rural households

Access to Health

23. **Child and Maternal Mortality.** Cambodia is considered on track in 2013 to achieve MDG 4 and MDG 5 to reduce child mortality and maternal mortality. The Maternal Mortality Ratio (MMR) has more than halved to 170/100,000 live births in 2014 from 472/100,000 live births in 2005 hence already achieved the target of 250/100,000 MMR. This progress can be attributed to improvements in the delivery of key reproductive, maternal, newborn and child health interventions for women and children. This includes increased government spending allocations to health, and the development and expansion of three health care financing schemes. There are significant shifts in data trends on poverty and social indicators - population growth rate, maternal mortality rate, infant mortality rate, life expectancy, adult literacy, primary school enrollment, and access to improved water supply among rural households (MOWA, 2015:11). Data updates further showed that Maternal Mortality Rate decreased to 170/100,000 (2014) and Infant Mortality Rate (below 1 year) is lower at 28/1,000 (2014).

24. **HIV/AIDS:** Significant achievements were achieved in HIV/AIDS prevention for the past two decades. HIV/AIDS prevalence has decreased from 1.7 percent in 1998 to 0.6 percent in 2015. Also in 2015, there are 70,400 people living with HIV/AIDS, of whom 54 percent are females (NCHADS, 2011). This has resulted in the implementation of strategies for mainstreaming and incorporating gender in all systems, mechanisms and services in response to the endemic of HIV/AIDS all over the country. Practically, gender has been constantly mainstreamed in policies, strategic plans and resource mobilization plans, and incorporated into guidelines for regular implementation of action plans and monitoring and evaluation plans. Promoting gender equality and enabling women and girls to access preventive care, treatment, and support services related to HIV and AIDS has achieved the following results to date:

- More than 80 percent of female entertainment workers have access to preventive services through condoms use, counselling and blood test.
- About 80 percent of women living with HIV has access to antiretroviral drugs (ARVs).
- Over 70 percent of women and girls infected or affected by HIV/AIDS has received support kits such as shelter, education, medical care and businesses to generate income, etc.
- About 90 percent of in-school youth has received knowledge of HIV/AIDS, sexual health and reproductive health (CEDAW/C/KHM/Q-4-5/Add.1 (26 August 2013) page 13).

Violence Against Women (VAW)

25. According to a 2015 national prevalence survey, 21 percent of ever partnered Cambodian women aged 15-64 years reported physical and/or sexual violence by an intimate partner (WHO, 2015 WHO/RHR/15.25). Thirty-two percent of women have experienced emotional violence by an intimate partner. The Cambodia Socio-Economic Survey 2014 that collected data on VAW (page 84) revealed that women are confronted with rape (100%)=[, choking (89.9%), punching, beating and slaps (57.9 %) (Ministry of Planning-International Institute of Statistics, 2015:84).

26. The Law on Prevention of Domestic Violence and Protection of Victims (2005) establishes the responsibility of local authorities to intervene in cases of domestic violence and provides for protection orders to be issued by the courts to protect the victim from any further violence. The Village Commune Safety Policy (2010) identifies rape, domestic violence and anti-trafficking as priority areas for commune, municipal, district and provincial councils to address (Ministry of Planning-International Institute of Statistics, 2015:84). The 2nd National Action Plan to Prevent Violence Against Women (NAPVAW II) 2014-2018 promotes prevention interventions response, access to quality services, and multi-sectoral coordination and cooperation to reduce violence against women.

27. The National Strategic Development Plan (NSDP) 2014-2018 promotes strengthening the dissemination of laws, legislations and international treaties ratified by the RGC related to women and children, and promotes implementation and monitoring of NAPVAW.

28. A new Penal Code was promulgated to respond comprehensively to crimes of gender-based violence and includes provisions relating to deliberate violence, violence committed by a spouse or concubine, rape or sexual harassment. The reformed Civil Code allows for compensation of damages consistent with the Law on Domestic Violence and the new Penal Code and establishes the rule that person can get compensation for infringement of personal rights like the right to life, to personal safety, health, and freedom. The compensation for damages shall cover economic, as well as, non-economic harm, including such aspects as emotional distress⁶.
29. The Second National Action Plan on the Suppression of Human Trafficking, Smuggling and Sexual Exploitation 2014-2018 (NPA STSLS) is also finalized and launched. It targets the 4Ps (Policy, Prevention, Prosecution and Protection) and sets up six (6) core values for its implementation, namely, (1) government ownership, (2) human rights based approach, (3) gender-based programming, (4) active civil society and stakeholders participation, (5) integrated multi-sector approach, and (6) systemic monitoring, evaluation and sustainability. It is the main policy for anti-trafficking in Cambodia, developed under the guidance of the MOI in cooperation with the Ministry of Women's Affairs (MoWA) and other line ministries and partners. The MoWA is also deputy chair of the National Committee for Counter Trafficking (established in 2009), which works to ease inter-ministerial and multi-stakeholders coordination in the fight against trafficking in persons⁷.

Access to Education

30. Gender parity index is noted in the pre-school enrolment, due to a network of home based pre-school, community pre-school provision, and expanding formal pre-school provision in primary schools. By the school year 2012-2013, the gender parity index of the net admission rate in primary schools is equal to 1, due to the policy of MOEYS to enroll girls through the establishment of girls' councilor in all primary schools, pro-active support from the community, and provision of separate toilets.
31. The gender parity index of gross enrollment rate in lower secondary school increased every year (from 0.68 in school year 2000 – 2001 to 1.02 in 2012 – 2013), due to the provision of scholarships giving priority to girls, construction of student dormitories with a priority on accepting girls and the implementation of the policy on having a lower secondary school in every commune.
32. The gender parity index of gross enrollment rate in upper secondary school increased from 0.50 in school year 2000-2001 to 0.93 in 2012-2013, due to the provision of scholarships giving priority to female students, construction of student dormitories with a priority on accepting girls, and the implementation of the policy on expanding upper secondary school provision to every district.

⁶ Speech to the 56th Session of the CEDAW, Dr. IngKantha Phavi, 8 October 2013

⁷ Speech to the 56th Session of the CEDAW, Dr. IngKantha Phavi, 8 October 2013

Case Study 3

Good Men Campaign (GMC)

Between 2011 and 2015, the Ministry of Women's Affairs led the Good Men Campaign (GMC) in close cooperation with 15 international development partners, governmental institutions and civil society organizations. This campaign was the nationwide communication initiative and adopted primary prevention approach aiming to mobilize men and boys across the country and engage them to promote gender equality, prevent violence and reinforce positive masculinities. The GMC targeted 3.5 million men aged 15 to 45 years and categorized into two groups – 1.5 million men aged 15 to 24 years and two million men aged 25 to 49 years. Among the total figure, men in rural areas accounted for 78 percent; 15 percent were illiterates and 2 percent were indigenous groups.



The GMC objectives were as follows: (a) to challenge and question Cambodian gender norms or believes that are conducive of VAW; (b) to improve understanding on different ways of “being a man”; and, (c) to promote behavioral change towards gender equality.

The campaign utilized different kinds of media platforms to disseminate the messages to the public, including social media, TV broadcast, printed materials, roundtable discussions and student debates, and social and institutional mobilization. In 2011, more than 6,200 participants from the government and civil society attended the institutional launch and public launch. The messages of GMC were developed in audio-visual press materials to be broadcast through 30 media organizations in different languages such as Khmer, Chinese, English and Spanish languages. In addition, printed materials such as booklets, banners, and T-shirts were developed and contributed to the target groups.

In 2012, some 3,500 people visited the web-blog in Khmer and English. At the district level, 21 theatres for development had 19,970 attendees. Furthermore, an interactive game application with more than 120 questions had been downloaded and installed 50,000 times. For social media, 3,200 participants clicked “like” on Good Men Campaign Facebook page. In addition, the Good Man Concert in Rattanakiri reached more than 20,000 people. By 2014, the campaign reached 55,000 people through mass media and social media communication.

Baseline, midterm, and end line surveys were conducted to evaluate attitudes and behavioral change toward gender equality. A total of 1,500 male respondents (15 to 49 years old) participated in end line survey in Phnom Penh, and in four provinces of Cambodia.⁸ To measure the attitude of men in public, the respondents reported their perceptions toward women and men. Overall, the positive improvement of men's attitude and behavior change toward women was less than 25 percent after the four years campaign. In contrast, the activities during the campaign did not show positive impact on attitude change toward sexual VAW. There had been some positive change in the gender equity in economic and decision-making family.

⁸ Power point Presentation, (July 2015), Paz y Desarrollo, Good Men Campaign

33. Table 4 below, from the Cambodia Socio-Economic Survey 2014, shows the rates of persons who are currently attending school by level of education and sex. There was a large difference in the level of education among the persons attending school. The pattern was the same for both women and men and the gender difference was small over the period 2004-2014. In 2014, among the populations who are currently attending school, the share of women and men in primary school is virtually the same, at 60 percent and 59 percent, respectively. For pre-primary education level, the share of children attending has increased from about one percent to three percent in the last ten years for both women and men, while the share of children attending primary education has significantly decreased over this period from about 76 percent to 60 percent for women (Ministry of Planning-National Institute of Statistics, 2015:52).

Table 4. Persons who are currently attending school by education level and sex, 2004, 2009 and 2014 in Percent.

Education levels	Women	Men	Both sexes
CSES 2004			
Pre-primary	1.1	1.1	1.1
Primary	75.7	72.6	74.0
Lower secondary	15.3	15.8	15.6
Upper secondary - Technical/vocational pre-secondary diploma/certificate	6.0	7.6	6.9
Technical/vocational post-secondary diploma/certificate - Undergraduate/graduate	1.9	2.8	2.4
Total	100	100	100
CSES 2009			
Pre-primary	2.0	1.8	1.9
Primary	65.1	62.0	63.5
Lower secondary	18.8	18.9	18.8
Upper secondary - Technical/vocational pre-secondary diploma/certificate	10.2	12.2	11.3
Technical/vocational post-secondary diploma/certificate - Undergraduate/graduate	3.9	5.1	4.5
Total	100	100	100
CSES 2014			
Pre-primary	3.1	2.7	2.9
Primary	59.6	58.6	59.1
Lower secondary	20.4	20.5	20.4
Upper secondary - Technical/vocational pre-secondary diploma/certificate	10.4	11.2	10.8
Technical/vocational post-secondary diploma/certificate - Undergraduate/graduate	6.5	7.1	6.8
Total	100	100	100

Political Participation and Decision-Making

34. **Women in Legislative Branch.** In Cambodia, legislative power consists of the Senate and the National Assembly. The Senate has 61 seats (two members appointed by the King, two elected by the National Assembly, and 57 elected by parliamentarians and commune councils). Members of the Senate serve five-year terms. The most recent election was held in 2012, resulting in nine (14.75 percent) seats out of 61 being held by women. The National Assembly consists of 123 seats and its members are elected by popular vote to

serve five-year terms. The most recent National Assembly elections took place on 28 July 2013. Female representation has more than doubled, from 5.8 percent in 1993 (MOWA, 2015:48).

35. Women in the Executive Branch. As of 2013, there is one female deputy prime minister (10%), three female ministers (10.7%), 38 (20.45%) female secretaries of state and 48 (17.60%) female under-secretaries of state. These figures are very close to the CMDG targets, with the exception of secretaries of state position, which is higher than the target.
36. Since 2007, then State Secretariat for Civil Service and now the Ministry of Civil Service issued a guideline to all line ministries and institutions to select 20 percent to 50 percent women during the annual recruitment of new officials. In addition, the Government has issued a Royal Decree on revision of retirement age of female civil servants, raising women's retirement age to 60 years, and on a voluntarily basis. As a result of this sound policy, the number of women civil servants has increased from 34 percent in 2012 to 39 percent in 2015.
37. There are 28 ministries and one secretariat in the executive branch. Since the adoption of Beijing Platform for Action (BPfA), the female representation has steadily increased in the government structure. As of 2013, one of nine Deputy Prime Ministers is female. Of a total 28 line ministries, women held ministerial positions in three ministries. The percentage of female ministers has increased from 7.14 percent (two female ministers out of 26 ministers) in 2008 to 10.71 percent (three female ministers out of 28 ministers) in 2013. All ministries have at least one female Secretary of State and one female Under Secretary of State. The proportion of female Secretary of State appointees increased from 16 (8 percent) in 2008 to 38 (20.54 percent) in 2013. The number of female Under Secretary of State appointees has increased from 33 (15 percent) in 2008 to 48 (17.58 percent) in 2013.

Women in Decision Making at the Sub-national Levels

38. Between 2003 and 2015, there are no female governors in the capital or at the province level against the CMDG target set at 10 percent. The proportion of female deputy governors in the provincial level is 17 percent in 2014, exceeding the target. The proportion of female capital/provincial councilors is 13.23 percent (52 women among 393), an increase from 10 percent (38 women among 374) in 2009; and female representation in the city, district and *khan* councils increased from 12.23 percent in 2009 to 13.85 percent in 2014.
39. The proportion of female members of commune/*sangkats* increased from 15.1 percent in 2007 to 17.78 percent in 2012. However, it is less than the stipulated target of 25 percent.
40. In 2013, female judges comprised 13.9 percent, a slight increase from 13.2 percent in 2010. Some 10.2 percent of prosecutors are women, with 15 women from a total 147 prosecutors. This represents an increase of 8 percentage points since 2010. There is no female representation among presidents of the courts. There are only four women, or 14.8 percent, of a total 27 members of the Bar Council (7th mandate 2012-2015). In three years,

the proportion of female lawyers slightly decreased, from 18 percent, or 98 women of a total 551 in 2010, to 17.6 percent, or 126 women of a total 716, in 2013.

Table 5. Proportion of Women in Decision Making in Politics and Public Sector

Women in Decision Making	2010	2015
Proportion of seats held by women in the National Assembly.	21 (2008)	20.32 (2013)
Proportion of seats held by women in the Senate.	14.75 (2012)	14.75 (2012)
Proportion of female ministers.	7.1 (2008)	10.7 (2013)
Proportion of female secretaries of state.	8 (2008)	20.54 (2013)
Proportion of female under secretaries of state.	15.1 (2008)	17.6 (2013)
Proportion of female provincial governors.	0	0
Proportion of female deputy provincial governors.	20 (2011)	17 (2014)
Proportion of seats held by women in commune councils.	15.1 (2007)	17.8 (2012)

Access to economic opportunities

41. The labour force participation rate, shown in Table 6, in Cambodia slightly decreased from 84.4 percent in 2009 to 82.6 percent in 2014, in which about 78 percent is women and about 88 percent is men (Ministry of Planning-International Institute of Statistics, 2015:66-67).

*Table 6. Labor Force Participation Aged 15-64 years
by Sex in Percent.*

Labour Force and Sex	2009	2014
Labour Force Participation Rate		
Women	80.4	77.5
Men	88.8	87.9
Both Sexes	84.4	82.6
Employment Rate		
Women	80.3	77.4
Men	88.6	87.8
Both Sexes	84.3	82.4

42. The employment rate in relation to the working age population (15-64 years) was about 82 percent in 2014, a slight decrease from 84 percent in 2009. Women's rate decreases about 3 points, compared to men of only one-point decrease (Ministry of Planning - International Institute of Statistics, 2015). Employment of women in the wage sector has reached 42.2 percent and agriculture sector at 45.7 percent respectively. The proportion of women employment in the industrial sector recorded at 73.7 percent in 2010 is now down to 45.5 percent in 2015 (see Table 7). Continuous government efforts are underway to mainstream women into acquiring gainful employment.

Table 7. Proportion of women in wage employment in different sectors

Women's Wage Employment	2009	2014
Agriculture	53	45.7 (2013)
Industry	73.7	45.4
Service	27.4	32 (2013)

43. The majority of Cambodia's population is engaged in the agriculture sector. Women represent over 50 percent of the agricultural workforce and are particularly vulnerable to the economic inefficiencies of the farm and have limited off-farm livelihood opportunities. Additionally, the agriculture sector is highly vulnerable to climate change, and natural resource degradation is exacerbating rural poverty (USAID, 2014:1).

44. Table 8 shows the employed population aged 15-64 years by sex and geographical domain in 2014. The gender differences in the employment status are significant in the three geographical domains. In contrast to paid employment, those who are "unpaid family workers" have higher shares for women than men in all three geographical domains, with 4 percent, 5 percent and 7 percent respectively (Ministry of Planning - International Institute of Statistics, 2015:71).

Table 8. Employment status, main occupation aged (15-64 years) by geographical domain and sex, 2014 in Percent.

Employment status	Cambodia		Phnom Penh		Other urban		Other rural	
	Women	Men	Women	Men	Women	Men	Women	Men
Employment population, number (thousand)	3,973	4,272	511	548	454	503	3,008	3,221
Paid employee	39.3	49.1	64.5	76.3	45.2	57.8	34.2	43.1
Employer	0.1	0.2	0.2	0.2	0.1	0.1	0.1	0.2
Own account worker/self-employed	54.2	45.4	31.1	22.0	50.2	38.4	58.7	50.5
Unpaid family worker	6.1	5.2	4.0	1.5	4.5	3.5	6.8	6.0
Other/Don't know	0.2	0.2	0.0	0.0	0.1	0.1	0.2	0.2
Total	100	100	100	100	100	100	100	100

D. Recommendations

45. The 2013 CEDAW Concluding Observations made the following recommendations:

- a. Consider adopting comprehensive legislation governing gender equality, which should include a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention (para. 11).
- b. Develop a comprehensive legal aid scheme in order to ensure effective access by women to courts and tribunals, in particular, on the implementation of the right of women to access legal aid; to provide adequate funding to the Bar Association and women's

organizations providing free legal counselling to ensure effective access to justice by women (para. 13).

- c. Continue harmonizing and strengthening the national machinery for the advancement of women. In addition, the Committee recommends that the State party increase the budgetary allocation for that machinery and ensure that the resources correspond to its mandate and activities. The State party should also ensure that the budgetary allocation is reviewed annually and adjusted as needed (para. 17).
- d. Intensify efforts to train judicial and law enforcement officers on the strict application of the Law on the Prevention of Domestic Violence and Protection of Victims to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation (para. 21).
- e. Encourage women to lodge formal complaints about domestic and sexual violence, by destigmatizing victims and raising awareness about the criminal nature of such acts; continue public awareness-raising campaigns on all forms of violence against women, in particular in rural areas.
- f. Strengthen the implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation (para. 25); increase the dissemination of information on labour migration and provide information on deceptive recruitment agencies involved in human trafficking; ensure that traffickers and other persons responsible for the sexual exploitation of women and girls are prosecuted and adequately punished; strengthen bilateral and multilateral cooperation in combating human trafficking for domestic servitude and sexual exploitation.
- g. Take effective measures to increase access to education for girls, including by strengthening the school infrastructure and increasing the availability of places in secondary schools, in particular in the communes; develop measures aimed at ensuring the effective retention of women and girls in schools, especially when they are making the transition from primary to secondary school and at higher levels of education; intensify age-appropriate education in schools on sexual and reproductive rights, gender relations and responsible sexual behaviour, in order to combat teenage pregnancies; and enhance the quality of education by training teachers and ensuring that they are adequately remunerated (para. 33).
- h. Continue adopting proactive and specific measures to eliminate occupational segregation and to narrow the gender pay gap; take measures to ensure that labour laws are enforced effectively, and to increase the number of, and adequately equip labour inspectors to enable them to effectively monitor women's working conditions, in particular in the garment industry and in other low-paid sectors (para. 35).

References

ASEAN Statistical Yearbook 2014.

CEDAW/C/KHM/Q/4-5/Add.1. *Replies of Cambodia to the list of issues*, 26 August 2013.

CEDAW/C/KHM/4-5, 2011 September 2011. *Combined fourth and fifth periodic reports of States parties*, Cambodia.

CEDAW/C/KHM/CO/4-5. 2013 October 29. *Concluding Observations on the combined fourth and fifth periodic reports of Cambodia*.

<http://sea-globe.com/sok-bun-thida-khus-mu-sochua-cambodia-southeast-asia-globe/>

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=29&Lang=EN

Ministry of Planning-National Institute of Statistics (2015 October). *Cambodia Socio-Economic Survey 2014*. Phnom Penh: Cambodia Ministry of Planning. Retrieved from http://www.ilearnincambodia.net/uploads/3/1/0/9/31096741/cses_2014_report.pdf

Ministry of Women's Affairs (2015). Cambodia Report. *The Implementation of the Beijing Declaration and Platform for Action (1995)* Retrieved from http://www.unwomen.org/~mediaheadquarters/attachments/sections/csw/59/national_reviews/cambodia_review_beijing20.pdf

National Center for HIV/AIDS Dermatology and STD (2011 October). *Report Estimations and Projections of HIV/AIDS in Cambodia 2010-2015*. Cambodia: Ministry of Health. Retrieved from http://www.nchads.org/Publication/HSS/Estimations%20and%20Projections%20of%20HIV-AIDS%20in%20Cambodia%202010-2015_eng.pdf

National Institute of Statistics - Ministry of Planning- (October 2015). *Cambodia Socio-Economic Survey 2014*. Retrieved from http://www.nis.gov.kh/nis/CSES/CSES_2014_Report.pdf

Speech to the 56th Session of the CEDAW by Her Excellency Dr. Ing Kantha Phavi Minister of Women's Affairs of Cambodia and Head of the Royal Government of Cambodia Delegation 8 October 2013, Geneva, Switzerland, page 5. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KHM/INT_CEDAW_STA_KHM_15361_E

pdf

Summary Report on Activities of the Cambodian National Council for Women in 2014 and Action Plan for 2015 (February 2015). Retrieved from [http://cncw.gov.kh/userfiles/Report%20summary\(Final%20Final\)_Eng_.pdf](http://cncw.gov.kh/userfiles/Report%20summary(Final%20Final)_Eng_.pdf)

The Asia Foundation Cambodia and KWDI (2014). *Strengthening National Policy Research Capacities in the Field of Gender Equality in Cambodia*.

UNDP, 2015. *Briefing Note on Countries in the 2015 Human Development Report, Cambodia*.

UNOHCHR (2017). *Ratification of 18 International Human Rights Treaties*. Retrieved from www.indicators.ohchr.org

World Health Organization 2015 WHO/RHR/15.25 *Addressing violence against women in Cambodia: The health system response*. Retrieved from http://apps.who.int/iris/bitstream/10665/201705/1/WHO_RHR_15.25_eng.pdf



INDONESIA

A. General Country Profile

1. Indonesia is one of the world's most populous nations in the world; it's also the world's tenth largest economy in terms of purchasing power parity or gross domestic product (GDP). Of the 238.5 million people in 2010, 119.7 million were male (50.2 percent) while the remaining 118.7 million (or 49.7 percent) were female. The almost equal proportion suggests that the two groups are equally important as contributors towards the country's economic development (UNFPA, 2015). The ASEAN Statistical Yearbook 2014 updates the population data to 248,818 million as of 2013.
2. The 2015 Human Development Report ranked Indonesia 110th out of 188 countries in the human development and gender inequality indices (GII). Indonesia's HDI value for 2014 is 0.684, which puts the country in the medium human development category. Between 1980 and 2014, Indonesia's HDI value increased from 0.474 to 0.684, an increase of 44.3 percent or an average annual increase of about 1.08 percent.
3. Indonesia has a GII value of 0.494, ranking it 110 out of 155 countries in the 2014 index. This GII value is a composite index that is based on these statistics: 17.1 percent of parliamentary seats are held by women and 39.9 percent of adult women have reached at least a secondary level of education compared to 49.2 percent of their male counterparts. For every 100,000 live births, 190 women die from pregnancy-related causes; and the adolescent birth rate is 48.3 births per 1,000 women of ages 15-19. Female participation in the labor market is 51.4 percent compared to 84.2 for men (UNDP, 2015).

B. Duty-Bearer's Accountability

4. Indonesia is party to nine Core International Human Rights instruments (see Table 1), the OP-CEDAW, and two Optional Protocols to the Convention on the Rights of the Child.
5. Since CEDAW ratification in 1984, Indonesian government has made efforts to eliminate discrimination against women. While it has also signed the OP CEDAW, it has yet be ratified.
6. These international instruments are integrated into Indonesian national legislation and regulations. They are also linked to the attainment of the gender targets of the Beijing Platform for Action (BPfA) and the Millennium Development Goals (MDGs). "To further strengthen its capacity on the promotion and protection of human rights, Indonesia has also empowered various machineries, including national human rights institutions" (UN GA, 2014:3). Indonesia has also committed to implement the Beijing Platform for Action

Harmonizing National Laws with CEDAW

7. Discrimination on the basis of sex is prohibited in Article 8 of the Constitution and in Law No. 39/1999 on human rights. A 1999 Decree required the Government of Indonesia to

Table 1. UN Human Rights Treaty Obligations of Indonesia

Treaty Description	Treaty Name	Signature Date	Ratification (r), Accession (a), Sucession (d) date
Core International Human Rights Instruments			
International Convention on the Elimination of All Forms of Racial Discrimination	CERD	NA	1999
International Covenant on Civil and Political Rights	CCPR	NA	2006
International Covenant on Economic, Social and Cultural Rights	CESCR	NA	2006
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW	1980	1984
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	OP CEDAW	2000	
Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	1985	1998
Convention on the Rights of the Child	CRC	1990	1990
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	OP CRC-AC	2001	2012
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	OP CRC-SC	2001	2012
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	CMW	2004	2012
International Convention for the Protection of all persons from Enforced Disappearance	CED	2010	
Convention on the Rights of Persons with Disabilities	CRPD	2007	2011

Source: UN OHCHR website <http://indicators.ohchr.org/> and ILO website http://www.ilo.org/dyn/normlex/en/f?p=NORMEXPUB:11200:0::NO::P11200_COUNTRY_ID:102938

review and improve “laws inherited from colonial era and national laws that are discriminatory, including those that discriminate based on gender and those conflicting with reformasi demand, through a legislation program” (Consultative Assembly Decree No. IV/MPR/1999) (MOWECP, 2011).

8. With encouragement from civil society organizations and the MoWECP, some laws have been made more gender sensitive and advance the protection of women’s rights, including the following (MOWECP, 2011):
 - Population Growth and Family Development Law No. 52/2009, which specifies that demographic data should be disaggregated by gender and that poverty should be eradicated among female-headed households;
 - Elimination of Domestic Violence Law No. 23/2004, which strengthens efforts to eliminate domestic violence and requires provision of services to victims;
 - Citizen Administration Law No. 23/2006, which adopts a nondiscriminatory principle in serving citizens;
 - Political Party Law No. 2/2008 and General Election Law No. 10/2008, which requires

the nomination of at least 30 percent women candidates for national, provincial, and district/city level parliaments; and,

- Human Trafficking Law No. 21/2007, which focuses on countering and criminalizing trafficking in persons.

Among the more recent issuances are the laws and regulations on the following:

- The adoption of Law No. 2/2011, on political parties, in which provision is made for quotas for women in political party structures at the national and regional levels, and Law No. 8/2012, on general elections, in which provision is made for a 30 percent quota for women candidates on the electoral lists of political parties for the general elections of regional legislative bodies;
- The issuance of the Ministerial Regulation No. 1/2010, on a minimum service standard on integrated service for women and children victims of violence;
- The issuance of the Financial Ministerial Regulation No. 93/2011, on gender-responsive budgeting to support gender mainstreaming and equality in the national development; and,
- The adoption of the National Action Plan on Human Rights 2011-2014 promulgated by Presidential Regulation No. 23/2011. It further notes with appreciation the establishment of the task force on migrant workers and the efforts of the Government to prepare the bill on gender equality.

9. However, the CEDAW Committee noted there is no clear definition of discrimination modelled on article 1 of the Convention in the Constitution or in other legislation. The provisions of the Convention are not consistently implemented at the provincial and district levels, even though the Constitution empowers the central Government to do so. The policy of decentralization (Law No. 32/2004) allowed many regions to increasingly implement laws and policies that severely discriminate against women; and, therefore, women have lost fundamental rights that they had previously been able to exercise freely. The increased influence of fundamentalist religious groups advocating restrictive interpretations of sharia laws has resulted in discrimination against women (CEDAW/C/IDN/CO/6-7).

10. Lack of synergy and coordination among decision makers sometimes creates contradictory policies. This has led to a situation where many women's rights issues remain unattended, both at the central, and much more so, at the regional levels. Many parties, including the National Commission for Women, have identified many discriminatory regional by-laws. By 2007, the Department of Law and Human Rights had reviewed 5,518 regional by-laws, of those, 1,406 were recommended for annulment. Similarly, the Department of Home Affairs has annulled 678 regional by-laws, and 163 are currently under review. A Komnas Perempuan study reported that 342 discriminatory laws were enacted since 2009 at district levels in Indonesia (CEDAW/C/IDN/CO/6-7).

Implementation and Monitoring Mechanisms

11. The Ministry for Women's Empowerment and Child Protection is the national machinery for the advancement of women and the achievement of gender equality through the implementation of the gender-mainstreaming strategy in all sectors of development, while the mechanism at the sub national level is under the coordination of vice governors and vice regents all over Indonesia. Each line ministry has established respective focal points and gender working groups to coordinate gender-responsive planning and budgeting in their ministries. At the sub-national level, regional development planning is the head of the gender working group, which is made up of members from gender focal points of sub-national government agencies. Lack of commitment by decision makers, lack of capacities and skills relating to gender analysis in the focal points, lack of disaggregated data were some of the common problems faced at the national and sub-national levels (CEDAW/C/IDN/CO/6-7, para. 13).
12. The Mid-Term Development Plan for 2010-2014 stipulated that the mainstreaming of gender is required, along with the mainstreaming of sustainable development and good governance, in all policies and program. The 2010 General Guidelines to Implementing Gender Mainstreaming in Local Development from the MoHA mandates all government agencies to use gender analysis in the budgeting process. This guideline was further elaborated in the Ministry of Finance (MoF) Regulation PMK No. 119/2009. In 2011, the Gender Budget Statement introduced by this regulation will be expanded to include other sectors, and, in 2012, it will extend to the regional level.
13. Eliminating discrimination has been one of the visions of Indonesia's Unity Cabinet. The most tangible achievement is the openness and awareness about rights and obligations of the people and the State, as well as, greater public participation in striving for a better life. Civil society and non-governmental organizations can voice aspirations freely, including issues relating to women's rights. The legislative body has a Parliamentary Female Caucus. The media is highly involved in the oversight of the implementation of human rights. There are several national commissions, including the National Commission for Human Rights, National Commission for Eradication of Violence against Women (Komnas Perempuan), National Commission for Senior Citizens, Indonesian Commission for the Protection of Children, the National Ombudsman Commission, which also oversee the implementation of human rights (CEDAW/C/IDN/CO/6-7, para. 13).
14. Overall, CEDAW recommends the strengthening of the national machinery for the advancement of women at the national, regional and local levels by providing it with the human, technical and financial resources necessary for its effective functioning, and ensuring that its activities are fully supported by political power at all levels of its exercise. It further recommended that adequate resources be provided to the National Commission on Violence against Women and the National Commission on Human Rights (CEDAW/C/IDN/CO/6-7, para. 20).

15. The need for systematic collection and analysis of sex-disaggregated data and gender statistics is also urgent. Most of the data reflected here are not updated and may no longer reflect the real situation from 2010 to 2015.

C. Claimholders Benefits and Enjoyment of Rights

16. The 2014 female HDI value for Indonesia is 0.655, in contrast with 0.706 for males, resulting in a Gender Development Index value of 0.927. The following table shows the scores that comprise the HDI¹.

Table 2. Gender Development Index, Indonesia, 2014

Life expectancy at birth		Expected years of schooling		Mean years of schooling		GNI per capita		HDI Values		F-M ratio
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	GDI Value
71.0	66.9	13.1	12.9	9.0	8.2	6,485	13,052	0.655	0.706	0.927

Access to Health

17. Maternal mortality rate (MMR, death per 1,000 live births) increased from 169 in 2010 to 190 in 2013 (ASEAN Statistical Yearbook, 2014:15).

18. Based on UNICEF Indonesia report (2012), there is an improvement in the proportion of births attended by skilled health personnel, from 41 percent in 1992 to 82 percent in 2010. But “the proportion of births delivered in a health facility remains low at 55 percent” (UNICEF Indonesia, 2012), which means that there were women who were unable or unwilling to do the delivery in a health facility and instead do it in their own homes.

19. There was an increase in the proportion of women with HIV from 34 percent in 2008 to 44 percent in 2011 (UNICEF Indonesia, 2012). The common modes of transmissions are sexual intercourse and drug injection (Indonesia National AIDS Commission, 2012).

20. According to 2012 WHO data, 151,605 Indonesian children die every year before they reach 5 years old, and some 124,977 infant deaths. These can be attributed to complications from premature birth, still births and severe infections, such as pneumonia, meningitis and septicaemia (ADB, 2012). The ASEAN Statistical Yearbook 2014 (p. 14) listed a decrease of infant mortality rate from 34 percent in 2010 to 27.2 percent in 2013. However, the ‘under-five’ mortality rate fluctuated from 42 percent in 2010, decreased to 32 percent in 2011, and increased again to 40 percent in 2012.

¹ UNDP, 2015. Briefing Note on Countries in the 2015 Human Development Report. Indonesia. The Gender Development Index (GDI), based on the sex-disaggregated Human Development Index, is defined as a ratio of the female to the male HDI.

Access to Education

21. There is a gender parity in education in Indonesia where girls are expected to study the so-called “soft sciences” (i.e. tourism, arts and crafts) while boys prefer to study the “hard sciences” (i.e. technology and industry). For instance, in 2002-2003, 94 percent of girls were into tourism courses, while 99 percent of boys took technology and industry courses (ILO, 2013). “Technology and industry was 80.7 percent male and 19.3 percent female; agriculture and forestry was 69.5 percent male and 30.5 percent female. Only in business and management (66.6%) and arts and crafts (56.8%) did females have a higher percentage of participation” (UNESCO, 2008:11).
22. Indonesia is said to be on track in achieving universal primary education (MDG 2). “In 2007, net enrolment in primary education was 98 percent, with boys’ enrolment at 100 percent and girls’ at 96 percent” (ADB Country Partnership Strategy: Indonesia 2012-2014, p1). But the figure seems to drop for net enrolment ratio of junior secondary level (61.6%), with girls at 62.4 percent and boys at 60.9 percent. In the ADB country report, it was also noted that girls are more likely to drop out of school than boys—6 girls out of 10 children drop out in primary school and junior secondary, while 7 girls drop out for every 3 boys at the senior secondary level (ADB, 2012).
23. Adult literacy rate in Indonesia averaged at 92.6 percent in 2010 – 95.6 percent for males and 89.7 percent for females. It is projected to hit 94.8 percent in 2015 with disaggregated data at 97 percent for male and 92.6 percent for female. Youth literacy rate (15 to 24 years old) is equitable, reaching almost reached 100 percent in 2010 for both sexes (UNESCO, 2012).
24. In the situation assessment (2004) of the Technical and Vocational Education in Indonesia, it was revealed that more males were in the upper secondary vocational and technical schools, with 67.8 percent males and only 32.2 percent females (UNESCO, 2008).
25. The Millennium Development Goals for the education sector state that by 2015, Indonesian children, girls and boys throughout the country, must finish elementary education. The achievement rate in 2009 was 94.7 percent of students in elementary education; 74.7 percent were in the last year of elementary education; and 99.4 percent of girls and boys between the ages of 15 and 24 were literate.
26. The national budget for national education and health has showed a steady increase each year. The Constitution sanctioned 20 percent of the National Annual Budget for education. This means that more poor families with more children, girls and boys will have equal opportunity to obtain equal access to education (CEDAW/C/IDN/CO/6-7, para. 15).

Violence Against Women

27. As of 2010, the Komnas Perempuan recorded a total of 105,103 victims of violence against

women. This number peaked from a trend of increasing number of violence against women from 3,169 in 2001. Most of these are domestic violence cases that involved married women (68.6%) as victims with most of the perpetrators being their husbands (55.1%).

Table 3. Violence Against Women (number of victims): 2001-2011

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
No.	3,169	5,163	7,787	14,020	20,391	22,512	25,522	54,425	143,586	105,103

Source: *Teror dan Kekerasan Terhadap Perempuan: Hilangnya Kendali Negara. Catatan Kekerasan Terhadap Perempuan (KTP), 2010*, translated: "Terror and violence against women: loss of control of the country. A record of violence against women (KTP), 2010" www.komnasperempuan.or.id, 27 November 2011.

28. **Sexual harassment in the workplace.** Indonesia does not have an Anti-Sexual Harassment Law. Related violence such as physical or sexual assault, indecent exposure, stalking, obscene communications and distribution of pornographic images are covered under the Indonesian Penal Code. In a survey conducted in the Better Work Indonesia (2012), 85.2 percent of workers reported to have been experienced sexual harassment (ILO, 2013).

29. In the 2011 assessment on gender equality by the Centre for Science and Technology Development Studies, Indonesia Institute of Sciences, it was revealed that the practice of female genital mutilation (FGM) still exists in some communities in Indonesia. The FGM is considered to be a cultural, religious and social practice that prepares the girl for adulthood and marriage. There was no official data on the numbers of females who have undergone FGM, but according to a USAID report, 92 percent of Indonesian families would choose to continue the practice of FGM on their children (Saari, 2011).

30. There has been a reduction in the practice of forced marriage of girls; but the number of girls marrying at the age of 12-15 and 16-18 years old is still high, with more than 50 percent of the total marriages in one year. The marrying age of girls in Indonesian Marriage Law is 16 years old, but they can marry before reaching the marrying age if the parents apply for dispensation from the authorized officer (Koalisi Perempuan Indonesia, 2012). Similarly, the most common reason why girls drop out of school is marriage and housework (27.78% of girls).

31. Early marriage in the rural areas is more common and prevalent; there are 16 year-old girls being married to men much older than them. Table 4 below that there are large variations between the median age at first marriage of the population aged 25-49 years whether disaggregated by sex, urban/rural, educational level, or welfare status. For all of the variables mentioned, the male median age at first marriage was higher than that of females. In urban areas, women married later than their rural counterparts. There was a positive relationship between the age at first marriage for both males and females and their education level. The higher the education, the later the age at first marriage. A positive relationship was also found between their income level and their age of marriage (UNFPA, 2015).

Case Study 1

Coordination Mechanism within the Government of Indonesia for Addressing GBV²

The Ministry of Women's Empowerment and Child Protection (MOWECP) is mandated to establish and implement guidelines and regulations in relation to GBV and report on the implementation of these laws. A coordinative mechanism was set up to:

- a. strengthen policy frameworks and governance for the health sector response and comprehensive approaches to address GBV, address harmful practices such as child marriage and FGM and improve governance arrangements to prevent and manage SGBV in humanitarian situations;
- b. review and update the current situation of child marriage and female genital mutilation practices in Indonesia;
- c. review policies and regulations in Indonesia that support the harmful practice;
- d. identify other program interventions and strategies that have been successful to address the practice.



With support from UNFPA, MOWECP initiated a multi-sectoral approach to GBV in 2010, issuing a ministerial regulation on the Minimum Standards of Services for Victims of Violence against Women and Children (MSS-VAWC). The MSS-VAWC was developed in coordination with more than nine ministries and institutions and now forms the umbrella policy to guide the establishment and implementation of district level integrated service provision outlined in the GOI's Medium Term Development Plan (RPJMN) 2010-2014. A review of the MSS VAWC (including trafficking) highlighted the limited integration of MSS VAWC into each ministry and agency work plans and a weak coordination mechanism, not only between the different state agencies, but also, within MOWECP. Local governments in the provinces and districts were mobilized to establish Integrated Service Centres for Women and Children's Protection (P2TP2A) to coordinate case management, mostly on the technical side of service delivery.

Among the progress made were: (a) policy frameworks and governance developed and improved for the health sector response and comprehensive approaches to address GBV; and (b) harmful practices, such as child marriage. The FGM are now being addressed with improved governance arrangements, including prevention and management of SGBV in humanitarian situations.

The UNFPA provided program funding of USD 484,483 for 2014 and USD 348,865 for Year 2015. The government still has to allocate budget with the Ministry of Health and other agencies to achieve the MSS-VAWC indicators.

² Excerpted from the case study drafted by Repelita Tambunan for the ACWC Progress Report

Table 4. Median Age at First Marriage by Background Characteristics, 2012

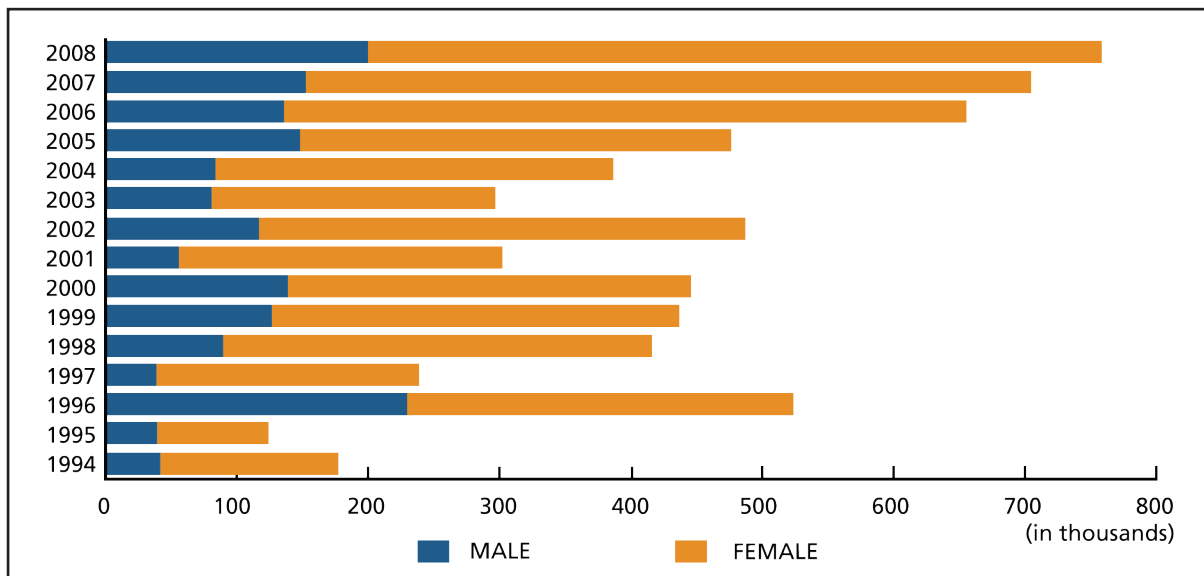
Selected Characteristics	Ever-married women aged 25-49	Married men aged 25-49
Urban/Rural		
Urban	21.2	a
Rural	19.0	23.4
Educational Attainment		
No schooling	17.0	21.8
Some primary school	17.3	21.9
Primary school	18.3	23.0
Some high school	19.6	23.8
Senior high school or higher	22.6	a
Welfare Status		
Lowest	18.9	23.4
Middle low	19.2	23.7
Middle	19.5	23.7
Middle high	20.4	24.6
Highest	22.2	a
Total	20.1	24.3

Migration

32. Indonesia is both a receiving and sending country. “Indonesian overseas labor migration is characterized by the movement of unskilled workers in the plantation, forestry, construction and service sectors. Many women migrants work in the service sector as domestic workers and shopkeepers. The principal destinations of this movement are countries experiencing significant labour shortages, notably several Middle Eastern countries, Malaysia and Singapore” (WAGI-UN Women, 2013).
33. According to ILO, there are around 700,000 Indonesian migrant workers who leave the country annually to work overseas. The figures do not include undocumented migrants, which might be higher. In 2009, there were approximately 4.3 million workers abroad that contributed around USD 6 billion and USD 8.2 billion in remittances in 2007 and 2008, respectively (ILO, 2014).
34. Indonesian women migrants outnumber the men. “The main destination countries of female Indonesian workers were Saudi Arabia, Malaysia, Taiwan, China, United Arab Emirates, Hong Kong SAR, China, Kuwait and Singapore, while those of Indonesian male workers were Malaysia and Korea” (BNP2TKI, 2009b as cited in WAGI-UN Women, 2013:22).
35. Indonesian migrant workers experienced a lot of challenges throughout the migration process—from pre-departure, departure, to working overseas. Some of the issues they face are illegal recruitment (including falsification of documents and excessive recruitment fees), lack of information about their itineraries, language barrier, employers’ violation of contracts

(i.e. underpayment or no payment at all), and absence of legal protection, among others (WAGI-UN Women, 2013).

Figure 1. Gender Distribution of Indonesian Migrant Workers, 1994-2008



Source: WAGI-UN Women Social Cost of Migration Research, <http://asiapacific.unwomen.org/~media/field%20office%20eseasia/docs/publications/2013/valuing%20the%20social%20cost%20of%20migration.ashx>

36. The Indonesian government also set legal measures to protect migrant women, such as the enactment of Law No. 12 (2006) on Citizenship, Law No. 13 (2006) on the Protection of Witnesses and Victims, Law No. 21 (2007) on Combating Trafficking in Persons, and Law No. 23 (2004) on Domestic Violence, which includes comprehensive protection for domestic helpers (UPR Indonesia, 2008).

Political Participation and Decision-Making

37. Based on the Inter-Parliamentary Union data, Indonesian women occupy 17.1 percent (95) out of 555 seats in Indonesia’s lower house of parliament, ranking at number 81 out of 190 countries (IPU, 2015). According to the World Economic Forum’s report, the decline of Indonesia in the Gender Equality Index ranking is attributed to the decline of women in ministerial position (Kate, 2013).

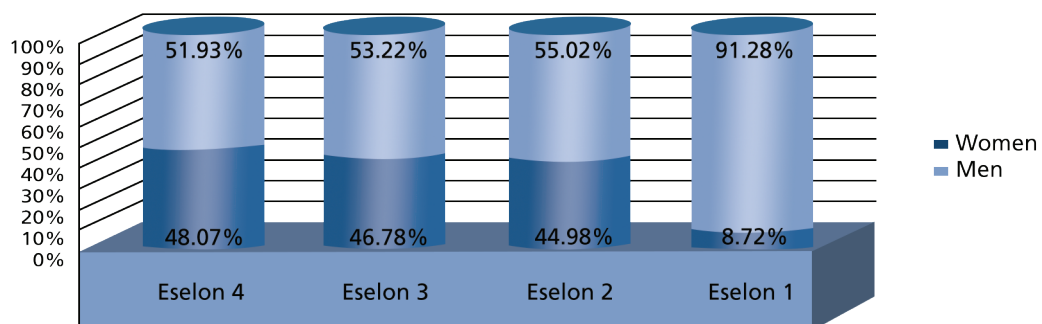
38. Indonesian Government enacted Law No. 31 of 2002 (amended as Law No. 2 of 2008) on Political Parties and Law No. 12 of 2003 on the Election of Members of Parliament and Local Parliament. These laws mandated a 30 percent quota for women in political parties (UPR Indonesia, 2008). Currently, there is a motion to amend this election law requiring the parties to comply with the quota in each of the nation’s 77 electoral districts (Kate, 2013). There is also a law (Law No.31/2002) stating that 30 percent of party boards must be comprised of women (Villaruel, 2014).

39. The Election Commission in Indonesia had strictly implemented the quota law by disqualifying

parties who did not meet the quota for women candidates for the district election; thus, 12 competing parties in the 2014 national elections had reached the 30 percent candidacy quota (over 2,400 were women out of the 6,576 candidates who ran for office) (Villaruel, 2014).

40. Indonesia’s President Joko Widodo has appointed eight (8) women out of the 34 cabinet positions, including the country’s first female foreign minister Retno Marsudi (Roberts, 2014). Other cabinet positions with women ministers include Ministry of Human Development and Culture, Ministry of Social Welfare, Ministry of Maritime Affairs and Fisheries, Ministry of Health, Ministry of Forestry and the Environment, Ministry of Women Empowerment and Child Protection, and Ministry of State Enterprises.
41. Based on the 2009 data at the local level, there was only one woman out of 33 elected governors; only one woman elected as deputy governor; only 10 women regents/mayors (2.27%) out of the 440 districts/municipalities; and only 12 women vice regents/mayors (2.27%) out of 402 posts of vice regent/mayor (UNDP, 2010).
42. The 2009 data also noted that women in the civil service constituted 45.4 percent of the workforce, but men dominate the top echelons. Although the gender disparity is not that wide, the gap in echelon 1 (top echelons) is critical with only 9 percent of women (UNDP, 2010).

Figure 2. Women in the Civil Service by Echelon (2009)



Source: “PNS Dirinci Menurut Kelompok Umur dan Golongan, Desember 2009” Badan Kepegawaian Nasional/National Civil Service Agency (<http://www.bkn.go.id/stat2009>).

43. In 1989, Indonesia started accepting female judges in the Islamic courts. Despite of this, the court is still male-dominated. In the 2011 report of the Directorate of Religious Court, the percentage of female judges is only around 15 percent. In the first-instance and appellate courts, there were only 507 female out of 3,687 judges (Nurlaelawati and Salim, 2013).
44. It was not easy for women victims of domestic violence to access the Family Court due to several difficulties, such as their “lack of financial independence, negative response from the legal system and the identities of women themselves”(Saraswati, 2013, 9). Financial issues became apparent in cases when the women victims of domestic violence, who were divorced by their husbands, decided to file a law suit in court to obtain their rights. In some cases, these women had to access the help from one institution to the other just to obtain their rights as divorced women and victims of domestic violence (Saraswati, 2013).

Access to Economic Opportunities

45. The labor force participation rate was estimated at 69.2 percent or 125.3 million people in February 2014. But the gender disparities in labor participation is still wide, with 85 percent labor force participation rates for men and only 53.4 percent for women (ILO, 2014).

Table 5. Key labor market indicators

Variable	Feb 2012	Aug 2012	Feb 2013	Aug 2013	Feb 2014
Labour force (million)	122.7	120.3	123.6	120.2	125.3
Employed (million)	115.1	113.0	116.4	112.8	118.2
Unemployed (million)	7.6	7.3	7.2	7.4	7.2
Labour force participation rate	69.9%	67.8%	69.2%	66.8%	69.2%
Unemployment rate	6.2%	6.1%	5.8%	6.2%	5.7%
Employment-to-popular ratio	65.3%	63.7%	65.2%	62.7%	65.2%

Source: BPS (2014) Pasar Tenaga Kerja Indonesia Februari 2014, Badan Pusat Statistik, Jakarta.

46. An estimated 46 percent of those employed was in the formal economy and 53.6 percent in the informal economy. From those in the informal economy, 57.9 percent were women while 50.9 percent were men. "There have been efforts to support women to access job opportunities in the formal economy, such as gender quotas in parliament and flexible working hours, however, further efforts are needed to bridge the gender gap, particularly regarding discrimination, job quality in sectors dominated by women and provisions that allow for maternity leave" (ILO, 2014:3).

47. Many women worked in the informal sector for many reasons, such as lack of education or lack of opportunity to enter the formal sector. Informal sector work is more flexible and not binding and fits better with the situation of women who are still attached to stereotypical and traditional gender roles. However, the informal sector brings no guarantee of sustainable work and social protection. The wages are lower and working hours are often longer. A lot of women in the informal sector work as domestic workers and are vulnerable to exploitation and violence.

48. Education also plays an important role in the kind of employment women end up with. One study in Indonesia noted, that "compared with having a junior secondary education, having a college education increases the probability of working in a regular job by 25.6 percent and having a senior secondary education increases it by 10.3 percent. Women with at most a primary school education were less likely to be regularly employed" (IZA World of Labor, 2014:8). This is also similar with the earlier ILO study (2013) where educational attainment is correlated with gender wage differentials. It also indicated that "the proportion of unemployment for individuals with higher education is higher for women than for men" (ILO 2013:44).

Case Study 2

Community Organizing for Social Security and Protection³

The *Pemberdayaan Perempuan Kepala Keluarga* (PEKKA) or Women Head of Family Empowerment is the federation of female-headed households in 20 provinces of Indonesia that implements the program called, “Empowering Indonesian for Poverty Reduction Program,” or *Maju Perempuan Indonesia untuk Penanggulangan Kemiskinan* (MAMPU), a joint initiative of the Governments of Indonesia and Australia. The National Economics Census Data of Indonesia (SUSENAS) showed that in 2007 the number of female-households headed (FHH) is approximately 13.60 percent, or about 6 million households, representing more than 30 million people.

This program aims to increase access to livelihood and social protection for female-headed households (FHH) and disadvantaged groups. The FHH are households where a woman becomes head of the family because of her husband’s death, having divorced her or left the family, or the husband being chronically ill. Disadvantaged groups of women are those with a disability, elderly, women victims of violence, LGBT, and poor women with children.



Individual women from these marginal groups are eligible to become a member of the United PEKKA and be involved in capacity building activities of MAMPU program.

Among MAMPU strategies were:

- Organizing and strengthening PEKKA Unions. This takes the form of regular union meetings, training, developing new groups, and expanding out to other villages, sub-districts, districts and provinces. This expanded membership that reached a total of 1,530 groups, have been developed in 2015 with 28,197 members and 48,010 participants.
- Evidence-Based Advocacy. Women household heads and other marginal groups have to apply for their legal identity documents for themselves and their families. In 2015, at least 7,740 cases of legal identity, such as marriage certificate, divorce certificates, and birth certificates of their children were resolved by PEKKA paralegals in 11 regions by using the policies issued by stakeholders through the availability of integrated services. This is a staggering increase compared to 2014 of only 559 cases in just two regions.
- Community-Based livelihood Initiatives were funded.
 - Some who engaged in retail business have been fairly profitable and have developed satisfactorily. In nearly all regions running this business, the annual growth in sales has been more than encouraging at 200 percent.
 - Others embarked on members’ savings group that have collectively grown to over 15 percent from the previous year. As is the case for savings, accumulated loans disbursed

³ Excerpted from the case study drafted by Repelita Tambunan for the ACWC Progress Report

by December 2015 have also increased.

- In 2015, the PEKKA Union in NTB (West Nusa Tenggara) members store their harvested rice in a collective barn established at the PEKKA Center during harvest season. Members can borrow the amount of rice needed by returning the same quantity of rice after a certain period of time.
- Another group engaged in organic food production; so that by 2015, at least 10 hectares of land have been cultivated for organic farming and managed by women household heads in different regions. The size of land being cultivated has expanded nearly 300 percent compared to the previous year.

Overall, the women gained awareness on the importance of legal identity documentation and of their rights to access social protection. Being affiliated with a dynamic and active organization like PEKKA made social protection services easier to obtain. They also developed their ability to engage in sustainable livelihood.

49. In an ILO research data (2013), women comprised of only two-fifths of the Indonesian labor market. Women usually work in low-paying and low-skilled jobs in the textile, garment and footwear industries. Women also dominate the teaching and health care sectors, as well as, the informal sector. "In rural areas and areas heavily reliant on agriculture, unpaid work is much more common for women than for men, with 34 percent of women working as unpaid workers compared with 8 percent of men" (Dhanani et al, 2009 as cited in ILO, 2013:37).

Table 6. Labour Market Breakdown- Indonesia

Employment Type (2010)	Total (%)	Male (%)	Female (%)
Own account worker	19.4 %	20.2	17.6
Employer assisted by temporary and unpaid worker	20	24.5	12.6
Employer assisted by permanent worker	3	4	1.4
Employee formal	30.1	31.2	28.2
Casual employee (agricultural + non-agricultural)	10.1	12	6.9
Unpaid family worker	17.3	7.7	33.3

Source: ILO, 2013

50. Furthermore, the ILO research (2013) identified several barriers to the transition of women to the formal labor market. These include patriarchy, stereotype threats and gender stereotypes, biological factors, education, religion and culture, politics, marriage and divorce.

51. Article 35 of the 1974 Indonesian Marriage Law recognizes the concept of joint ownership of property by husband and wife; however, there is a strong tendency to register the land in the name of the husband. In Java alone, majority of land titles are under the husbands' names.

Case Study 3

Institutionalizing Urban Climate Change Resilience (UCCR)⁴

The Asian Cities Climate Change Resilience Network (ACCCRN) and Mercy Corps ACCCRN engaged with the Government of Indonesia (GoI) on the incorporation of resilience-building strategies in planning and budgeting processes across all sectors and levels of government. The main aim is to increase the synergy amongst the work, tools and networks of its stakeholders to build a comprehensive and effective resilience strategy applicable for cities, regencies, and provinces across Indonesia. The objectives were:

1. Build an active national level platform consisting of government, nongovernment organizations, research institutions, private sector and media to monitor, advocate and provide an opportunity for learning and sharing information, plus build capacity to support institutionalization of UCCR in Indonesia;
2. Provide knowledge, toolkits and methodologies for the national government to prepare, integrate, and implement UCC strategy at the national and local levels;
3. Work with ACCCRN Phase II cities and additional “early adopter” cities across Indonesia to integrate ACCCRN methodologies, build resilience, and provide evidence to strengthen momentum for empowering national mainstreaming of UCCR;
4. Advocate for funding allocation and mechanism for climate change adaptation actions or programming within the national government of Indonesia that will enable an increase in allocated budget within the existing national budget line; and,
5. Improve the understanding of stakeholders to develop and implement plans of CCA in gender responsive.

The program introduced mainstreaming gender in climate change adaptation and developed a tool kit on Technical Guidelines Adaptation to Climate Change in the area of Gender Responsive, Jakarta 2015. Gender sensitivity served as an eye opener for the other social dimensions of climate change. There are mutual benefits derived in terms of policy and climate change adaptation. Actions can empower women and improve the living conditions and livelihoods of women, their families, and entire communities. It also ensures more coherence with social policies/ gender specific and gender and human rights obligations that exist, thereby contributing to gender equality and the achievement of the Millennium Development Goals (MDGs).

The program has worked intensively with two pilot cities, Bandar Lampung and Semarang, to insert Urban Climate Change Resilience (UCCR) into municipal development planning processes. Through this work, ACCCRN has engaged an additional 12 cities that have demonstrated specific commitments towards the replication of ACCCRN. As of December 2015, there were 18 cities already trained on the integration of gender in climate change with participants among female and male civil servant and their CCA Project Partner in UCCR areas of implementation.

⁴ Excerpted from the case study drafted by Repelita Tambunan for the ACWC Progress Report

Table 7. Registration of Land Title by Marital Status and Type of Land (Java) 2002

Type of Land	Wife	Husband	Joint Title
Urban	14.3	76.9	1.7
Suburban	27.4	67.4	2.8
Rural	20.4	66.7	1.0

Source: SMERU Research Institute, 2002, Land Administration Project.

D. Recommendations

52. The following CEDAW Concluding Observations to the 6th and 7th Periodic Report are best to consider:

- a. Developing a national law on gender equality that conforms with and implements the State's obligation under CEDAW. This law will provide the legal framework for the amendment and repeal of discriminatory laws at sub-national level (CEDAW/C/IDN/CO/6-7, para. 20 (c)(e).
- b. Sustaining awareness and capacity building on CEDAW implementation in strategic sectors such as:
 1. Prosecutors, lawyers and judges especially in religious courts (CEDAW/C/IDN/CO/6-7, para. 20(b); and
 2. Religious groups and leaders about the importance of amending legal provisions; (CEDAW/C/IDN/CO/6-7, para. 12(s)
- c. Considering temporary special measures or affirmative measures to facilitate equitable women's participation in governance. Among the options are the following:
 1. Extending the 30 percent quota of women candidates to the general elections of the House of Representatives, the provincial houses of representatives and local elections;
 2. Providing incentives for political parties to nominate more women as candidates; and,
 3. Creating an enabling environment for political participation of women at all levels, including in village development planning forums, such as by educating young women leaders and strengthening women's wings of political parties.

References

- ADB (2012 May). *Country Partnership Strategy Indonesia: 2012-2014*. Asian Development Bank. Retrieved from <https://www.adb.org/sites/default/files/institutional-document/33590/files/cps-ino-2012-2014.pdf>
- ASEAN Secretariat (2014). *ASEAN Statistical Yearbook 2014*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/2015/July/ASEAN-Yearbook/July%202015%20-%20ASEAN%20Statistical%20Yearbook%202014.pdf>
- ASEAN Statistical Yearbook 2014
- Indonesian-Investment (nd). *Population of Indonesia*. Retrieved from <http://www.indonesia-investments.com/culture/population/item67>
- Indonesian National AIDS Commission (2012). *Republic of Indonesia Country Report on the Follow up to the Declaration Commitment on HIV/AIDS (UNGASS): Reporting Period 2010-2011*. Republic of Indonesia: National AIDS Commission.
- International Labour Organization (2013). *Global Wage Report 2012/13: Wages and Equitable Growth*. Geneva: ILO. Retrieved from http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_194843.pdf
- International Labour Organization (2013). *Literature Review: Women in Leadership, Research on Barriers to Employment and Decent Work for Women*. Indonesia: ILO. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_215007.pdf
- International Labour Organization (2014 August). *Indonesia: Labour and social trends update*. Jakarta: ILO. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_329871.pdf
- Inter-Parliamentary Union (IPU) (2015 March). *Women in National Parliaments*. Retrieved from <http://www.ipu.org/wmn-e/arc/classif010315.ht>
- IZA World of Labor (2014 September). *Female labor participation in developing countries*.

India, and IZA, Germany: ILO. Retrieved from <http://wol.iza.org/articles/female-labor-force-participation-in-developing-countries.pdf>

Koalisi Perempuan Indonesia (2012 May). *Report of Independent NGO – Implementation of CEDAW in Indonesia Fulfillment of the Rights of Rural Women Article 14, CEDAW*. Jakarta: KPI. Retrieved from http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/KoalisiPerempuanIndonesia_for_the_session.pdf

MOWECP (2011 June 13). *Policy Brief 1. Gender Mainstreaming*

Nurlaelawati, E. and Salim, A. (2013). "Gendering the Islamic Judiciary: Female Judges in the Religious Courts of Indonesia" in *Al-Jami'ah*, Vol. 51, No. 2, 2013 M/1435 H. pp 247-278. Retrieved from http://www.academia.edu/7788312/GENDERING_THE_ISLAMIC_JUDICIARY_Female_Judges_in_the_Religious_Courts_of_Indonesia

Policy Brief 1. Gender Mainstreaming, June 13, 2011.

Saari, R. (2011). *National Assessment on Gender Equality and the Knowledge Society: Indonesia*. Centre for Science and Technology Development Studies Indonesia Institute of Sciences. Retrieved from http://wisat.org/data/documents/Indonesia_GE-KS_Final.pdf

UN CEDAW (2005 July 27). *Combined 4th & 5th Periodic Report of State Parties: Indonesia* Consideration of reports submitted by State Parties under Article 18 of the Convention on the Elimination of all forms of Discrimination Against Women. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/404/18/PDF/N0540418.pdf?OpenElement>

UN CEDAW (2012). *Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Indonesia*. 52nd Session, July 9 to 27, 2012. Retrieved from <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-IDN-CO-6-7.pdf>
CEDAW/C/IDN/6-7

UN DESA (2013) *World Population Prospects The 2012 Revision. Volume 1 Comprehensive Tables*. New York: UN. Retrieved from http://esa.un.org/wpp/Documentation/pdf/WPP2012_Volume-I_Comprehensive-Tables.pdf

UN General Assembly (2014 September 10). "Candidature of Indonesia to the Human Rights

Council, 2015-2017” during the *Sixth-ninth session item 113 © of the provisional agenda. Elections to fill vacancies in subsidiary organs and other elections*. Election of the fifteen members of the Human Rights Council. Retrieved from <http://www.unelections.org/files/Indonesia%20for%20HRC.pdf>

UN Human Rights Council (2008). *National Report submitted in accordance with paragraph 15 (a) of Annex to Human Rights Council Resolution 5/1 Indonesia*. Working Group on Universal Periodic Review, First Session, Geneva, 7-18 April 2008. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/115/30/PDF/G0811530.pdf?OpenElement>

UN Human Rights Council (2008). *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review of Indonesia*. 8th Session, Agenda Item 6, 14 May 2008. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/134/21/PDF/G0813421.pdf?OpenElement>

UNDP (2010). *Women’s Participation in Politics and Government in Indonesia: A Policy Paper*. Jakarta: UNDP Indonesia. Retrieved from <http://iknowpolitics.org/sites/default/files/women27s20participation20in20politics20and20government20in20Indonesia20-20english.pdf>

UNDP (2014). *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience. Exploratory note on the 2014 Human Development Report composite index – Indonesia*. Retrieved from http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/IDN.pdf

UNDP (2015) Briefing Note on Countries in the 2015 Human Development Report. Indonesia.

UNESCO (2008). *Technology-based vocational skills training for marginalized girls and young women*. Bangkok: UNESCO. Retrieved from <http://unesdoc.unesco.org/images/0016/001626/162605e.pdf>

UNESCO (2012). *Adult and Youth Literacy, 1990-2015: Analysis of data for 41 selected countries*. Quebec, Canada: UNESCO Institute for Statistics. Retrieved from <http://www.uis.unesco.org/Education/Documents/UIS-literacy-statistics-1990-2015-en.pdf>

UNFPA Indonesia, October 2015. Monograph Series No. 5. Women and Girls in Indonesia: Progress and Challenges.

- UNFPA (2015 October). *Women and Girls in Indonesia: Progress and Challenges. Monograph Series No. 5*. Indonesia: UNFPA. Retrieved from http://indonesia.unfpa.org/application/assets/publications/BUKU_Monograph_No5_Women_Girls_08_Low-res.pdf
- UNOHCHR (2017). *Ratification of 18 International Human Rights Treaties*. Retrieved from www.indicators.ohchr.org
- WAGI-UN Women (2013). *Valuing the Social Cost of Migration: An Exploratory Study*. Bangkok: UN Women. Retrieved from <http://asiapacific.unwomen.org/~media/field%20office%20eseasia/docs/publications/2013/valuing%20the%20social%20cost%20of%20migration.ashx>
- World Bank (2015 April 17). *Indonesia Overview*. Retrieved from <http://www.worldbank.org/en/country/indonesia/overview>
- World Bank (2015 April 23). "The Double Burden of Malnutrition in Indonesia" in *World Bank News Feature Story*. Retrieved from <http://www.worldbank.org/en/news/feature/2015/04/23/the-double-burden-of-malnutrition-in-indonesia>
- World Economic Forum (2014). *The Global Gender Gap Report 2014*. Geneva: WEF. Retrieved from http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf
- World Health Organization (2013). *Indonesia: Country Statistics*. Retrieved from <http://www.who.int/countries/idn/en/>
- World Population Review (2015). *Indonesia Population 2015*. Retrieved from <http://worldpopulationreview.com/countries/indonesia-population/>

ພາກແຫ່ງຊາດ ຊຸດທີ VIII
ກອງປະຊຸມສະໄໝສາມັນເທື່ອທີ 2
ວັນທີ 24 ຕຸລາ-18 ພະຈິກ 2016





LAO

People's Democratic Republic (PDR)

A. General Country Profile

1. Laos has a total population of 6,492,228 people, of whom 3,237,458 (49.87%) are women based on the 2015 data from the Lao Statistics Bureau. The population growth rate is 1.45 percent. The annual gross domestic product (GDP) is USD 5.47 billion and the per capita GDP is USD 4,895 (WEF, 2015:226). The gross national income (GNI) is USD 4,086 for female and USD 5,279 for male¹.
2. Lao PDR consists of 17 provinces² and the capital city of Vientiane. There are 148 districts and 8,507 villages that comprise all the provinces, many of which are in mountainous areas that are difficult to access. The country's population is mainly rural (67%), including 8 percent who live in rural areas without road access.
3. The population is ethnically diverse and categorized into 49 distinct ethnic groups. They are further clustered into four major ethno-linguistic branches: Lao-Tai (68% of the total), Mon-Khmer (22%), Hmong-Lu Mien (7%) and Sino-Tibetan (3%) of the total population. These ethnic groups are marked by different cultures, traditions and livelihood systems (Lao PDR MDG Report, 2013:13.)
4. In 2011, Lao PDR registered economic growth that moved up its rank from its lower income status to a lower-middle income economy. This development is perceived by government leaders as being on track to achieve its long term vision of graduating from the 'least developed country status' by 2020. In 2015, Laos was ranked 141st among 188 countries in the Human Development Index (HDI) of the UNDP Human Development Report. There are data gaps in maternal mortality rate; hence, it was not ranked for the gender inequality index (GII) (UNDP, 2015:226).

B. Duty-Bearer's Accountability

International Human Rights Commitments

5. The Government of Lao PDR is signatory to seven (7) international treaties and conventions and the two Optional Protocols to CRC. This included the ratification of CEDAW but not yet the Optional Protocol CEDAW (CEDAW/C/Lao/CO/7/Add.1). The COA summary table indicates the dates of accession and signing:
6. The Lao People's Democratic Republic considers ratifying additional human rights conventions, including the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and International Convention on the Rights of Migrant

¹ The GNI per capita is the dollar value of a country's final income in a year, divided by its population. It reflects the average income of a country's citizens. UNDP (2015). Briefing Note for Countries on the 2015 Human Development Report. Lao People's Democratic Republic.

² The newest province, Xaysomboun, was established in 2013. Please refer to <http://www.lsb.gov.la/Population%20and%20Demography14.php>.

Table 1. UN Treaty Obligations of the Lao PDR

Treaty Description	Treaty Name	Signature Date	Ratification Date
5.1. Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT	21-Sep-10	26-Sep-12
5.2. International Covenant on Civil and Political Rights	CCPR	7-Dec-00	25-Sep-09
5.3. Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	17-Jul-80	14-Aug-81
5.4. International Convention on the Elimination of All Forms of Racial Discrimination	CERD		22 Feb 1974 (a)
5.5. International Covenant on Economic, Social and Cultural Rights	CESCR	7-Dec-00	13-Feb-07
5.6. Convention on the Rights of the Child	CRC		08 May 1991 (a)
• Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC		20 Sep 2006 (a)
• Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC		20 Sep 2006 (a)
5.7. Convention on the Rights of Persons with Disabilities	CRPD	15-Jan-08	25-Sep-09

Workers and their Family Members (ICRMW) (UPR_Laos_2015_hrc_wg.6_21_1.4_0.pdf, parag. 23).

- In 2009, Lao PDR had its latest constructive dialogue with the CEDAW Committee on the Combined 6th and 7th periodic report. The CEDAW issued its Concluding Observations (CO) focusing on the need to monitor key women’s rights issues on: a) on violence against women, and b) on migrant women workers. Follow up reports on these were submitted in 2013. The submission of the Combined 8th and 9th report was due on 13 September 2014 (CEDAW_CO_6/7).

Harmonizing National Laws and Policies with CEDAW

- The Lao PDR considers its Constitution and Laws as policy measures to eradicate all forms of discrimination against women (including Articles 22, 24, 36 and 37). During the first Congress of the National Assembly VII on 24 June 2011, the National Assembly has adopted the plan to revise and create new Laws, including the Law on Development and Protection of Women (Article 14); Protection of Children Rights and interests, People’s Courts, Penal Law, Family Law, the Labor Law, Law on Education and other legal instruments of the county (CEDAW/C/LAO/CO/7/Add. 1).
- The Government developed the 8th Five-Year National Socio-Economic Development Plan (8th NSEDP) 2016-2020, which focuses on three key areas: sustainable economic growth, social development, and equality and human. It promotes improved living standards through poverty reduction, increasing food security and reducing the incidence of malnutrition,

improving access to high quality education, high quality health services and social welfare services, protecting traditions and culture, and achieving peace, order and justice in society with gender equality and women's advancement, mothers and children, and adolescent and youth development (CRC, 2015:para. 11).

10. The Lao People's Democratic Republic (Lao PDR) continues to update its sex-disaggregated database with the launch of the fourth Lao Population and Housing Census in March 2015. The results are anticipated to be published in October 2016 and will update the last census data taken in 2005 (Vietnamese Times, Feb. 10, 2015). Meanwhile, some sectoral sex-disaggregated data updates are provided by the Lao Social Indicator Survey (LSIS) 2011-12, the first nation-wide household-based survey of social development indicators undertaken with funding and technical support from international donors. It combines the Multiple Indicator Cluster Survey (MICS) and Lao Reproductive Health Survey (LRHS) where the LRHS applied technical platform of Demographic and Health Survey (DHS) (HRC-UPR, 22 January 2015, parag. 19).
11. As a member of the Association of Southeast Asian Nations (ASEAN), Lao PDR actively participates in the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and has contributed to the drafting of the ASEAN Human Rights Declaration, the ASEAN Declaration on the Elimination of Violence Against Women (HRC-UPR, 22 January 2015, parag. 19).

Implementation and Monitoring Mechanisms

12. The Lao Women's Union (LWU), the National Commission for the Advancement of Women (NCAW) and the Women Parliamentarian Caucus are responsible for the promotion and protection of the rights of women and children. The LWU is a mass and social organization of women and children at all strata throughout Lao PDR. The LWU pays special attention to its roles in order to mobilize and unite Lao women to be actively involved in the national protection and development process, as well as, protect the rights and interests of the Lao multi-ethnic women and children. Providing protection and assistance to women and children of domestic violence is one of its significant roles among many (ASEAN EVAW.org, 2014).
13. Special efforts were done to strengthen the Lao National Commission for the Advancement of Women (NCAW). Currently, the Lao NCAW has completed the establishment sub-CAWs at every level, such as in 14 ministries. Its current structure now consists of the ministry-level Commission for the Advancement of Women (MCAW), in 15 organizations (OCAW), and in 16 Provinces (PCAW), and each Province also organized the District Commission for the Advancement of Women (DCAW). However, training for the sub-CAWS remains at the basic level. In 2014, a training module on Gender Mainstreaming in Public Administration was developed and piloted by the Public Administration Reform and Training Institute (PARTI), a sub-unit of the Ministry of Home Affairs, in collaboration with the NCAW. However,

plans for a systematic roll-out of the training program await funding from government and external support (CEDAW/C/LAO/CO/7/para. 22-23).

14. The VII National Assembly Congress adopted the Women's Parliamentary Caucus or Women's Caucus (WC) of the National Assembly that includes 33 women members. The WC has been playing an important role in gender mainstreaming. It reviews and drafts laws on gender, monitors laws on women and children, monitor the policy on gender equality towards achieving the Millennium Development Goals (MDGs) (CEDAW/C/LAO/CO/7/para. 8).

C. Claimholders' Benefits and Enjoyment of Rights

15. **Maternal mortality rate(MMR).** The 2013 Lao MDG report summed up thatMDG 5 on maternal health is not on track. Lao PDR still has one of the highest maternal mortality ratios in the region, despite the positive trend of maternal and reproductive health service indicators. There continue to be massive disparities in delivery assistance, with the safe-delivery rate in urban areas six times higher than in remote rural areas. To achieve the 2015 targets, the Lao PDR will need to improve the quality of services, promote facility-based delivery and prevent high-risk and unwanted pregnancies. Family planning alone could cut maternal deaths by almost a third and is one of the most cost-effective interventions to help reduce maternal mortality. Mobilization and health education activities will need to target women and men from communities in the remote rural areas (LAO PDR MDG Report, 2013:180).
16. Maternal mortality rate now remains at 206 per 100,000 live births in 2015. With this, the country certainly achieves its plan target of 260/100,000 live births. In addition, Lao PDR seems to be able to clear out tetanus in mothers and infants as verified by WHO. The birth delivery rate with skilled birth attendants is at 58 percent (slightly above the plan target of 50%).
17. **Fertility rate and Contraception.** Access to reproductive health has improved but the MDG 5 target on universal access to reproductive health has not yet been achieved. Modern contraceptive usage has increased from 13 percent in 1990 to 42 percent in 2011/12. Adolescent birth rate remains high at 76 births per 1000 girls of ages between 15 and 19 years.
18. **Child Mortality.** For child mortality rate under 1, the rate reduced from 68 per 1,000 live births in 2011 to 32 per 1,000 live births in 2015. In term of mortality rate of children under 5, the rate also declined from 79 per 1,000 live births in 2011 to 72 per 1,000 live births in 2015.
19. **HIV/AIDS.** Lao PDR's estimated HIV prevalence among adults aged 15 to 49 years is low at 0.2 percent. By December 2011, there were 4,942 reported cases of HIV. It is estimated

that there will be an accumulated 14,000 people living with HIV (PLHIV) by 2015. There are approximately 1000 new cases each year that are transmitted through heterosexual contact. Returning migrant workers (mainly women), sex workers, and men who migrate for work without families are at highest risk. Men are better informed about risks than women, but there has been little increase in knowledge over the last decade. Condom usage is higher in commercial sex than casual sex (LSIS,2012:page xxii).

20. The WHO 2011 Progress Report on the Global HIV/AIDS Response reports a coverage rate of 51 percent of people receiving ARV therapy which increases to 71 percent if the denominator is the number registered to take it (2835 people). There have been improvements in awareness and understanding about HIV/AIDS in the last five years. But while overall 84 percent of women and 92 percent of men have heard of AIDS, 44 percent of women with no education or in the poorest households have not heard of it. There is gender disparity also regarding knowledge of the main ways of preventing HIV transmission, with 67 percent of women and 82 percent of men knowing the main methods. Most adults know that HIV can be transmitted from a mother to her child (77 and 82% respectively), but there is still stigma and discrimination against those with AIDS: only 4 in 10 women would care for a family member with AIDS in their household (LSIS: xxii). Some adolescents in the region report being excluded from school when their HIV status became known (UNICEF, et al, 2013:20).
21. Prevention of mother to child transmission (PMTCT) is expanding through integration with antenatal care services. However, progress in PMTCT will require a much higher coverage of antenatal care services, a stronger capacity of service providers and a higher level of financial resources and strengthening of the health system and social system. The government is still developing a social system with professional social workers, but this is not yet fully operational (UNICEF, et al, 2013:20).

Access to Education

22. **Education Policy.** The revised Education Law 2007 provides for equal access to education without discrimination, regardless of ethnicity, religion, sex, age, or socio-economic status. A National Strategic Plan on Education System Reform allocated 18 percent of state budget (based on the amended Law on Education) for investment in the education sector' (Human Rights Council). The Education Sector Development Framework (2009-2015), implemented by the Ministry of Education and Sports, seeks to improve access to basic education for girls, children with special needs and children living in remote areas (CRC, 2015, parag. 15) The Education Law has been updated to respond to ASEAN integration and the fourth Sustainable Development Goal. A key feature of the new law is that free and compulsory education has been extended to include lower secondary education.
23. The net enrolment rate in primary school (96.5% in 2012/13) is very close to UNESCO's regional average of 96 percent in 2011, and it has been improving since 2009. The gross enrolment rates in lower and upper secondary were 69 percent and 37 percent, respectively,

in 2012/13, indicating a significant loss. According to LSIS 2011/12, the literacy rate for males aged 15 to 24 was 77.4 percent and the literacy rate for females aged 15 to 24 was 68.7 percent, which point to a significant gender equity challenge. The survival rate in primary education of only 73.3 percent in 2012/13 suggests a relatively high loss of students from school during the primary school years. The student-to-teacher ratio for secondary (18:1 in 2012/13) compares favorably with rates for most other ASEAN Member States (ASEAN State of Education Report, 2013:53-54).

24. The gender equality gap has narrowed in all three levels of education enrolment, with gender equity nearly achieved for primary education. However, girls still encounter challenges accessing and completing secondary education. Beyond the primary level, families still prioritize boys' education, especially in rural areas, in remote upland communities, in households where mothers are uneducated, and in households from the poorest quintiles. At tertiary level, the gender equality gap is narrowing at a faster rate than at secondary level. Young people who make it to tertiary level are likely to come from families where young women have equal opportunities to young men to pursue education. However, the gender disparity in young people's literacy rates has not narrowed much. This is because girls have less opportunity to continue their education after primary school, and so become functionally illiterate. Early marriage of girls is one factor for dropping out of school: One in every five reproductive-aged women had given birth by age 18, while three percent had done so by age 15 (ASEAN State of Education Report, 2013:58).
25. Progress in achieving MDG2 targets continues to be made, but improvements in the Grade 1 dropout rate have been slow. Primary net enrolment rate increased from 98 percent in 2013-14 to 98.5 percent in 2014-15, with gender parity increasing from 0.96 to 0.97 in 2014-15. Survival rate to grade 5 increased over the same period from 77.5 percent to 78.3 percent, with girls having a 3 percent margin over boys for survival rate to grade 5. However, grade 1 dropout remains the major barrier to achieving MDG 2: At a national level, grade 1 dropout improved from 9.9 percent in 2013-14 to 8.5 percent in 2014-15 but rates vary across the country. For example, eight rural districts continue to have a grade 1 dropout rate greater than 20 percent.
26. **Discriminatory Practices in Ethnic Customary Laws.** The Ministry of Justice published a research of customary laws and practice in Lao PDR. The following were some examples of discriminatory practises identified: early marriage that cut short girls' access to education, child marriage which is de facto forced marriage and rape, domestic violence and the lack of options for redress, tolerance to male infidelity and polygamy; payment of bride price, patrilineal inheritance rules payment (Ministry of Justice Law Research & International Cooperation Institute, 2011:87).

Political Participation and Decision-Making

27. The Electoral Law provides for female representation. Women's public representation at the national level had a big leap from 25 percent (33 out of 132 seats) in the 7th National

Assembly in 2011 to 27.5 percent (41 out of 149 seats in the 8th National Assembly in 2016). Women legislators are now organized into the Women’s Caucus and have formulated and implemented a gender strategy and action plan to ensure that its secretariat applies gender equity into all its legislative work. They have been conducting gender training for the other members of the National Assembly (UNDP News Center, 2012).

28. However, other key political bodies have yet to show improvements in women’s representation and leadership. At central party and local government levels where women’s representation is lowest at 9 percent. In the middle-level positions of ministers, deputy ministers and director general and equivalent positions, women’s share slightly go up to 14 to 18 percent (RITM, 2014).

29. Table 2 showing the current statistics on women’s public participation and representation in decision-making bodies indicate a serious gender gap that should be addressed:

Table 2. Women in Decision Making, Lao PDR

Women’s Wage Employment	Total	Women	Percentage of Women
Members of the National Assembly	132	33	25%
Minister and equivalent	50	7	14%
Deputy Minister and equivalent	126	23	18 %
DG and equivalent	437	71	16 %
Provincial Governor, Vientiane Capital Mayor	17	0	0
Deputy Governor	50	4	8 %
District Mayor	145	12	8 %
Head of Village	8651	145	2 %
Deputy Village chiefs	16,786	1200	7 %

30. **Civil Society Participation.** There has been increasing recognition by both central and local government agencies of the valuable role of civil society as service provider. The Vientiane Declaration and the VDII highlight the importance for increased engagement of international non-government organizations (INGOs) and non-profit associations (NPAs) in the country’s socio and economic development process. Decree 115 of 2009 on Associations marked an important step in the formal recognition of NPAs as partners in development. Approximately 149 NPAs have since been registered. These organizations are engaged in community development activities, as well as, in advocacy and policy dialogue. Following a number of consultations, the INGO implementation guideline was finalized and approved by the Office of the Prime Minister in 2015.

31. Their nature and activities are so clearly defined in terms of service delivery. An example of these groups is the Gender Development Group (GDG), now renamed Gender Development Association (GDA), a network organization of twenty (20) NGOs that highlights gender-based violence in its advocacy agenda. The GDA’s activities focused on gender training and

research on domestic violence in 2004, and another research on female domestic workers in 2015, dissemination of information and visiting villagers who faced domestic violence, and CEDAW monitoring and policy review, in cooperation with Lao NCAW (CEDAW/C/LAO/CO/7/Add, 1, para. 28).

Table 3. Women in Political Leadership Positions at Central Party Level

Central Party Level	2013-2011					
	Total	%	Men	%	Women	%
Member of Party Poliburo	11	100	10	91	1	9
General Secretariat Members of Central Party	05	100	5	100	0	0
Member of central party committee	55	100	46	92	4	8

Source: Ministry of Home Affairs, 2013

32. Another CSO, the Association for Development of Women and Legal Education (ADWLE), actively promotes gender equality, CEDAW and disseminate law related to women. In July 2015, ADWLE established the Legal Aid Clinic for Vulnerable Women in Saythany District, Vientiane Capital. It is the first legal aid clinic for female victims of gender-based violence in Lao PDR. The main beneficiaries of the Clinic are community members from six villages; three Hmong ethnicity villages and three Lao ethnicity villages. Its mandate includes: representing women and girls suffering from gender-based violence during VMU mediation sessions and throughout the national court system; offering general legal advice to the villagers; and raising awareness about the rights of women and girls in the target villages where gender-based violence is particularly widespread. The Clinic is run by a principal lawyer, nine assisting lawyers and 12 paralegals from the six target villages who are trained on applicable laws, as well as, case documenting and reporting. At present, there are 37 cases including five rape cases reported by the Clinic.

Access to Economic Opportunities

33. The International Labour Organization tracked the labor force participation rate of men and women in Lao PDR from 1990-2014. Among ASEAN countries, the gender gap in labour participation is narrowest at 3 percent as of 2010 (Jha & Shri Saxena, 2015:37).

34. Both male and female labor force participation rates in Lao PDR are very high. The female rate is only slightly lower than that of males. Very little of this employment is in the formal sector, making it easier for women to combine working with childrearing. This is partly explained by the fact that the main component of the Lao economy is subsistence agriculture where both men and women typically work, at least part time.

35. However, while Lao PDR has amongst the highest employment-to-population ratio (ETPR) in the region, the quality of work may be a key concern. The share of vulnerable employment in Lao PDR is very high. Own-account workers and unpaid family workers – defined by the

Case Study 1

“Empowerment of Women in Law”

In Saythany District, Nongsonghong Village of Vientiane Capital, a Legal Aid Clinic for Vulnerable Women was set up by the Association for Development of Women and Legal Education (ADWLE) in collaboration with the Law Development Partners (LDP).

The Legal Aid Clinic was set up in July 2015 in order to solve the problems related to gender violence in the target community of the project. Women are unaware of the law and have little opportunity to access it. They are always left behind and become disadvantaged while abuses occur. They do not know where and how to start to claim their rights. Ethnic women seem to be even more disadvantaged than other women because they cannot communicate in Lao. When the authority organises village meetings, ethnic women are quiet, most probably because they do not understand. In addition, they are mostly illiterate so they always become disadvantaged. Certain traditional and customary practices, such as early marriages, bride price, and polygamy followed by ethnic groups in Lao PDR, are harmful towards women and may increase their vulnerability to violence. Although the law does not allow or recognize these practices, there are no legal provisions prohibiting these practices. That is why

The Clinic employs various strategies to protect and legally assist women, children and vulnerable persons.

- Free legal advice is provided by assisting them with writing a petition and accompanying them to the court free of charge, including paying for accommodation, food, transportation and document fees.
- Paralegals are trained in each of the six target villages. The paralegals act as an intermediary between the client and the Clinic. The paralegals are village members who are trained on women’s rights and case reporting. They refer cases to the Clinic, as well as, raise awareness in their communities on gender equality and women’s rights.
- Continuing advocacy for gender equality and women’s rights is done by strengthening the capacity of the Village Mediation Unit to conduct mediation sessions applying a gender lens and maintaining an open and friendly Clinic for which community members, particularly the poor and vulnerable, can seek free legal assistance .
- Selected Anti-VAWC law and human rights materials are translated into ethnic languages notably Hmong, to make it easier for these communities to access them.
- The lawyers also organise awareness-raising sessions for the six target villages where they talk about the national legal framework which addresses women’s rights.

After these interventions, many women were brave to report when their husband hit them. When husbands were educated by the Clinic Lawyers, they gradually reduced physical violence but verbal violence continued to some extent. Men partly understand that women have equal rights. Men still think that they have the power and have the right to hit women anytime they want. From observations, a law intern said, *“the villagers’ behaviors have changed approximately*



35 percent.” He continued to say the project is good and should be extended to Thakokhay Village Pakgnum District (Hmong ethnic) because there it has incidents of domestic violence.

ILO as “vulnerable employment” –constitute 84 percent of total employment. The remainin remaining 16 percent are employers and paid employees. The country’s high levels of vulnerable employment are due to the predominance of the agriculture and fishery sector, and the services sector (shop and market sales workers, and elementary occupations). These data show that while men and women are almost equally engaged in the labor force, women are at the losing end of wage and income inequality earning the equivalent of only 72 percent of what men earn (Lao PDR MDG Report, 2013).

36. The country’s rapid economic growth has led to accelerated growth and poverty reduction, but has also increased inequalities, especially between rural and urban areas, intersecting with gender and ethnicity. The pace of social progress has not been able to match that of the rapid economic progress. It will be essential to continue the empowerment of women and girls, especially in ethnic groups that lag behind, given the potential of gender equality to enhance productivity and accountability and improve the lives of future generations (Lao PDR MDG Report, 2013).

37. Most households are so-called “farm households,” engaged in agricultural production activities related to crops, livestock or aquaculture. Urbanization and alternative livelihood activities have reduced the proportion of farm households from 84 percent in 1998-99 to 77 percent in 2010-11; although this proportion remains high in the North (89%). The last decade has seen a shift from subsistence to market-oriented agriculture; 30 percent of overall farm households produced their goods for sale in 2010-11. Lao PDR has 1.62 million hectares of agricultural land (or 7% of its total area), including 1.43 million hectares of arable land. Some 86 percent of arable land was used for cultivation of seasonal crops in 2010-11. The predominant crop is rice, other seasonal crops being cassava, sugar cane, groundnut, tobacco, sesame and vegetables. Perennial crops such as coffee, rubber and fruit constitute 10 percent of agricultural land. Up to two-thirds of farm households in 2010-11 raised livestock and/or poultry. Women’s unpaid or undervalued work as family labor in their homes, around the farm and in the markets are imbedded but invisible in the rural economy (Lao PDR MDG Report, 2013).

38. In September 2015, the Lao government reflected that “Lao PDR’s entry into the AEC offers opportunities for increasing decent work and for full and productive employment, but the

Case Study 2

“Women Empowerment in Local Leadership for Gender Equality”

The Lao Women’s Union, with the support of OXFAM/ NOVIB, conducted training and mentoring of female candidates, gender awareness for the voters, training women on leadership skills and lobbying with provincial, district, and village political party leaders and the mass media. The project gave women the tools to run for leadership positions through training on empowerment and built their capacity of and knowledge about gender, regulations and policies, laws and women’s leadership skills. In the process, they understood better their own role as a woman, as well as, their rights and entitlements. Further, they learned how to access relevant information and facilities in order to practice speaking skills and sharing ideas.

Three provinces organized a village campaign to encourage women to run as candidates in the village election while the villagers advocated for the election of a female candidate. This campaign was carried out in 90 villages with 2,500 villagers, out of which 1,300 or 52 percent were women. The campaign on women’s local leadership was further promoted through the media via TV, radio, newspapers and other forms of printed media.

This project resulted in the increase of number of women in leadership positions. For example, In Xekong Province, Darkjeung District in 20 villages, there were two women in the village committee (3.33%) in 2013. The number rose to 21 women (27.63%) in 2015.

The project empowered women to become future leaders. The women were included in the design stage of the project. The process of empowering them to become leaders was a gradual one. Initially, they were encouraged to become heads of the working unit, for example, the village fund, village unit and head of LYU. Later, they were encouraged to run for Vice-Chief of village and finally, the chief of village positions. The starting point was to give them the tools and courage to step forward and apply to be a female candidate. The important thing is building trust among the villagers to acknowledge the role that women can play as leaders. This project was very good because the project provincial and district committees were involved in writing the training manual together with the project central steering committee. They shared their knowledge and experiences, which made the manual more comprehensive and reflective of real situations in the different target areas. They were all very proud that they were collaborating to produce the training manual which gave them more incentive to do it thoroughly as possible. Training of trainers on gender and speaking skills on advocacy was very useful for this project.

After several training sessions, there was a cognitive shift by the male members of the village community. BounhiengBouchit, President of Xekong LWU said, “In some of the target villages, female candidates got more votes than men. Their husbands supported their wives to run for leadership because they learned and understood that women also have the capacity to hold such a position.” Some of the women did not want to be a chief but negotiated to be a vice-chief instead, because they thought they cannot do well as the men. Another outcome was that when women attended the village meetings, more women participated compared to the past.



In addition, this project conducted a research on “the quantitative and qualitative impact of women in village committees” in 2015. This study will be used for designing a master plan 2016 to 2020 by LWU. The study on a gender sensitive village head election system was conducted in 2014, the results of which were shared with the top female leaders at the National Women’s Congress. In addition, the project responded to the real needs of national policy to promote women rights and gender equality in accordance with MDG No. 3.

change needs to be managed well. Expansion is expected in the industrial and services sectors, although agriculture will remain the country’s largest employer. The demand for medium-skilled and high-skilled workers is expected to rise. However, most of the country’s workforce still needs much support in order to meet AEC skill criteria. Lao PDR, therefore, needs to accelerate technical and vocational education and training (TVET), in order to equip workers with the competencies needed in the sectors that will grow with AEC entry. To date, the economic growth has not managed to generate a sufficient number of decent employment opportunities, since the growth has been largely resource-driven and capital intensive. The agriculture sector, which dominates employment in Lao PDR (70 percent of all employment), needs to improve its productivity, which in 2010, was 4 to 10 times lower than that of the non-agricultural sectors. The country, as a whole, also needs to increase earnings. The share of vulnerable employment in Lao PDR is still high, with own-account workers and unpaid family workers making up 84 percent of the total labour force. Most agricultural work is under poor working conditions. Since informal employment is widespread, jobs in other sectors may also have similarly poor working conditions.”

D. Progress on Special Thematic Concerns

39. The 2009 CEDAW Concluding Observations to the Lao PDR highlighted the need to closely monitor two issues - Violence Against Women (VAW) and Trafficking (CEDAW/C/LAO/CO/7/, para. 24). In 2014, the Government adopted a new National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014-2020, which addresses all forms of violence in all settings. The National Plan of Action comprises three main programs: 1) review of policies and legislation and establishment of databases

and research; 2) prevention of violence against women and violence against children; and 3) response to violence against women and violence against children to ensure access to services for its health- and protection-related consequences (CRC, 2015:parag. 4).

40. The National Assembly passed a new Law on Preventing and Combatting Violence against Women and Children on 23 December 2014. The Law prohibits all forms of violence against women and children in all settings, including in the home, community, workplace, educational settings, and alternative care settings. It includes a series of protection measures and assistance for victims of all forms of violence against women and children, and contains concrete provisions against sexual activity with minors.
41. A data collection system on women and child victims of violence and trafficking was established within Ministry of Labour and Social Welfare in 2006, the Counselling and Protection Centre for Women and Children (under the Lao Women's Union) in 2011 and established the National Secretariat on Anti-Human Trafficking in 2012. There is no specific disaggregated data on the number of boys, including transgender boys, who have been trafficked to Thailand. However, the number of male trafficking victims repatriated from Thailand into Lao PDR from 2012 to 2014 is 37 or 8 percent out of 455 returnees. This also indicates that 92 percent of trafficked persons are women.
42. The first Counselling and Protection Center for Women and Children (CAPCWAC) was established in 2006. Its main roles include: providing legal assistance and psychological and health counseling (face-to-face and hotline service-1362) for women and children that are victims of domestic and public violence, receiving case reports and complaints of the women and children that are victims of human trafficking, domestic violence and sexual violence, mediating problems related to the right and benefits of women and children and assisting/representing women and children who are victims/rights violated in the judicial process without charge (ASEAN EAW.org, 2014). The counselling network was recently expanded to cover 32 villages in 25 districts and five provinces. The Government plans to expand the counselling networks throughout the country (ASEAN EAW.org, 2014).
43. The National Commission for Mothers and Children and development partners have initiated an End Violence Communication Initiative in collaboration with civil society to raise awareness about the different forms of violence against children in Lao PDR. Key messages are being developed and disseminated through various communication channels and a long-term social mobilization and behaviour change communication strategy is being developed to ensure that violence against children is no longer recognized as acceptable in Lao society.
44. The Government adopted a new decree 309/PM dated 14 November 2013, which includes the implementing a national campaign on patriotism and development to support families, villages and districts that practice gender equality and are free from domestic violence, particularly violence against women and children.

Case Study 3

A Role Model of Lao Business Women in Lao PDR

The Lao Business Women's Association (LBWA) was established by the Lao Women's Union on the 10th of September 2004. It is a non-profit organisation dedicated to organizing Lao female entrepreneurs and businesswomen throughout the country. The LBWA has 470 members from six provinces.

The LBWA is composed of women from numerous trades and skills: hotels and restaurants, trade and jewelry, education, small and medium enterprises (general), design and construction, consulting and medical, agriculture and forestry, handicrafts and tourism and event management services. This variety enables it to bring different views and knowledge to the table, which results in a more considered and far reaching strategies. The members have voices to be raised in the meeting or workshop whether in their association, Government, and society, in order to develop economic rights of women in Laos.

Three successful businesswomen who are top officers of the LBWA are featured here - Mrs. Chanthachone, President of LBWA; Mrs. Viengsouthou La Phetsanghane, Administrative and Inspection Board of Lao Businesswomen's Association; and Vidaly Chanthaphasouk Administrative Board of LBWA - the top officers of LBWA whose success stories in business are featured here. The three of them perceived that women have less opportunity to get job because women have low education. When they have their own business they want to solve the problems by encouraging more women to apply. They recruited more women than men and gave them position if they have ability to do the tasks. They did not discriminate women during doing work. They gave women a chance. In some of their business, women work well, for example, handicraft. They wanted to uphold women 's role and wanted to change women can work outside home as men do. They have been treated equally by receiving good position and decent wages. By doing hardwork, Mrs. Chanthachone, Mrs. Viengsouthou la and Mrs. Vidalyreceived an award for "Outstanding ASEAN Women Entrepreneurs on March 5, 2016 in Hanoi Vietnam."



45. In terms of research, in 2014 the Government conducted data collection for two national prevalence studies on violence against women and violence against children with the support of United Nations agencies. These studies are a first for Lao PDR and will establish the evidence base for future policy and legislative development and for establishing effective prevention and response systems for all forms of violence against women and violence against children.
46. As a measure to prevent sexual exploitation of Lao children in Thailand, the Lao Government has concluded several memorandums of understanding (MoU) with Thailand, including the MoU on trafficking (July 2005), the MoU on Labour Migration (2002), and the Coordinated Mekong Ministerial Initiative against Trafficking MoU, signed by the governments of the Mekong Sub-region. The Government adopted the first National Plan of Action against Trafficking in Persons in 2012 and finalized a new Agreement between Lao PDR and China on Cooperation in Preventing and Combating Trafficking in Persons in 2013.

Access to Justice

47. The process to address the VAW is comprised of three justice systems: customary justice system, semi-formal justice system, and formal justice system. The customary justice system is based on the traditional norms and practices of seeking advice from the village elders or family elders or relatives to resolve domestic disputes and domestic violence involving wives and husbands. The semi-formal justice system is based on mediation principle. The government has set up a village mediation unit (VMU) in all villages in Laos. The VMU is under the direct supervision of the ministry of justice. The last component of the justice system is the formal legal system, which comprised of courts, judges, prosecutors and police at village, district, provincial and central level. There are key stakeholders within all these three justice system, which include the Lao Women's Union, the National Commission for the Advancement of Women and the Women's Caucus at the National Assembly.
48. Village mediation units (VMU) are the service provision mechanisms on access to justice related to laws and decrees concerning women rights and benefits. They train people to settle conflicts and to protect women's rights and benefits. Counseling Centers are also useful access points to provide the directives and information relating to laws, policies and regulations. They advocate that women and the society at every level should be well informed so that they will be effectively assisted and receive fair judicial judgment and adequate settlement for domestic violence cases (CEDAW/C/LAO/CO/7/Add. 1, para. 43).
49. As of September 2014, CEDAW noted that the State party failed to indicate the actions taken to reduce and eliminate impediments to women's access to justice and to provide information on specific actions taken in this regard. It recommends removing impediments to immediate means of redress and protection. It also indicated that no sufficient information was received on whether the training for the judicial and public officers and counseling coordinators at provincial and district levels, and for members of village mediation units was undertaken after the issuance of the concluding observations. It also considers as partially

implemented the plan to establish quality counseling services and additional shelters for victims of violence.

Migration and Trafficking

50. In 2009, the CEDAW Concluding Observations recommended that Lao PDR adopt and effectively implement a comprehensive national action plan for combating trafficking, including the prevention of trafficking, timely prosecution and punishment of traffickers, both those who are directly or indirectly involved in trafficking and those who are negligent in dealing with or preventing trafficking cases, as well as, the provision of protection from traffickers/agents and support to victims. Committee calls upon the State party to ensure systematic monitoring and periodic evaluation in this respect, including the collection and analysis of data.
51. Between 2011 and 2015, the Ministry of Labour and Social Welfare conducted publicity activities on human trafficking (children's rights, safe travel, and the causes and consequences of human trafficking) on two occasions in 20 villages with a total of 216 participants, 108 of whom were women. During the same period, joint activities took place with children and young people on protecting children from human trafficking, violence, and exploitation on seven occasions with a total of 1,375 children, of whom 720 were girls.
52. Increased attention and funding to support efforts against trafficking has resulted in numerous awareness and prevention campaigns in recent years. Ministry of Labour and Social Welfare with support from Save the Children implemented a popular cross border project in three provinces (Sayabouly, Luang Namtha and Bokeo) from 2003 to 2006, which included advocacy campaigns, data collection and analysis, established village level child protection units and supported child-led groups to raise awareness on the risk of unsafe migration and human trafficking. Although the initiative has now concluded, the Lao Youth and Women's Unions will continue to use the information, education and communication materials from the campaign and have requested that similar initiatives be supported.
53. As a measure to prevent sexual exploitation of Lao children in Thailand, the Lao Government has concluded several memorandums of understanding (MoUs) with Thailand, including the MoU on trafficking (July 2005), the MoU on Labour Migration (2002), and the Coordinated Mekong Ministerial Initiative against Trafficking MoU, signed by the governments of the Mekong Sub-region. The Government adopted the first National Plan of Action against Trafficking in Persons in 2012 and finalized a new Agreement between Lao PDR and China on Cooperation in Preventing and Combating Trafficking in Persons in 2013.
54. Lao PDR has endorsed the ASEAN Declaration against Human Trafficking, particularly Women and Children, at the 10th ASEAN Summit Meeting in 2004, joined the MoU of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT MoU, 2004) and signed memorandums of understanding with Thailand (2005) and an Agreement with Vietnam (2010) and China (2014) to prevent, combat and assist victims of trafficking.

55. In Lao PDR, the system for monitoring victims of trafficking is still not yet developed. There was no official data recorded on number of child victims of trafficking have been convicted of involvement in prostitution. Until now, there was no case in which victims of offences under the Optional Protocol have been treated as offenders instead of victims (CRC, 2015: parag 38-39).
56. The Lao and Thai governments signed a Memorandum of Understanding (MOU) in 2002 to address, among others, irregular migration. The MoU provides for the regularization of undocumented Lao workers through a nationality verification process and the issuance of a work visa in Thailand, especially to those who are registered with the Thai Labor department.

E. Recommendations on Ways Forward

57. The following recommendations were culled from the Concluding Observations of the 2015 Universal Periodic Review of Lao PDR, the CEDAW Concluding Observations (2009) and the Statement of the Rapporteur to the Follow-up Report to CEDAW Concluding Observations (September 2014):
- a. **Policy Development.** Adopt a comprehensive legislation governing gender equality, which should include a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention
 - b. Capacity building for program implementation and monitoring of compliance to women's rights
 1. Technical and fund support to NCAW, LWU and women NGOs on a programmatic approach to gender responsive planning, gender budgeting, monitoring and evaluation
 2. Improve systems to collect and analyse data disaggregated by age and sex to inform policymaking, and adopt a life-cycle approach towards addressing discrimination.
 - c. Design and establish affirmative actions/ temporary special measures for:
 1. Increased numbers and enhanced quality of women's representation and leadership in the political party and in leadership posts, especially at local government and village levels (para. 121.79)
 2. Increased school participation and completion of women and girls in secondary education, technical & vocational education training, and teachers' education, especially targeting students from remote ethnic communities.
 - d. Fully implement national legislation on violence against women and children and trafficking and address root causes of trafficking (paras. 121.112 to 121.22)

1. Continue public awareness-raising campaigns on all forms of violence against women, trafficking and deceptive labor recruitment, especially in rural areas;
 2. Encourage women to lodge formal complaints about domestic and sexual violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts
 3. Intensify efforts to train judicial and law enforcement officers on the strict application of the Law on the Prevention of Domestic Violence and Protection of Victims to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation;
 4. Develop a comprehensive legal aid scheme in order to ensure effective access by women to courts and tribunals, in accordance with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex), in particular Guideline 9 on the implementation of the right of women to access legal aid.
- e. Improve women's access to land and tenure security, and to ensure that acquisitions of land for economic and other concessions follow due process, and that adequate compensation is provided following sufficient consultative processes (CEDAW_CO_2009, para. 43).

References

ADWLE website: <http://adwlelaos.org/projects/>

ASEANEVAW.ORG (2014 March 16). Lao PDR Best Practice in *EVAWC in ASEAN*. Retrieved from <http://aseanevaw.org/evawc-in-asean/la/lao-pdr/>

ASEAN Secretariat (2013). *ASEAN State of Education Report 2013*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/resources/2014/Oct/ASEAN%20State%20of%20Education%20Report%202013.pdf>

Background Document. 12th High Level Round Table Meeting Vientiane, 27 November 2015, Vientiane, Lao PDR. Retrieved from http://rtm.org.la/wp-content/uploads/formidable/2015-HL-RTM-Background-Document_Final.pdf.

Background Document, (27 November 2015). 12th High Level Round Table Meeting, Vientiane, Lao-PDR. Department of International Cooperation-Ministry of Planning and Investment.

Background Document (27 November 2015), 12th High Level Round Table Meeting, Vientiane, Lao-DRRTM, prepared by the Department of International Cooperation-Ministry of Planning and Investment, para. 89.

Background Document. 12th High Level Round Table Meeting Vientiane, Lao PDR, Department of International Cooperation. Ministry of Planning and Investment 27th November 2015, para. 99, page 21.

Concluding observations of the Committee on the Elimination of Discrimination against Women: Lao People's Democratic Republic (2009), CEDAW/C/LOA/CO/7. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LAO/CEDAW_C_LAO_CO_7_Add-1_14988_E.pdf.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao People's Democratic Republic to the list of issues[*], para. 2. Retrieved from http://webcache.googleusercontent.com/search?q=cache:UX0ultqObSQJ:tbinternet.ohchr.org/Treaties/CRC-OPSCShared%20Documents/LAO/CRC_C_OPSC_LAO_Q_1_Add-1_20337_E.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao PDR to the list of issues[*], para. 6.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao PDR to the list of issues[*], para. 7.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao PDR to the list of issues[*], para. 8.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao PDR to the list of issues[*], para. 10.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao People's Democratic Republic to the list of issues[*], para. 19.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao People's Democratic Republic to the list of issues[*], para. 20.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao People's Democratic Republic to the list of issues[*], para. 10.

CRC/C/OPSC/LAO/Q/1/Add.1, 12 May 2015. Replies of Lao People's Democratic Republic to the list of issues[*], para. 30.

Department of International Cooperation – Ministry of Public Investment. Background Document, 12th High Level Round Table Meetings, 27 November 2015, para. 99.

Department of International Cooperation Government of Lao-PDR (September 2015). *The Millennium Development Goals and Lessons Learnt for the Post-2015 Period: A Summary Review, with support from UNDP*. Vientiane.

Government of Lao-PDR (September 2015). *The Millennium Development Goals and Lessons Learnt for the Post-2015 Period: A Summary Review, with support from UNDP*. Vientiane, page 3.

http://rtm.org.la/wp-content/uploads/formidable/2015-HL-RTM-Background-Document_Final.pdf, para. 136.

<http://www.lsb.gov.la/PDF/PHC-ENG-FNAL-WEB.pdf>

http://www.na.gov.la/index.php?option=com_content&view=article&id=1375%3Athere-are-no-translations-available00888&catid=64%3Athe-association-of-lao-parliamentarians&lang=la

Human Rights Council Working Group on the Universal Periodic Review Twenty-first session Geneva (19-30 January 2015) and Draft report of the Working Group on the Universal Periodic Review* Lao People's Democratic Republic. Retrieved from: http://www.upr_info.org/sites/default/files/document/lao_people039s_democratic_republic/session_21_-_january_2015/a_hrc_wg.6_21_l.4_0.pdf

Information provided by Lao People's Democratic Republic on the follow-up to the concluding observations of the Committee* (05 November 2013).CEDAW_C_LAO_CO_7_Add-2013.pdf.

INGO Key Messages for the 2014 Round Table Implementation Meeting (14th December, 2014). Retrieved from: http://rightslinklao.org/wp-content/uploads/downloads/2014/12/2014_RTIM_iNGO_Key_Messages_-FINAL.pdf

INT_CEDAW_FUL_LAO_18190_E.pdf, *Rapporteur on follow-up Committee on the Elimination of Discrimination against Women*, 10 September 2014, page 2.

Jha, S. and Shri Saxena, A. (2015 November). *Projected Gender Impact of ASEAN Economic Community*. FES, UN Women, ASEAN, Australian Aid. Retrieved from http://www.asean.org/storage/images/2015/November/27th-summit/ASCC_documents/Projected%20Gender%20Impact%20of%20the%20ASEAN%20Economic%20Community.pdf

Lao Statistics Bureau, UNICEF, UNFPA (December 2012), Lao PDR Lao Social Indicator Survey, 2011-12 Multiple Indicator Cluster Survey / Demographic and Health Survey, 8. Millennium Development Goals Progress Report for Lao PDR 2013, Jointly prepared by the Government of Lao PDR and the United Nations.

Ministry of Justice and Law Research and International Cooperation Institute (July 2011). Customary Law and Practice in Lao PDR, supported by UNDP.

Organization on Economic Cooperation for Development (2014). Social Institutions and Gender Index 2014 Synthesis Report. Retrieved from: http://www.empowerwomen.org/en/~/_documents/2014/11/29/19/19/social-institutions-and-gender-index-2014-synthesis-report

Replies of Lao People's Democratic Republic to the list of issues (12 May 2015.)CRC/C/OPSC/

LAO/Q/1/Add.1.

Replies of Lao People's Democratic Republic to the list of issues* in relation to the report submitted by Lao People's Democratic Republic under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 12May 2015

Responses to the follow up recommendations contained in the Concluding Observations of the CEDAW Committee following the examination of the combined 6th and 7th periodic Report of the Lao PDR on 7th August 2009.

Sananikone and Ayuwat (September 2013). The Management of Domestic Violence at Village Level

Sananikone, Somsouk and Dusadee Ayuwat (September 2013). *"The Management of Domestic Violence at Village Level: A Case of Sangthong District, Lao PDR."* Part the study entitled "Primary Prevention of Domestic Violence in Laos – Understanding the Risk and Protective Factors on Perpetration," funded by the National Research University Program, Division of Research Administration, KhonKaen,University. Retrieved from: <http://ibac-conference.org/ISS%20&%20MLB%202013/Papers/ISS%202013/B6273.docx.pdf>

Siliphong, Phothong ,Latdaphone Phengsavanh² and Souphan Saysanid³ (August 2014). Development and Delivery of Livelihood-based e-Service for ASEAN Women

<http://asean.women.or.kr/wp-content/uploads/2015/03/Lao-PDR-Country-Report1.pdf>

Statement by H.E. MmeKhempheng PHOLSENA Minister to the Government's Office Chairperson of the Lao National Commission for the Advancement of Women At the Fifty-Seventh Session of the Commission on the Status of Women in New York in March 2013.Retrieved from: <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/lao.pdf>

Statement of the Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), 10 September 2014.

UNFPA (2015).Population and Development in Lao PDR. Understanding Opportunities, Challenges

and Policy Options for Socio-Economic Development.

United Nations Development Program, (2015). *Briefing Note for Countries on the 2015 Human Development Report*. Lao People's Democratic Republic. Retrieved from http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/LAO.pdf

UNOHCHR (2017). *Ratification of 18 International Human Rights Treaties*. Retrieved from www.indicators.ohchr.org

UN Team for Lao-PDR (14 November, 2014). Statements for the 2014 Round Table Inter-agency Meeting

UPR_Laos_2015_hrc_wg.6_21_l.4_0.pdf, parag. 23.

World Bank and ADB (2012)Country

World Economic Forum (WEF) (2015). *The Global Gender Gap Report 2015*. Geneva: World Economic Forum. Retrieved from <http://www3.weforum.org/docs/GGGR2015/cover.pdf>



MALAYSIA

A. General Country Profile

1. Malaysia is a federal state with a monarchical system of governance. It has a land area of 329,847 square kilometers comprising 13 large states and three different federal territories. Malaysia is the 42nd most populated country in the world with a total population of 30,651,176, 48.59 percent of whom are males while 51.41 percent are females (14,921,811). Life expectancy is 74.04 years with 71.28 years for males and 76.99 years for females (World Population Review, 2015).
2. The young population constitutes 26.4 percent of the total population in 2012 and is expected to decline to 24 percent in 2020; but, the aging population is expected to increase from 5.3 percent in 2012 to 6.8 percent in 2020 (DoS Malaysia, 2012 as cited in ARROW, 2014).
3. Malaysia's human development index (HDI) value for 2014 is 0.779, which put the country in the high human development category, positioning it at 62 out of 188 countries and territories. Between 1980 and 2014, Malaysia's HDI value increased from 0.569 to 0.779, an increase of 37.0 percent or an average annual increase of about 0.93 percent. The HDI is a summary measure for assessing long-term progress in three basic dimensions of human development, namely, a long and healthy life, access to knowledge and a decent standard of living (UNDP, 2015:2).
4. The 2014 gender inequality index (GII), which reflects gender-based inequalities in three dimensions (reproductive health, empowerment, and economic activity), rated Malaysia's GII value at 0.209, ranking it 42 out of 155 countries in the 2014 index (UNDP, 2015:15).
5. Malaysia is a middle-income country aspiring to achieve high-income status by 2020 through investments in Islamic finance, high technology industries, biotechnology, and services. The country is an oil and gas exporter, which puts it in both an advantage and disadvantage position considering the falling of global oil prices that affected their current surplus and value of their ringgit. Malaysia has started to address its fiscal shortfalls "through initial reductions in energy and sugar subsidies and the announcement of the 2015 implementation of a 6 percent goods and services tax," which is in preparation for the formation of the ASEAN Economic Community.
6. Its Gross Domestic Product (GDP) is estimated at USD525 billion in 2013, with 84.1 percent coming from exports of goods and services. Approximately 13.19 million (45%) of its population is in the labor force, mostly in services (53.5%), industry (36%), and agriculture (11.1%). Among its agricultural products are palm oil, rubber, cocoa, rice, timber, and pepper; while its main industries include rubber and oil processing and manufacturing, petroleum and natural gas, pharmaceuticals, medical technology, electronics and semi-conductors, among others.
7. Malaysia released its first Human Development Report in 2013 with the theme Redesigning

an Inclusive Growth, which looks into the “equitable distribution of benefits of economic growth and of social spending across distinct income groups...; robust generation of broadly accessible opportunity for economic participation and safeguards for the vulnerable; and inclusion of citizens in policy formulation and implementation towards minimizing social exclusion and increasing social cohesion” (UNDP, 2014).

8. Significantly important in Malaysia’s Human Development Report 2013 is the recognition of the contribution and participation of women as an important factor in the realization of inclusive growth. Among its key findings are that (1) women’s educational attainment has expanded with more women achieving higher education and participating in the labor market but less formally qualified women drop out of the workforce at an alarming rate and women continue to be disproportionately found in services and clerical jobs; (2) there is a wider male-female monthly earnings disparities in low to medium skilled jobs, while the gender gap is larger between high-earning male professionals and high-earning female professionals; (3) even the informal sector is less rewarding for women; and, (4) women have difficulty in re-entering the workforce once they quit to fulfill their reproductive responsibilities.

B. Duty-Bearer Accountability of the State

9. **International Human Rights Commitments.** The Government of Malaysia has ratified only three (3) out of the 10 core international human rights instruments, namely, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 5 July 1955, the Convention on the Rights of the Child (CRC) on 17 February 1995 and its two Optional Protocols on Children in Armed Conflict and Sale of Children, Prostitution and Pornography on 12 April 2012, and the Convention on the Rights of Persons with Disabilities (CRPD) on 19 July 2010. It has not yet ratified the Optional Protocol to CEDAW.
10. Malaysia ratified CEDAW in 1995 but had several reservations. In July 2010, the government of Malaysia removed its reservations to CEDAW Articles 5(a)¹, 7(b)² and 16(2)³. However, reservations still remain on Articles 9(2) on equal rights with men with respect to the nationality of their children; 16(1) (a) on equal rights to enter into marriage; 16(1)(c) on equal rights and responsibilities during marriage and at its dissolution; 16(1)(f) on equal rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children; 16(1)(g) on the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation (WAO, 2012 and VNDP (nd).
11. Although the Malaysian Government lifted its CRC reservations to Articles 1 on defining the age of the child, 13 on freedom of expression, and 15 on freedom of assembly and participation; little has been done to implement it such that the definition of the child under

¹ On modifying social and cultural patterns of conduct of men and women...to eliminate prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either sexes

² On women’s participation in the formulation of government policy and holding public office

³ On the minimum age for marriage

national laws remains. It also maintained its reservations to Articles 2 on non-discrimination, 7 on birth registration, the right to a name and nationality, 14 on freedom of thought, conscience and religion, 28(1) (a) on compulsory and free primary education for all, and 37 on torture or other cruel, inhuman or degrading treatment or punishment (CRC Malaysia, 2012).

12. On another note, Malaysia implements the Programme of Action of the International Conference on Population and Development (ICPD PoA) 1994 and the Beijing Platform for Action of the Fourth World Conference on Women 1995. It also works towards the achievement of the Millennium Development Goals (ARROW, 2014).

Harmonizing National Policies with CEDAW

13. According to the 2013 UPR report of Malaysia, it has incorporated CEDAW principles and provisions into its domestic legislations such as the Penal Code, the Pensions Act 1980, the Land (Group Settlement Areas) Act 1960 (Revised 1994), the Immigration Regulations 1963, the Domestic Violence Act 1995 and the Employment Act 1995.
14. Gender as a development focus was first mentioned since the Third Malaysia Plan (1976-1980) where women were encouraged to actively participate in economic development, and in the succeeding cycles of four-year plans up to the Tenth Malaysia Plan (2011-2015) that focused on women's empowerment as its key agenda. It outlined increasing women's participation in the labor force; increasing the number of women in key decision-making positions; improving provision of support for women in challenging circumstances such as widows, single mothers and those with lower incomes; and eliminating all forms of discrimination against women.
15. Malaysia has also a National Plan of Action for the Advancement of Women (2009-2014) which is a general guideline to implement the integration of women in development programs.

National Women's Machinery and Implementation Mechanisms

16. The Ministry of Women, Family and Community Development (MWFCD) serves as the national women's machinery with its Department for Women Development (DWD) serving as the secretariat. The MWFCD oversees five agencies, namely, the (1) Department for Women Development, (2) Social Welfare Development of Malaysia, (3) National Population and Family Development Board, (4) Social Institute of Malaysia, and (5) NAM Institute for the Empowerment of Women (JICA, 2012). The Ministry has been allocated an annual budget from the national government (see Table 1). NGOs also receive funding from government for their gender equality programs.

Table 1. Annual Government Budget for the MWFC and NGOs

Year	Annual Budget Allocated to the Ministry of Women, Family and Community Development	Funding for NGOs
2011	USD348, 863, 760.00	USD636, 420.40
2012	USD550, 558, 344.00	USD792, 710.80
2013	USD18, 330,120.00	USD251, 581.12
2014	USD604, 535, 764.00	USD360, 520.44

C. Claim-holders' Benefits and Enjoyment of Rights

Access to Health

17. Malaysia's fertility rate declined from 2.9 in 2000 to 2.2 in 2006 and 2.1 in 2012. This decline is attributed to urbanization, late marriages and increased access to education and employment. (MWFC, 2014) Total fertility rate stabilized at 2 percent in 2013. Life expectancy was reported at 72.3 years for men and 77.2 years for women as of 2012 (MWFC, 2014).
18. Maternal mortality ratio (MMR) has decreased from 27.3 percent in 2010 to 29 percent in 2012 (ASEAN Statistical Yearbook, 2014:15).

Table 2. Sex-specific infant mortality rate

Male				Female			
1990	2000	2010	2013	1990	2000	2010	2013
16	10	8	8	13	8	6	6

19. The estimates generated by the UN Inter-Agency Group for Child Mortality Estimation (IGME) in 2014 indicate the decline for infant mortality rate and under-five mortality rate for males and females from 1990 to 2013 (see Tables 2 and 3).

Table 3. Sex-specific under-five mortality rate

Male				Female			
1990	2000	2010	2013	1990	2000	2010	2013
18	11	9	9	15	9	8	8

Source: UNICEF Global Databases last updated September 16, 2014

Violence Against Women

20. The statistics on domestic violence remained almost the same from 2000-2012, reaching its highest peak in 2008 with 3,769 reported cases. Data on rape, incest, child abuse, and molestation seem to be increasing. Though cases of sexual harassment in the workplace declined from 2001 to 2006, the cases increased again in 2007 with 195 cases from 101

in the previous year and 112 in 2000 (see Table 5). However, the data does not show the complete picture because there are gaps in the availability of data in certain years.

Table 5. Statistics on Violence Against Women in Malaysia (2000-2012)

Police Reports	Domestic Violence	Rape	Incest	Abuse of Domestic Workers	Child Abuse	Outrage of Modesty (Molestation)	Sexual Harassment in the Workplace
2000	3468	1217	213	56	146	1234	112
2001	3107	1386	246	66	150	1393	86
2002	2755	1431	306	39	123	1522	84
2003	2555	1479	254	40	119	1399	82
2004	3101	1760	334	66	148	1661	119
2005	3093	1931	295	37	189	1746	102
2006	3264	2454	332	45	141	1349	101
2007	3756	3098	360	39	196	2243	195
2008	3769	3409	334	unavailable	unavailable	2131	unavailable
2009	3643	3626	385	unavailable	203	2110	unavailable
2010	3173	3595	unavailable	unavailable	257	2054	unavailable
2011	3277	3301	342	78	242	1941	unavailable
2012	3488	2998	302	29	285	1803	unavailable

Source: Royal Malaysia Police and Ministry of Women, Family and Community Development as cited in WAO website http://www.wao.org.my/Police+Statistics+on+Violence+against+Women+2000+-+2012_64_5_1.html.

Trafficking of Women and Children

21. The Malaysian government has been putting its efforts to fight against trafficking in persons. It has amended the Anti-Trafficking in Persons and Anti-Smuggling Act⁴ in 2010 where it introduced new provision for the criminalization of migrant smuggling, imposing more severe penalties and extending the length of imprisonment for such crimes (UPR Report Malaysia, 2013).

Child Marriage

22. Child marriage is still legal in Malaysia, even if the government has removed its reservation to Article 16. For non-Muslims, the family law permits marriage of girls at 16 years of age with the consent of a Chief Minister, while marriage below this age is permitted for Muslim girls with the consent of the court (WAO, 2012).

23. All Malaysian Muslims intending to marry are required to take a pre-marital HIV test. In 2009, 32 girls under 10 years of age undertook the pre-marital HIV test while no boys in that age group were tested. For the 10-14 years of age, two boys and 445 girls were tested; for the 15-19 year old, 1,911 boys and 6,815 girls were tested (UNGASS Country Progress Report Malaysia, 2010).

⁴ Passed in 2007

Case Study 1

Subsidy Program for Mammogram Screening in Malaysia⁵

Cancer is among the leading causes of death in Malaysia. Cancer was the fourth common cause of death in Ministry of Health Malaysia hospitals in 2013 (12.12%) and 2014 (13.02%), respectively. In Malaysia, cancer occurs more in females than males with a 1:1.2 ratio of male to female. The five leading cancers that afflict the Malaysian population are breast cancer (14.5%), colorectal cancer (12.1%), lung cancer (11.8%), cervical cancer (5.7%), and throat cancer (5.4%). Breast cancer accounts for 32.3 percent of the total number of the new cases among women.

To improve access to breast cancer prevention and screening, the government made available free and/or subsidized prevention and screening services for Malaysian women and permanent residents.

Called the Mammogram Subsidy Program, it is implemented through the National Population and Family Development Board (NPFDB) under the Ministry of Women, Family and Community Development (MWFCD). The program's objectives are to;

- Empower women to improve their breast health;
- Empower women on the importance of breast screening as part of a healthy lifestyle; and
- Support eligible women under the program to undergo mammogram screening for early detection of breast cancer.

In 2007, the government allocated RM29.2 million⁶ through the MWFCD to grant RM50 subsidy for every mammogram done in private mammogram facilities registered with the NPFDB/LPPKN. As this program continued, allocations of RM25 million and RM10 million were made in the 2013 and 2014 budgets, respectively. In 2015, when no federal budget was allocated, the MWFCD continued the program with its agency budget.

In May 2014, the NPFDB/LPPKN once again revised the subsidy rate to increase the participation of women in the program and as a sign of its commitment toward this program. Free mammogram screening is now being offered to all women with a monthly household income of RM10,000 and below, while women with a monthly household income of RM10,000 and more receive an RM50.00 subsidy. In addition, younger women, aged 35 to 39 years old, also become eligible for subsidies if they belong to the high-risk group.

A Mobile Breast Cancer Screening by Sarawak General Hospital and LPPKN (Oct 2013)



Source: www.theborneopost.com/2013/10/13/early-detection-saves-lives-says-breast-cancer-survivor/

⁵ Excerpted from a case study of Sharuna Verghis for the ACWC Progress Report

⁶ 1 USD = RM 3.9 (http://www.bnm.gov.my/index.php?ch=statistic&pg=stats_exchangerates on 30 May 2016)

Mammogram screening is available at government and private health centers. To expand the availability of screening services, in 2013, the government through the National Population and Family Development Board partnered with private health care facilities to refer clients directly to their centers. Women accessing the Mammogram Subsidy Program may utilize any of the public or government approved private health care facilities to do the mammogram screening, which form the “Nur Sejahtera” network of clinics under this program. The number of mammogram centers participating in the program also climbed steadily from 2007 to 2015, with 67 centers currently participating in the program.

Other ancillary services were also provided by the government to encourage greater participation of women in the program, including the following:

1. Free transportation provided by all NPFDB/LPPKN clinics to the mammogram centres for eligible clients;
2. A meal allowance of RM10.00 per day to clients who undergo screening at mammogram centers located more than 200 kkm or those who travel for more than four hours;
3. An accommodation allowance of RM110 for women who have to stay overnight out of town, in order to access screening;
4. Add on services including free Pap smear screening for women who undergo mammograms; and free ultrasound for women needing further examination following mammogram screening;
5. In order to increase participation in the program, the Ministry of Women, Family and Community Development also gives RM10 to NGOs participating in the program for each registered client who undergoes mammogram screening;
6. To reach out to hard-to-reach populations, especially in rural areas where uptake of breast cancer screening is low, the NPFDB/LPPKN conducts outreach programs in collaboration with NGOs;
7. Mobile clinics are also provided for women to do their screening. Mobile clinics aims to reach out to women in interior rural areas and other places. The Ministry of Women, Family and Community Development has ten mobile clinic vehicles operating nationwide; and
8. Advocacy and outreach strategies to increase the number of clients include media utilization, campaigns, road shows, and advocacy and outreach programs.

Since its inception in May 2007, the Mammogram Subsidy Program has benefited a total of 293,268 women. A total of 471 women were screened positive for breast cancer and referrals were made for treatment for all of them. Beneficiaries of Chinese and Malay ethnicities comprised 41.5 percent and 41.4 percent of the overall beneficiary population, respectively. The smaller proportion of Indian beneficiaries (8.9%) may be said to reflect the proportion of Indian women in the general Malaysian population.

The free and subsidized mammogram screening service meets a very critical health need of Malaysian women. Given that only specific risk factors of breast cancer are amenable to preventive strategies, early detection and timely presentation for diagnosis and treatment is critical in improving survival rates and saving lives. Considering the shortcomings of breast self-

examination or the singular use of clinical breast examination, mammogram screening has an important role to play in the early detection of breast cancer.

As such, the Ministry of Women, Family and Community Development has shown leadership on a very important issue. Its role in addressing this complex issue through multi-sectoral strategy is commendable. The case study is a classic example of intersecting realities that reveal the strengths, weaknesses, threats and opportunities that underline all strategies and interventions. The case study also highlights the inimitable gender related socio-cultural biases that impact on women's decisions and choices for self-care, even if these are self-imposed. As such, engaging with and enhancing the role of the husband and family in breast cancer prevention strategies is very critical. It also reveals the importance of addressing fragmentation in the public and private health care sectors. Finally, it also signals to the significance of robust data monitoring systems, and points to the need to explore innovative solutions to arising problems.

Political Participation and Decision-Making

24. The Malaysian government announced in 2004 the 30 percent quota policy, which increased the number of women occupying decision-making posts in the public sector from 18.8 percent in 2004 to 31.7 percent in 2012. It also called for at least 30 percent women in decision-making policy positions in the corporate sector (executive and non-executive director positions in companies listed in the Malaysia Stock Exchange) (UPR Malaysia, 2013).
25. Malaysia ranks number 113 out of 140 countries in the Inter-Parliamentary Union in terms of the number of women in parliament. The result of the 13th General Election indicates 23 out of 222 Malaysian MPs (10.4%) are women. While 28.8 percent (17 out of 59 seats) in the Senate are women. If combined, the figure is very low with only 14 percent of women from both Houses, still too far from the 30 percent target.

Table 6. Percentage of Women in National Parliament

WORLD CLASSIFICATION									
Rank	Country	Lower or single House				Upper House or Senate			
		Elections	Seats*	Women	% W	Elections	Seats*	Women	% W
113	Malaysia	2013	222	23	10.4%	N.A.	59	17	28.8%

Source: IPU data as of May 2015, <http://www.ipu.org/wmn-e/classif.htm>

26. The Malaysian NGO Alternative CEDAW Report (2012), indicated that no political party in the coalition government has a quota in place to ensure women's political participation. But it is commendable to have 57 out of 112 (50.8%) women, who contested at the state assembly level won in the election.

Case Study 2

*Educational Attainment of Women in Malaysia*⁷

In 2011, Malaysia had achieved near universal enrolment at the primary level at 94 percent, and the percentage of students who dropped out of primary school had been significantly reduced from 3 percent in 1989 to just 0.2 percent in 2011. Enrolment rates at the lower secondary level and upper secondary level rose to 87 percent and 78 percent respectively. Including enrolment in private schools, the figures stand at 96 percent at primary, 91 percent at lower secondary, and 82 percent at upper secondary level, which are higher than rates in most developing countries. Further, youth literacy and adult literacy rose to 99 percent and 92 percent respectively by 2013 when the Malaysia education blueprint. The proportion of the adult population (aged 15+) with no schooling declined, from 60 percent in 1950 to less than 10 percent in 2010, while the proportion (aged 15+) with completed secondary education rose from around 7 percent in 1950 to almost 75 percent over the same time period. In 2015, the enrollment of girls in primary and secondary schools of the Ministry of Education was 48.6 percent and 50.7 percent respectively (see Figure 1). The pattern for secondary school enrolment follows the preceding years when the enrolment of girls was about 50.2 percent and 50.1 percent in 2013 and 2014 respectively.

Place in National Plans: Universal access to education has taken a prominent spot in the series of national policies since the National Education Act of 1961 and in the succeeding plan cycles. The Tenth National Plan 2011-2015 emphasized the advancement of women through education. National Education Blueprint 2013-2025 emphasized the equal access to quality education with equity, positive educational outcomes, and sensitization to pluralism.

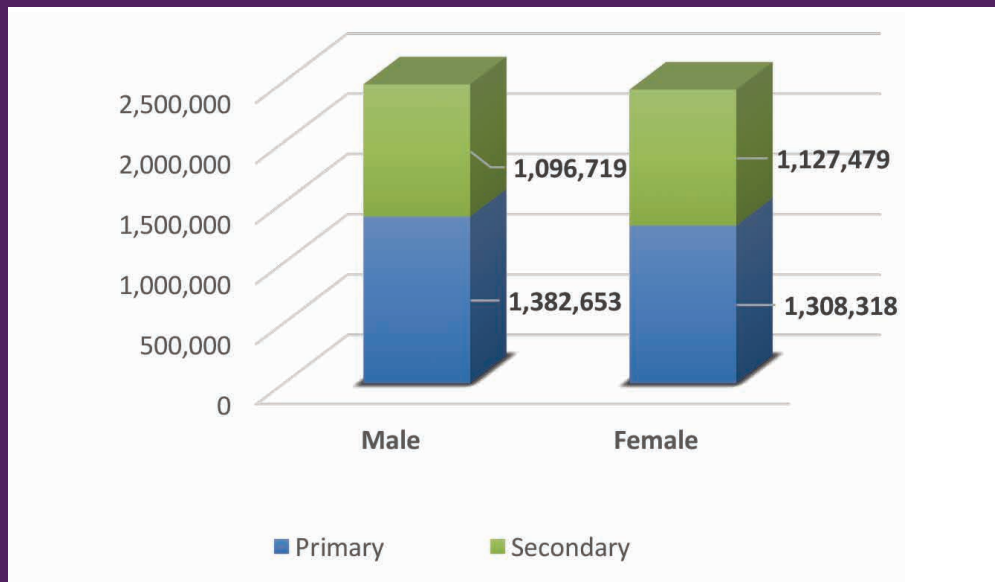
Education Budget: The Government's commitment to education is demonstrated by its consistently high level of expenditure relative to the federal budget. In 2012, the government apportioned the largest proportion of its budget, i.e., 16 percent to the Ministry of Education. In 2011, at 3.8 percent of the GDP or 16 percent of total government spending, the amount spent on education was not only higher than the Organization for Economic Co-operation and Development (OECD) average of 3.4 percent of GDP and 8.7 percent of total public spending, respectively, but also at par with or more than the top-performing systems such as Singapore, Japan, and South Korea. This has translated into substantial educational infrastructure.

Expanding Availability. The number of tertiary educational institutions have increased substantially in Malaysia. From only one university in 1961 (University Malaya), Malaysia now has 20 public universities comprising 5 research universities, 4 comprehensive universities, and 11 focused universities. Public and private universities together account for 69 universities in the country. However, the total number of higher education institutions including polytechnic and community colleges is much higher. The number of private tertiary institutions alone increased from 156 institutions in 1992 to 707 in 2002.

⁷ Excerpted from the case study prepared by Sharuna Verghis for the EU-READI – ACWC, May 2016

In special education schools including primary, secondary, vocational programs and post-secondary, girls lagged slightly behind boys in enrollment (see Table 4).

Figure 1. Enrolment of primary and secondary students in Malaysia



Source: Ministry of Education, 2015 (*Malaysia Educational Statistics. Quick Facts 2015*)

With regard to enrolment in institutions of higher education, women outnumbered men in public universities and private institutions of higher education between 2010 and 2014. However, men consistently outnumbered women in enrolment in polytechnics during the period 2010-2014 and in community colleges, except in 2011 when there were more women than men in community colleges (see Figure 3.2 for more details). This pattern in tertiary education is also evidenced in the figure, which gives the numbers of those who gained admission, enrolled, and graduated from public universities in 2014-2015. Except for Engineering, Manufacturing, and Construction, where numbers of male students exceeded female students, for all other disciplines, the proportion of female students was higher than that of male students.

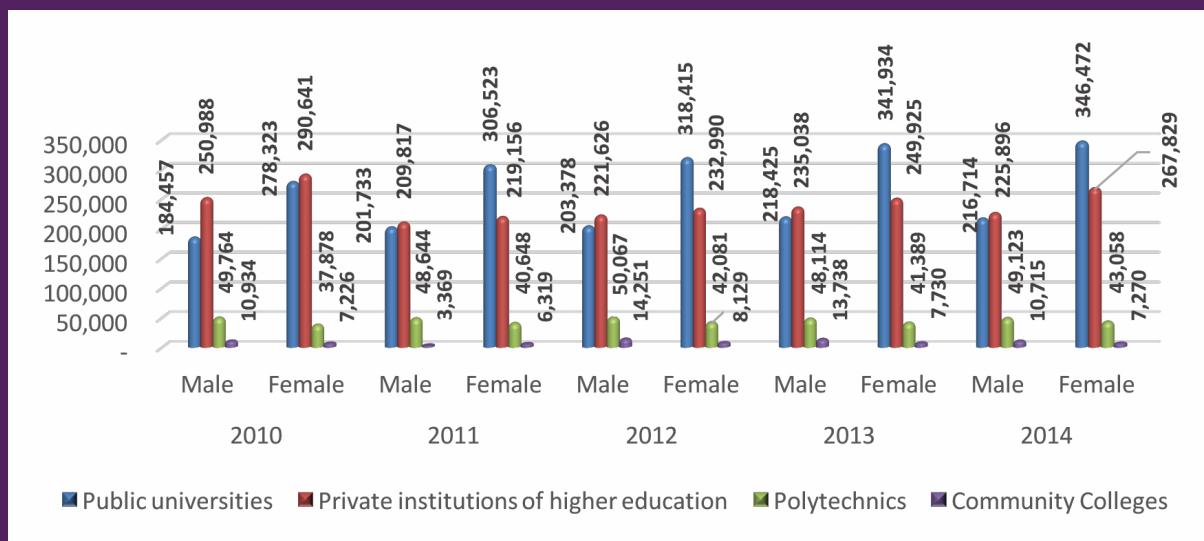
Table 4. Enrolment in Special Education Schools

Year	2013	2014	2015
Male	54.8	56.0	55.5
Female	45.2	44.0	44.5

Source Ministry of Education, 2015
(*Malaysia Educational Statistics. Quick facts 2015*)

A further problem is that, besides lower tertiary enrolment of male students in tertiary level education, amongst male secondary school students (including those in vocational and technical schools) a higher dropout rate and lower achievement rate was also evidenced. This phenomenon is a cause of concern for the government, which has dubbed it as the "Lost Boys" issue (p. E-7).

Figure 2. Enrolment by gender in institutions of higher education (2010 -2014) (000s)



Source: Ministry of Higher Education, 2016

This case study has illustrated the range of measures – legal, administrative, fiscal, and programmatic – that have been undertaken by the government of Malaysia in realizing the right to education for its citizens. Overall, although these initiatives targeted men and women without discrimination, women profited more than men. This case study demonstrates that focusing on gender disparities as a stratifier of equity in education in Malaysia may require a broader approach beyond girls/ women since females outnumber and outperform males in educational institutions. To unravel gender based disparities, it also highlights the importance of examining the intersections between gender and economic status, disability, ethnicity, region/place of residence, and immigration status among other factors. As acknowledged by the government of Malaysia, these are some of the challenges it experiences and continues to note and address.

27. Since independence, the number of women Cabinet ministers has never exceeded three (Anwar, 2011). At present, there are only two female Cabinet ministers out of 29 ministers, namely, Law Minister Nancy Shukri and Women, Family and Community Development Minister Datuk Rohani Abdul Karim (Shukry, 2015 and Anwar, 2011).

28. Although two female judges were appointed to Islamic courts in Malaysia in 2010, there were limitations on the cases that they could handle. For instance, they could not preside on cases on marriage and divorce (WAO, 2012).

29. Women's participation in the private sector as directors and CEO's are also low, with only 6.1 percent and 7.0 percent respectively, among the largest 100 companies in 2008 (JICA, 2012). However, there is some increase in terms of women's representation in the Boards of Directors of Government Investment Companies (GIC) from 14 percent in 2012 to 15.2 percent in January 2014 (MWFCD, Malaysia, 2014).

Table 7. Women Candidates elected at parliamentary and state assembly levels

Parliamentary Level								
Political Party	UMNO	MCA	MIC	Gerecan	Other BN	DAP	PAS	PKR
Nominated	10	4	0	2	6	4	7	11
Elected	8	0	0	0	6	4	2	3

State Assembly Level							
Political Party	UMNO	MCA	MIC	Gerecan	DAP	PAS	PKR
Nominated	32	13	1	3	18	19	18
Elected	26	0	0	0	18	8	5

Source: Data extracted from the Election Commission released on May 6th, 2013

30. Women’s lack of access to education and information (especially those that protects indigenous peoples customary law) hinder women’s participation, especially rural indigenous women, in meetings and thus, limiting their access to justice system. Another crucial factor that prevents indigenous women to access justice is its patriarchal attitudes and structures (particularly in Iban community).

“The Iban indigenous women’s role in decision-making is diminished by customs that give more power to the men, frequently justified as ‘tradition and culture’. As a result, the women have little experience or skills on administrative matters of the community. Discrimination has gradually become a norm and is perpetuated through women’s lack of confidence, experience and knowledge. In Sarawak indigenous communities, decision making is an open process. Elders tend to plan and decide for the important and major roles played by members of the society because of the experience that they have. The family’s survival depends on the decisions made by women. Yet, it is still not socially acceptable for women to make decisions on community matters. As in many indigenous groups and in particular in the Iban community, there is no distinct opportunity for women to participate in decision making, for example with regard to the village activities such as rituals and ceremonies, festivals or the hearing of civil cases. Men also make the decisions on community welfare, such as land security, new development project and other community activities while women stay on sidelines or play a lesser role.”

Source: Asia Indigenous Peoples Pact (2013),
 “Indigenous Women in Southeast Asia: Challenges in their Access to Justice

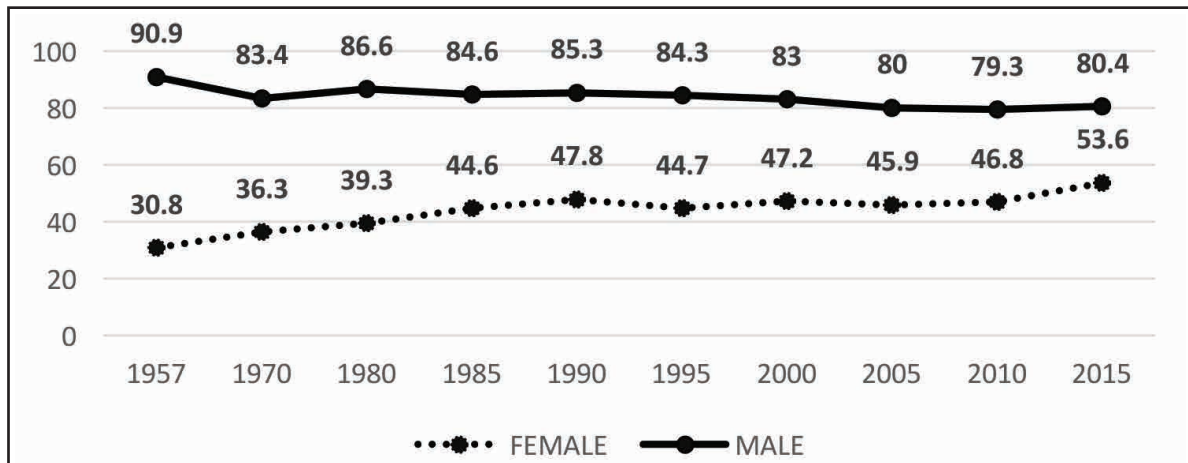
Access to Economic Opportunities

31. The 2015 data indicated that 53.6 percent of Malaysian women are economically active in the labor force; while the labor force participation rate for men was 80.4 percent⁸ (MWFC & UNDP, 2014). For the last three decades, female labor participation rate has remained to be between 44 percent and 47 percent (see Figure 3). This is the lowest among ASEAN

⁸ MWFC (KPWK) and UNDP (2014). Study to support the development of national policies and programmes to increase and retain the participation of women in the Malaysian labor force: Key findings and recommendations.

countries. Another interesting data is that “labor force participation rate for rural men is higher than urban men but for women it is the reverse-where labor force participation rate for urban women is higher than for rural women. There is a downward trend in female labour force participation rates of rural women.”

Figure 3. Male-female labor force participation in Malaysia, 1957-2015 (%)



Source: Ali (2014) and KPWKM (2014)

32. Women are still considered as secondary earners. Despite the progress made in educational opportunities for women, majority still continue to be employed in the traditional “female” occupations⁹, which denies them access to better employment opportunities, skills improvement, political and social networks, as well as, higher income.
33. The Malaysian government has ratified the ILO Convention on Equality of Wages between Men and Women in 1997, thus agreeing to close the gender gaps in wages. But it has not yet amended its Employment Act or the Wages Council to address the issue of equal remuneration for equal work. As such, women continue to receive less pay for every type of occupation (JICA, 2012).
34. Malaysia is presently host to approximately 1.4 million documented non-skilled foreign workers employed in various permitted sectors namely construction, plantation, agriculture, manufacturing and selected services industry, including domestic work. On this note, the government has concluded bilateral agreements to secure better working conditions for domestic workers, who are mostly women, such as allowing them to keep their own passports, payment of salaries through bank accounts, and provision for weekly day of rest (UPR Malaysia Report, 2013).
35. Migration of Malaysian women is also another issue. There are significant numbers of women leaving the country for better working opportunities. The 2010 data shows that more female were migrating (684,319) than males (501,551); and mostly to Singapore (73%) (MWFC & UNDP, 2014).

⁹ This includes large number of women working in the assembly-line operations in electronics and garment industries

Case Study 3

Employment of Women in the Public sector in MALAYSIA¹⁰

Gender disparity related to employment is a global problem and Malaysia is no exception. This case study attempts to highlight the specific measures adopted by the government of Malaysia in the civil service to reverse these disparities, and expand and strengthen the participation of women in the work force.

In 2004, the Government of Malaysia announced the policy to have at least 30 percent participation of women at decision making positions in the public sector. As of 7 April 2016, 34.3 percent (1,439 out of 4,196 women) of top management positions (Premier Grade or JUSA) in the public sector have been taken up by women.

At the same time, the government, as the largest employer in the country with a work force of 1,264,732 civil servants (excluding the Malaysian Armed Forces and the Royal Malaysian Police personnel), implemented specific measures in the civil service to strengthen women's participation in the work force. While some of these provisions are specifically targeted to benefit women, other provisions are provided to men and women equally without discrimination. Some of these provisions are as follows:

- The institution of staggered work hours in accordance with the Service Circular Number 2, Year 2007 (Pekeliling Perkhidmatan Bilangan 2, Tahun 2007), allowing a flexible system of attendance for civil servants. Employees are given three options to start and complete work (i.e., 7:30 am to 4:30 pm, 8:00 am to 5:00 pm, and 8:30 am to 5:30 pm) with the fulfilment of a fixed number of working hours every day.
- Extension of paid maternity leave by four weeks, to a total of 90 days, as per Service Circular Number 14, Year 2010 (Pekeliling Perkhidmatan Bilangan 14, Tahun 2010), subject to a total of 300 days of maternity leave throughout the tenure of service. Additionally, during the tabling of Budget 2015, a new amendment was introduced whereby female civil servants can opt for one year of unpaid childcare leave, at a time of their choice instead of having to take it immediately after their paid maternity leave. The unpaid leave applies for biological or non-biological children.
- Paternity leave of seven days for civil servants in the public sector.
- Provision of child care fee subsidy of RM180 for each child to parents in the public sector who earn a household income of RM5,000 or below per month. This is to help ease the burden of civil servants from the low income group.
- Introduction of flexi-space programs in 2010 and 2012 by the Public Works Department (PWD), and the Attorney General's Chambers (AGC) respectively, allowing work from home.
- Equal pay for women and men for the same work in the public sector, in contrast to the private sector where a gender wage gap is evident. This phenomenon is attributed to a female Cabinet Minister who insisted that the first women to join the Judicial and Legal Services be paid the same as their male counterparts. Reportedly, prior to this, women in government service were paid lower than men.

¹⁰ Excerpted from the case study of the same title by Sharuna Verghis for the ACWC Progress Report.



- Setting of the retirement age for men and women in the public sector at 60 years of age, regardless of sex, unlike the private sector where women retire earlier.
- Policy of at least 30 percent women in decision making positions in the public sector, which was adopted by the government in 2004.
- Data from Jabatan Perkhidmatan Awam (JPA) or the Public Service Department shows a predominance of women in the public sector (see Table 3.31) Further, the JPA notes a trend of increasing recruitment of women in the public sector and that from the 20-25 age group onwards, female civil servants exceeded the numbers of male civil servants. The top five ministries and offices with the highest proportion of women employees are the Ministry of Education (357,046), Ministry of Health (167,393), Ministry of Higher Education (46,942), the Prime Minister's Department (20, 470), and Ministry of Home Affairs (18,638).

36. It is commendable, however, to note that the Government of Malaysia has improved maternity leave facility for civil servants by increasing the number of fully paid maternity leave benefits from 60 to 90 days (UPR Malaysia Report, 2013).

Table 8. Total number of male and female civil servants in Malaysia (31 December 2015)

Sex	2011	2012	2013	2014	2015
Male	491,832	506,593	516,750	526,578	543,244
Female	570,270	601,100	620,694	675,409	726,202
Sex not known	307	333	268	212	129
Total	1,062,409	1,108,026	1,137,712	1,202,199	1,269,575

D. Recommendations

37. The following recommendations culled from the 2013 Universal Periodic Review of Malaysia and the 2006 CEDAW Concluding Comments may be considered for joint planning and technical support with AMS:

- a. Ratify the other 6 core international conventions on human rights and OP CEDAW.
- b. Withdraw all reservations to CEDAW and CRC;
- c. Incorporate in its Constitution and/or other appropriate national legislation, the definition

- of discrimination under CEDAW Article 1; and enact and implement a comprehensive law reflecting substantive equality of women in both public and private spheres of life;
- d. Reform the law to remove inconsistencies between civil and Syariah law by ensuring that women's rights to equality and non-discrimination including in marriage and family relations (GR 21) is upheld;
 - e. Enhance measures to implement the CRC and CEDAW, and to combat trafficking in persons, especially women and children. This includes allocation of more resources for effective implementation of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act; provision of support and assistance to victims of trafficking in persons, and strengthening cooperation with NGOs in the area of protection of trafficking in persons;
 - f. Integrate a gender sensitive approach throughout the process of granting asylum/ refugee status and adopt laws and regulations related that will ensure protection for asylum seekers and refugee women and their children;
 - g. Implement a gender perspective in education at all levels including gender training for teachers and establishment of policy and appropriate measures for including children of all background in the national education system;
 - h. Integrate CEDAW and other related legislation as integral part of legal education and training of judicial officers, judges, and lawyers and prosecutors; and
 - i. Generate sex and ethnic disaggregated data and information on the de facto position of rural women in all sectors to be included in CEDAW reporting.

References

- ARROW (2014). *COUNTRY PROFILE: On Universal Access to Sexual and Reproductive Health-Malaysia*. Kuala Lumpur: ARROW.
- ASEAN Secretariat (2014). *ASEAN Statistical Yearbook 2014*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/2015/July/ASEAN-Yearbook/July%202015%20-%20ASEAN%20Statistical%20Yearbook%202014.pdf>
- Asia Indigenous Peoples Pact (2013 March). *Indigenous Women in Southeast Asia: Challenges in their Access to Justice*. UN Women and EU. Retrieved from <http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/StudyAccessToJustice/AIPP.pdf>
- CIA World Factbook, 2014. Retrieved from http://www.theodora.com/wfbcurrent/malaysia/malaysia_economy.html
- Economic Planning Unit Prime Minister's Department and UN Country Team (2011). *Malaysia: The Millennium Development Goals at 2010*. Malaysia: United Nations Country Team. Retrieved from <http://www.unicef.org/malaysia/Malaysia-MDGs-Progress-Report-2010.pdf>
- Empower Malaysia (2014). *Main Report: First Session, 13th Parliament (20 January 2014)*. Retrieved from <http://empowermalaysia.org/isi/uploads/2014/07/Main%20Report%22013%20Parliament.pdf>
- JICA (2012 January) Report on Survey Country Gender Profile of Malaysia. Selangor: JICA. Retrieved from <http://gwweb.jica.go.jp/km/FSubject1501.nsf/>
- Ministry of Health Malaysia (2010). *HIV Statistics-AIDS in Malaysia*. Prepared by Resource Centre, Malaysian AID Council. Retrieved from http://www.mac.org.my/v3/?page_id=792
- Ministry of Women, Family and Community Development (MWCFD), Malaysia (2014). *Malaysian Progress Report: Beijing +20 Report*. Retrieved from http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/malaysia_review_beijing20.pdf
- MWCFD and UNICEF Malaysia (2013). *The Malaysian Juvenile Justice System: A Study of*

Mechanisms for Handling Children in Conflict with the Law. UNICEF Malaysia. Retrieved from http://www.unicef.org/malaysia/The_Msian_Juvenile_Justice_System_Nov_13_R2.pdf

UN CEDAW (2006). *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Malaysia*. 25th session, Committee on the Elimination of Discrimination Against Women, 15 May-2 June 2006. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf?OpenElement>

UN DESA (2013). *World Population Prospects The 2012 Revision, Volume 1 Comprehensive Tables*. New York: United Nations. Retrieved from <http://esa.un.org/wpp/Documentation/pdf/>

UN General Assembly Human Rights Council (2013). *National Report Submitted in Accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Working Group on the Universal Periodic Review, 17th Session, 21 October to 1 November 2013: Geneva. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/161/32/PDF/G1316132.pdf?OpenElement>

UN General Assembly Human Rights Council (2013). *Report of the Working Group on the Universal Periodic Review-Malaysia*. 25th Session Agenda Item 6, Universal Periodic Review, December 04, 2013. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/188/48/PDF/G1318848.pdf?OpenElement>

UNDP (2014). *Malaysia Human Development Report 2013: Redesigning an Inclusive Future*. Kuala Lumpur: UNDP. Retrieved from http://hdr.undp.org/sites/default/files/mhdr_2013.pdf

UNDP, 2015. Briefing Note for the Countries on the 2015 Human Development Report. Malaysia.

UNDP (nd). *UNCT Malaysia: Gender Theme Group – Promoting CEDAW Implementation in Malaysia*. Retrieved from http://www.undp.org/content/dam/undp/documents/projects/MYS/00060619_CEDAW.pdf

United Nations Country Team (2010). *The Millennium Development Goals at 2010*. Malaysia and the Economic Planning Unit, Prime Minister's Department, Malaysia. Retrieved from <http://www.un.org.my/upload/Malaysia-MDGs-overview-English-2010.pdf>

U.S. Department of State. (2014). *2014 Trafficking in Persons Report – Malaysia*. Retrieved from <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226770.htm>

WAO (2012). *CEDAW and Malaysia NGO Alternative Report*. Malaysian NGO CEDAW Alternative Report Group. Retrieved from <http://www.ohchr.org/Documents/Issues/Women/WRGSA/RelatedMatters/OtherEntities/WomensAidOrganisationMalaysia.pdf>

World Population Review (2015). *Malaysia Population 2015*. Retrieved from <http://worldpopulationreview.com/countries/malaysia-population/>

WPP2012_Volume-I_Comprehensive-Tables.pdf



MIYANMAR

A. General Country Profile

1. The total population of Myanmar is 51.41million based on the provisional results of the 2014 population and household census. Of the total population, there are 51.8 percent female and 48.2 percent male (CEDAW_C_MMR_4-5_713_E, parag. 2, page 3).
2. It is ranked 148 out of 188 countries and territories in the 2014 Human Development Report, and is categorized in the low human development category with an HDI value of 0.536 (UNDP, 2016).

B. Duty-Bearer Accountability

3. To date, Myanmar ratified three (3) out of 9 core international human rights treaties – the CEDAW in July 1997, the CRC in July 1991 and only of its Optional Protocol on child prostitution and child pornography in 2012, and the CRPD in 2011.

Table 1. UN Human Rights Treaty Obligations of Myanmar

Treaty Description	Treaty Name	Signature Date	Ratification, Accession (a), Sucession (d) date
1. Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	NA	22 Jul 1997 (a)
2. Convention on the Rights of the Child	CRC	NA	15 Jul 1991 (a)
• Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC	NA	16 Jan 2012 (a)
3. Convention on the Rights of Persons with Disabilities	CRPD	1980	7 Dec 2011 (a)

4. The government recently signed the International Covenant on Economic, Social and Cultural Rights in July 2015 and the OP-CRC on Children in Armed Conflict in September 2015, hence the high possibility that it will also be ratified promptly. It has yet to ratify the Optional Protocol to CEDAW
5. **CEDAW Reporting.** Myanmar's initial report to CEDAW was submitted in 1999. Its periodic reports to CEDAW have been updated, the latest of which is the Combined fourth and fifth periodic report that was received by CEDAW on 8 January 2015. The dialogue with the CEDAW Committee was in July 2016.
6. **Harmonizing Laws with CEDAW.** The 2008 Constitution of Republic of the Union of Myanmar includes Section 348 that explicitly provides that the Union shall not discriminate any of its citizens based on race, birth, religion, official position, status, culture, sex and wealth. Sections 350, 351, 352 and 368 are also prescribed for ensuring respect of the equal rights of men and women (CEDAW/C/MMR/4-5, parag. 6). GOM has been making

amendments to or repealing existing laws, rules and regulations, and procedures, as well as drawing up new laws since 2011 in line with laid down ten programmes of legislation. A total of (8) laws related to women's rights have been amended or enacted (CEDAW/C/MMR/4-5, parag. 8).

7. Myanmar was admitted to the ASEAN on 23 July 1997. Myanmar assumed the chairmanship of the ASEAN in 2014 for the first time since ASEAN was created in 1967.
8. Myanmar women are working at the ASEAN Commission on Promotion and Protection of the Rights of Women and Children, and at the ASEAN Committee on Women as representatives, and also undertaking duties at the ASEAN Secretariat as personnel. The delegation headed by the Union Minister for Ministry of Social Welfare, Relief and Resettlement attended the first Meeting of ASEAN Ministerial meeting on Women held in Laos in 2012.

Implementation Mechanisms

9. The CEDAW Committee welcomed the establishment and ongoing activities of several agencies and organizations focused on women's rights, including the Myanmar National Committee for Women's Affairs (MNCWA), the Myanmar National Working Committee for Women's Affairs (MNWCWA) and MWAF (CEDAW/C/MMR/4-5, para. 5).
10. The Myanmar National Committee for Women's Affairs (MNCWA) serves as the national women's machinery with the Union Minister for the Ministry of Social Welfare, Relief and Resettlement as chair. The MNCWA was formed on 3 July 1996 initially to implement the Beijing Platform for Action and future programmes. As a response to the CEDAW concluding observation no. 17, MNCWA was reformed in December 2011 in order to carry out gender equality and women development programmes. Subsequently, (11) Sub-Working Groups comprised of representatives from relevant ministries and NGOs were also formed to be able to effectively carry out the functions of the central Committee. Moreover, the Women's Affairs Committees were established at the Region and State levels to implement the programmes on advancement of women systematically and widely. Among the tasks of the MNCWA is the implementation of the National Strategic Plan for the Advancement of Women (2013-2022) and works in close collaboration with the Enhancing of Gender Equality and Women's Empowerment Sector Working Group, and the Women and Child Sub-Committee. Supporting the MNCWA in policy implementation are the Myanmar Women's Affairs Federation (2003), Myanmar Maternal and Child Welfare Association (1991), the Myanmar Women Entrepreneurs' Association (1995) and Myanmar Women's Sport Federation (1991) (CEDAW/C/MMR/4-5, paras. 30-31).
11. The Department of Social Welfare (DSW) under the leadership of Myanmar National Committee for Women's Affairs (MNCWA) conducted dissemination workshops on gender concepts, the CEDAW and its latest Concluding observations of the CEDAW Committee with the support UN agencies, international and local NGOs. A pool of 26 gender trainers were equipped to conduct awareness-raising workshops to a total of (834) departmenta

responsible persons (205 men and 629 women) from various ministries, and (12) Regions and States from 2010 to March 2014. More of these workshops are planned to be conducted in the other ministries, and Regions and States that were not yet reached. A training manual on gender concepts and CEDAW was being drafted (CEDAW/C/MMR/4-5, paras. 25-26).

12. A Women Development Division has been separately established in the Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement. Gender Units are also being established and assigned at the Department of Rural Development and the Department of Public Health. In addition, an action has been included in the National Strategic Plan for the Advancement of Women (2013-2022) so that the Ministries that are to implement the National Strategic Plan for the Advancement of Women (2013- 2022) can establish a gender unit respectively (CEDAW/C/MMR/4-5, para. 36).

13. The Myanmar National Human Rights Commission Law was enacted on 28 March 2014.

C. Claimholders' Benefits and Enjoyment of Rights

14. Myanmar has a gender inequality index (GII) value of 0.413, ranking it 85 out of 155 countries in the 2014 index. In Myanmar, women hold 4.7 percent of parliamentary seats, and 22.9 percent of adult women have reached at least a secondary level of education compared to 15.3 percent of their male counterparts. For every 100,000 live births, 200 women die from pregnancy related causes; and the adolescent fertility rate is 12.1 births per 1,000 live births. Female participation in the labour market is 75.2 percent compared to 82.3 for men (UNDP, 2016).

Table 2. Gender Inequality Index of Myanmar

	GII value	GII Rank	Maternal mortality ratio	Adolescent fertility rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
						Female	Male	Female	Male
Myanmar	0.413	85	200	12.1	4.7	22.9	15.3	75.2	82.3

Access to Health

15. Myanmar is ranked 158th out of 179 countries in the 2015 Mothers' Index (Save the Children, 2015) that factored in the same indicators of maternal health and under-5 mortality and with additional indicators of expected number of years of formal schooling, GNI per capita and participation in national government. This ranking indicates that more remains to be fast-tracked to improve in the status of women as mothers in the country (Save the Children, 2015).

Case Study 1

Gender Equality and Women's Rights in Myanmar - A Situational Analysis (2012-2015)¹

There was no baseline in Myanmar to assess to what extent progress had been achieved and persistent gaps that need to be urgently resolved to promote gender equality and women rights. Department of Social Welfare (DSW), under the Ministries of Social Welfare, Relief and Rese

ttlement, led the government agencies in collaboration with the UN Gender Theme Group. The objectives of the baseline research project were:

- To document the current situation of women's rights and gender equality and progress of women's human rights from a CEDAW perspective
- To serve as baseline and a means to further Myanmar's efforts on implementation of the National Comprehensive Development Plan (2013–2030), the Framework for Economic and Social Reform, the National Strategic Plan for the Advancement of Women, and sectoral policies and plans, and for the programming and advocacy on gender equality and women's rights.
- To inform policy processes and implementation of the Plan for the Advancement of Women to benefit all dimensions of women's lives.

The analysis focuses on six areas; livelihood and the economy, education and training, health, violence against women, participation in political process and governance, participation in Myanmar Peace process, with reference to CEDAW article 5, 7, 10, 12, 13 and 14.

A team of five national researchers was recruited and worked with an international consultant to collect and analyze available data in 2012 till mid-2013. A writing team that included members of the UN Gender Theme Group and the consultant, and coordinated by UN Women, worked to complete the publication through 2013 till 2015. Drafts received feedback from the government, the UN Gender Theme Group, ADB, the World Bank, the UN Country Team, and civil society in 2014. A multi stakeholder validation workshop was organized also in early 2015 by the Department of Social Welfare and the UN Gender Theme Group to validate the publication prior to its finalization.



The analysis encountered data constraints that limited rigorous research. There was no national census between 1982 and 2014, when the main findings of the Myanmar Population and Housing Census was released (in May). Nor has there been a Labor Force Participation Survey since 1993. The existing Government data was seldom disaggregated by sex. There are variations

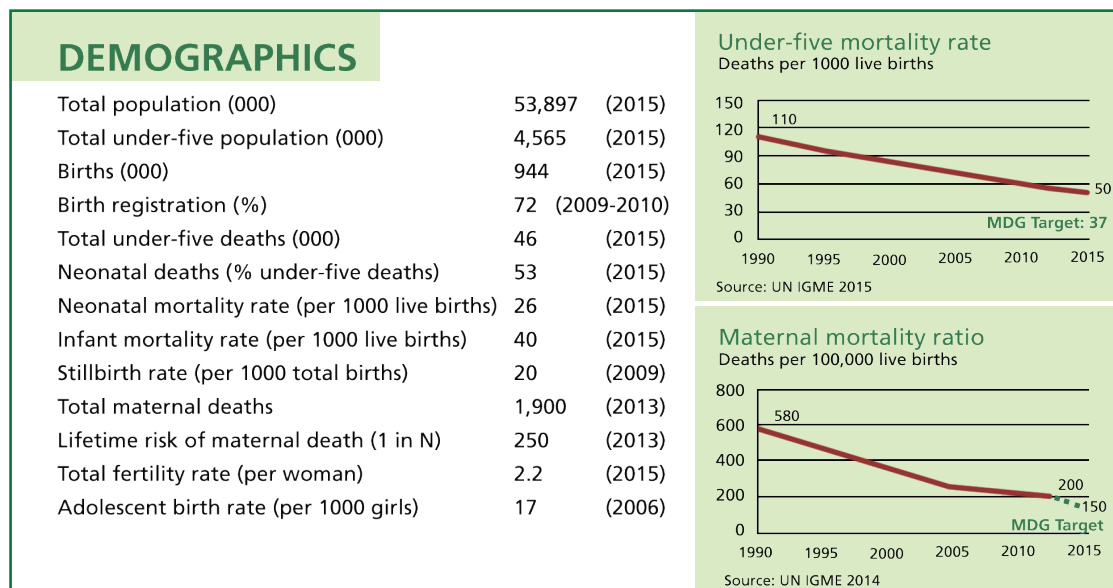
¹ Excerpted from the case study prepared by Khin Khin Mra for the ACWC Progress Report, 2016.

between data published by the government, data collected from large sample surveys (such as the Multiple Indicator Cluster Survey [MICS], the Integrated Household Living Conditions Survey, and those of the World Bank and the Asian Development Bank (ADB).

An analytical profile on gender equality and women’s rights, which is informed by drawing together government data and qualitative and quantitative data from United Nations (UN) and civil society organisation, can serve as baseline for Myanmar to further develop programme and projects on gender equality and women’s rights. The situational analysis publication relied on published official national and sub-national statistical data; large nationally representative sample surveys by UN agencies and development partners; smaller-scale qualitative and quantitative research by UN agencies, development partners, and civil society groups; quantitative and qualitative assessments of policies and programs by the government, civil society groups, UN agencies and development partners; and analytical reports on lessons learned from programs implemented by various stakeholders in the field.

16. The total fertility rate is 2.2 per woman as of 2015. Maternal mortality rate has significantly reduced in the past 15 years from 580 in 1990 to 200 in 2013. However, the reduction remains short of the 150 target and is among the highest in the region.

Figure 1. Countdown 2015. Maternal, Newborn and Child Survival. Myanmar



Source: Countdown to 2015. Maternal, Newborn & Child Survival. Retrieved from

http://www.countdown2015mnch.org/documents/2014Report/Myanmar_Country_Profile_2014.pdf

Violence Against Women

17. Current and accurate sex-disaggregated data on the incidence of violence against women are emerging recently. Only those reported complaints are recorded and gives a clue of the extent of the problem. Total number of reported cases on VAW has decreased from

216 in 2008 to 170 in 2013. However, but may not necessarily indicate reduction in actual incidence. Physical violence is the highest recorded case followed by sexual violence and threats. The following data are annexed to the CEDAW/C/MMR/4-5:

Table 3. Various Types of Violence of the Complaints received by Myanmar Women’s Affairs Federation (2008-2013)

Annex “C”													
Various Types of Violence of the Complaints received by Myanmar Women’s Affairs Federations (2008-2013)													
Sr.	Year	Types of violence			Trafficking	Oral abuse	Threat	Control	Criticizing	Family affairs	Adultery	Other	Total
		Physical	Mental	Sexual									
1	2008	30	4	43	10	5	18	14	9	24	16	43	216
2	2009	52	2	37	11	4	26	18	5	37	19	39	250
3	2010	122	7	52	11	-	15	1	1	6	13	22	250
4	2011	-	54	-	4	9	38	2	32	33	13	7	192
5	2012	10	23	11	3	5	29	4	1	26	20	42	174
6	2013	9	9	13	2	8	20	2	2	15	23	67	170
	Total	223	99	156	41	31	146	41	50	141	104	220	1252

18. The Department of Social Welfare, in collaboration with the Gender Equality Network, undertook a qualitative research on violence against women and women’s resilience in Myanmar, as well as, research on cultural norms, social practices and gender equality in Myanmar in 2014. The women interviewed for this study had experienced many forms of violence throughout their lives, in different places and by a range of men. The types of violence they experienced included emotional, economic, physical and sexual intimate partner violence, and sexual assault and harassment. All women who were interviewed experienced more than one type of violence, demonstrating how violence is not a one-off incident and how different types of violence tend to overlap (Gender Equality Network, 2014).

19. Human trafficking, especially of women, remains a major gender issue. During the period from 2008 to 2013, a total of (820) human trafficking cases were reported in Myanmar. Of these cases, there were 102 domestic trafficking cases, from the countryside to cities, and 718 cross-border trafficking cases. Of the 820 trafficking cases that were charged in courts, a total of 2,270 offenders were taken into action by law. Out of the 1,768 trafficking victims, 1,331 victims were rescued (CEDAW/C/MMR/4-5, paras. 56-57).

20. A series of initiatives tackled the problem of trafficking in persons. In 2004, Myanmar acceded to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The 2005 Law to combat trafficking in persons was passed, followed by the adoption of the Myanmar Five-Year National Plan of Action to combat Human Trafficking (2007-2011). A central body to combat trafficking in persons was established. Bilateral, regional and international cooperation were forged with destination countries, such as the memorandum of understanding on the Asia Regional Trafficking in

Persons project and the memorandum on the Coordinated Mekong Ministerial Initiative against Trafficking (CEDAW/C/MMR/4-5, para. 5).

21. Myanmar signed an MOU on anti-trafficking with Thailand in April 2009 for the successful bilateral implementation of the MOU. From April 2008 up to May 2014, a series of cross-border Case Management Meetings between Myanmar and Thailand on the Return and Reintegration of Victims of Trafficking were conducted hence, a “Bilateral Standard Operating Procedures on Management of Cases and the Repatriation and Reintegration of Victims of Trafficking” were signed between Myanmar and Thailand on 15 March 2013 (CEDAW/C/MMR/4-5, paras. 73-74).
22. The Anti- Trafficking Unit formally comprising (176) police personnel was expanded and upgraded to the Anti-Trafficking in Persons Division on 24 January 2013. The Hot Line on Human Trafficking was established and has been functioning since 13 September 2011. A total of 443 complaints from the public were received and resolved, including 130 missing cases reported, 18 of whom were discovered and reunited with their families. Similarly, trafficking victims and 7 labour exploited workers were rescued and repatriated from China with the assistance of the hotline (CEDAW/C/MMR/4-5, paras. 56-58).

Access to Education

23. The National Strategic Plan for the Advancement of Women (2013-2022) provides for a programme to strengthen the systems, structures and practices for ensuring access to formal and non-formal quality education for women and girls that will be conducted in collaboration with the concerned ministries, local and international organizations, civil society organizations and women organizations as a network.
24. The number of girls going to school in the academic year 2012-2013 decreased by 0.4 per cent at primary level but increased by over 3 percent at middle and high level, in comparison with the academic year 2005-2006. A programme of free and compulsory primary education started from the academic year 2013-2014 when all primary students are provided with a complete set of text-books and exercise-books free of charge and also provided with 1000 kyats per head. Moreover, from the academic year (2014- 2015), middle-level education is provided free and with a complete set of textbooks (CEDAW/C/MMR/4-5, para. 89).
25. At basic education level, the rate of school drop-out in the academic year 2011- 2012 is 3.12 percent in comparison with the year 2007. Learning opportunity of girls and boys in urban and rural areas is not significantly different. Nevertheless, there is a need to undertake more research on the main difficulties that hinder learning opportunity of women and girls, and the situation of access to formal education and non-formal education (CEDAW/C/MMR/4-5, para. 90).

Case Study 2

Implementation of Myanmar's National Plan of Action to Combat Human Trafficking²

Myanmar is a significant source country for women, children, and men trafficked for the purposes of forced labor (for example, in factories, on fishing boats, or (with children) in shops, organized begging, and street-selling operations); forced marriage; and commercial sexual exploitation. Anecdotal evidence reveals that women experience high levels of vulnerability and exploitation although trends in trafficking in persons in Myanmar remain significantly under-researched (ADB, 2016).

Awareness raising campaign activities by the MAAF
Photo: DSW



Two key principles guide the strategies: i) preventing and suppressing trafficking in persons as a national duty and ii) in preventing and suppressing trafficking in persons, particular attention to be made for women, children and youth³. Annual work plans are developed to implement the first and second five year National Plans; (2007-2011) and (2012-2016). Key components of the plans of action are: policy and coordination, prevention, prosecution, protection and capacity building and enhancement⁴. In the implementation of the National Plans of Action, the strategies include:

- promulgation of the Anti-Trafficking in Persons Law;
- establishment of the Central Body,
- establishment of Region and State, District and Township level Committees for Suppression of Trafficking in Persons;
- making policy and cooperation among government and development partners;
- carrying out prevention, prosecution, protection and capacity building activities in line with international norms and standards; cooperating with the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process and the Asia Regional Trafficking in Persons (ARTIP) project; signing MOUs with neighbouring countries, specifically China and Thailand, in 2009 (CEDAW/C/MMR/4-5).
- Community Based Watch Groups were established and assigned responsibilities in Regions and States.

The Ministry of Home Affairs (MOHA) is the focal ministry for trafficking. It is assisted by the Department of Social Welfare under Ministry of Social Welfare, Relief and Resettlement, General Administration Department under Ministry of Home Affairs, Immigration and National

² Excerpted from the case study prepared by Khin Khin Mra for the ACWC Progress Report, 2016.

³ Myanmar Five Year National Action Plan to Combat Human Trafficking

⁴ Myanmar Five Year National Action Plan to Combat Human Trafficking

Registration Department, Ministry of Border Affairs, Ministry of Defence, Ministry of Education, Ministry of Foreign Affairs, Ministry of Hotel and Tourism, Ministry of Information, Ministry of Immigration and Population, Ministry of Labour, Employment and Social Security, Myanmar Police Force under Ministry of Home Affairs, Union Supreme Court, Union Attorney General's Office,

There have been recent strengthened efforts to prevent human trafficking both within and abroad, with the Ministry of Education, Ministry of Hotel and Tourism, Ministry of Labour, Myanmar Police Force, Department of Social Welfare, Department of Immigration and National Registration, and township anti-trafficking in persons committees conducting awareness raising on human trafficking around the country. For systematic monitoring and evaluation including data collection and assessments, the Central Body for Suppression of Trafficking in Persons has established a Database System since 2007 and records the activities of National Plan of Action to Combat Human Trafficking annually.

Annual work plans are being implemented in collaboration with (18) Government Organizations and (9) UN and INGOs, in total (27) state and non-state Agencies (CEDAW/C/MMR/4-5). Myanmar Women's Affairs Federation (MWAFF) plays as a key NGO actor implementing the National Plan in the areas of prevention. The MWAFF has organized the Myanmar Women's Affairs Organizations to the grass root level. Under the MWAFF, the Working group on Protection and Rehabilitation takes measures such as awareness raising, educative talks on trafficking in persons and preventing trafficking in women through education and information campaigns. The MWAFF also involves in support, recovery, repatriation, reintegration and rehabilitation of the trafficked women.

Challenges remain and lessons to carry forward:

- There is a need to provide capacity building training gender-responsive service delivery for those assisting victims of trafficking. Gender sensitive guidelines for identification of women and girl victims for trafficking are necessary to be in place. It is important to appoint more women police officers to assist victims.
- The National Plan on Action needs to consider comprehensive reintegration programs for returning women migrants, especially abused and trafficked migrant women survivors. These should include trauma counseling, legal aid to claim unpaid wages or press charges, investment of remittances, skills training, information provision or capacity building on financial services, job search assistance, and mentoring and facilitation for business development.
- A national referral mechanism is important to be part of National Plans of Action to ensure the rights of trafficked women are respected and provided an effective way to refer victims of trafficking to comprehensive services.

26. To provide equitable access to basic education, education programmes are extended up to sub-townships and each of them has at least one Basic Education High School with good image. Teaching learning materials and laboratory apparatus are also provided for improving learning qualities of the students at basic education level. In order to promote teaching-learning quality, training programmes on the enhancement of the abilities of teachers are being undertaken (CEDAW/C/MMR/4-5, paras. 92-93).
27. The Basic Education and Gender Equality (BEGE) Programme, a UNICEF-assisted project has been implemented to provide all children with access to quality basic education without gender discrimination. Likewise, women have an equal chance to participate in other education activities such as lifelong education, in- service adult literacy programme, sports and health education (CEDAW/C/MMR/4-5, para. 94).
28. 'Education for All' Programme has been formulated and implemented including an education programme for children with physical and mental disabilities, children with visual impairments, children with hearing impairments, children with intellectual disabilities is being provided. In the academic year (2013-2014), according to the Education for All Programme, a total of (439) boys and (350) girls from schools for the visual disabilities and schools for the hearing disabilities run by the Department of Social Welfare, and the special and the special schools run by voluntary organizations, are learning formal education at their schools and also at the respective Basic Education Schools (CEDAW/C/MMR/4-5, para. 95).
29. Of the total teaching staff in the year 2013-2014 in the basic education sector, women comprise 85.2 percent. At university level, the number of woman professors has increased by (9.1%) in comparison with the year 2006.

Participation and Decision-Making

30. Myanmar is now on a four-month transition period before the NLD assumes power at the end of March 2016. It will have to build on the present situation where only 4.7 percent of parliamentary seats are held by women, Two women out of 30 ministries serve as Union Minister in the Ministry of Social Welfare, Relief and Resettlement, and in the Ministry of Education. In addition, 14 women serve as deputy ministers in planning, social welfare, environment, labor, culture, central bank, national human rights commission and the tribunal of the State Constitution (CEDAW/C/MMR/4-5, para. 91).
31. The ratio of women's participation in the government organizations and ministries of the State has gradually improved: 51.42 percent in 2008-2009, 51.65 percent in 2009-2010 and 52.39 percent in 2010-2011. Moreover, the rate of female employed at the Deputy Director or equal and above posts is (32.52%) in 2008-2009, (36.03%) in 2009-2010 and (36.61%) in 2010-2011.
32. In the judicial sector, there are (1,091) judicial officers assigned throughout the country

almost equal number of judicial officers (544 male and 547 female). There are also 52 judges of the High Courts of the Regions and States of whom 16 or 31 percent are female and 36 or 69 percent are male (CEDAW/C/MMR/4-5, para. 80).

Access to Justice

33. The Myanmar National Human Rights Commission was established in 2011 as an independent entity to safeguard people's human rights in line with the Constitution of the Republic of the Union of Myanmar (2008). The Commission is composed of fifteen retired persons from different professions and various national races as members. Out of the (15) representatives, (3) representatives are women (CEDAW/C/MMR/4-5, para. 19).

34. Direct complaints relating to women are handled by these rules and procedures such as forwarding the complaints to the concerned Departments, making recommendations after an on-site investigation of the place where the alleged violation of rights has taken place, and conciliation, if that is appropriate. The Commission received a total of (1,599) complaints from 1 January to 31 October 2013, of which (1,206) complaints were examined and forwarded to the government agencies for necessary actions and remedies. The MNHRC's cooperation at the regional level remains strong through the active participation of the Commission Members in all regional meetings on human rights and by engaging with regional level human rights organizations such as Southeast Asian National Human Rights Institutions Forum (SEANF) and the Asia Pacific Forum (APF).

Civil Society Participation

35. Section 354 (c) of the State Constitution guarantees the right of every citizen to form associations and organizations, if it is not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality. As of March 2014, (600) NGOs and (99) INGOs have been registered. They are functioning actively in many villages and cities throughout Myanmar. A Gender Equality Network comprise more than 100 women's groups, and the Myanmar Women and Children Development Foundation that carry out the activities of women's rights and gender equality were formed. The Myanmar National Committee for Women's Affairs is also collaborating with these organizations (CEDAW/C/MMR/4-5, para. 32).

36. The Organization Registration Law was enacted on 18 July 2014 in order to facilitate the establishment of local non-profit organizations and to further smoothen the registration process of local and international non-profit organizations; the organizations can seek necessary assistance from the concerned ministries in the implementation of their tasks (CEDAW/C/MMR/4-5, para. 16).

Access to Economic Opportunities

37. The 2015 HDR Report on Myanmar show data gaps in many sub-sectors of the labor force.

Case Study 3

Inclusive Law Making: A National Law on Protection and Prevention of Violence against Women (PoVAW) (2013-2015)⁵

Myanmar's legal framework is drawn from a mix of colonial and traditional sources. Many of its laws are not compatible with CEDAW. Some provisions incorporate restrictive gender stereotypes and are inconsistent with the promotion and protection of women's rights to substantive equality. For example, Myanmar Customary Law and Penal Code take actions against discrimination and violence against women as a criminal case, but there was no specific enacted law to prevent violence against women, including domestic violence.

PoVAW Law-Making Consultation Workshop with Members of Parliament and Civil Society Actors



The multi-dimensional approach is applied in the consultation process to be able to draft the law. The inputs for the law are taken from both state and non-state actors including women organisations. The Department of Social Welfare (DSW), under the Ministry of Social Welfare, Relief and Resettlement, led the government agencies in drafting of the law and consultation process with the support of the Union Attorney General Office, Supreme Court, Ministry of Home Affairs (Police), General Administration Department, Ministry of Education and Ministry of Health.

The Gender Equality Network (GEN), a diverse and inclusive network of more than 100 civil society organizations including Women Organisation, national and international Non-Government Organisations and Technical Resource Persons, played a leading role in awareness-raising, the advocacy, the development and review of the law in order to ensure that Myanmar's legal framework is consistent with international standards. As part of the multi-stakeholder Law Drafting Working Group, the GEN developed the first draft of the law, collected perspectives from International lawyers and experts to suggest key provisions for inclusion in the draft. In addition to providing the technical support, the GEN led the state and region levels consultation process. During the 16 Days of Activism forum, the GEN organized a special targeted session with parliamentary representatives to lobby for the Anti-violence against women law. Member organizations from the GEN are involved in the Working Committee and actively participated in the whole law drafting process. The GEN ensures the consultation and civil society inputs in many rounds of revision and edits of the draft law. The Myanmar Women's Affairs Federation (MWAFF), the Myanmar Maternal and Child Welfare Association (MMCWA) and the Gender Equality Network (GEN) collectively facilitate consultations with civil society groups at the state and region levels. Women organizations involved at all levels of consultation expressing their

⁵ Excerpted from the case study prepared by Khin Khin Mra for the ACWC Progress Report, 2016.

opinions and suggestions on the draft law⁶.

The draft law was submitted to the Cabinet to send to the Parliament for passing into law. The draft law covers Domestic Violence including Marital Rape, Sexual Violence, Harassment by stalking, Harassment in Work place and public place and Violence through tradition and customary practice. The draft law stipulates the benefits and services to be rendered to victims, as well as, details in Prevention and Precautionary Plans, Protection Orders and Formation of Protection Team and its duties and Minimum fine, imprisonment and penalties by anyone committing violence against women according to this law (UNFPA, Myanmar, 2015).

If enacted, the new law will strengthen provisions in the 2008 Constitution and the establishment of a specific violence against women law will fill the gaps in the existing legislation, particularly sexual and domestic violence, and clarify issues of conflict between laws by superseding inadequate, inappropriate, or discriminatory measures. It will provide specific provisions for domestic violence and victim support and will clarify when and how survivors can access a range of services, where no legislation currently exists (ADB, 2016).

Overall, there are slightly more men (82.3 %) than women (75.2) in the labor force. Majority (66.9%) are classified as working poor who earn only \$2 per day (UNDP, 2015).

38. Minimum Wage Law was enacted on 22 March 2013 and its rules was issued on 12 July 2013 that entitled male and female workers (both male and female) the fields of commerce, production and service, agriculture and livestock breeding to be paid minimum wages as stipulated by the law in order to enjoy the same rights and salaries in respect of similar work (Sec 10).

39. Pregnancy and maternity entitlement, maternity leave with wages, occupational safety and health, and occupation condition for women are mandated in existing labor laws. In addition, Complaint Mechanism Centers are established in Nay Pyi Taw and Yangon to inspect and supervise labour affairs. The new Social Security Law (2012) provide for insured women workers the right to free medical care at the accredited hospitals and clinics in cases of illness, pregnancy and confinement, and the right to enjoy maternity leave in case of miscarriage, except for 'criminal abortion'. Women may also enjoy the right to benefits in cases of death, workplace injury, temporary disability, permanent disability, and remainder. Moreover, an insured man is entitled to enjoy paternity benefits (CEDAW/C/MMR/4-5, paras. 100-101).

40. As a state party to the International Labour Organization Convention 87, "the Freedom of Association and the Protection of the Right to Organize" on 4 March 1955, Myanmar enacted the Labour Organization Law on 11 October 2011. Its implementing rule was issued on 29 February 2012 with the aim of protecting the rights of workers, good relations among workers, and good relations between employers and employees, as well, as forming

⁶ GEN annual report 2015

the labour organizations freely and systematically. Up to July 2014, a total of (1245) labour organizations were formed and given certificates of recognition. Of these organizations, only one (1) basic labour organization consists of women only. There are also 70 labour organizations chaired by women and 32 labour organizations which include women.

Recommendations

41. For the new government that will soon assume power in Myanmar, it is a most opportune time to advance and fast-track progress in women's human rights. There are key recommendations in the 2008 Concluding Observations of CEDAW that have yet to be substantially complied with:
- a. **Review of discriminatory elements in the Constitution and domestic laws.** Include a strong substantive equality guarantee in the Constitution and amending the existing definition of discrimination to encompass both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 1 of the Convention, and to explicitly provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, be directly applicable and prevail over conflicting legislation (CEDAW/C/MMR/4-5, para. 9).
 - b. **Introduce temporary special measures.** Raise the awareness of legislators about the need to give priority attention to legislative reforms in order to achieve *de jure* equality for women and compliance with the State party's international treaty obligations. This involves the review of all the existing domestic laws that are not in compliance with the Convention and formulate new laws that would ensure the practical application of gender equality. This will also involve introducing temporary special measures in the Constitution or domestic legislation that would assist women in achieving equality. This is in view of legislation and customary laws that discriminate against women and are incompatible with the Convention which remain in force in Myanmar, in particular with regard to discrimination on the grounds of ethnicity and within the ethnic groups (CEDAW/C/MMR/4-5, paras. 10-11).
 - c. **Strengthen the national women's machinery** in order to ensure strong institutional mechanisms for the promotion of gender equality, especially in terms of funding allocation policies and ensure the provision of the necessary authority and adequate human, financial and technical resources. The composition of such organizations should include full-time women professionals at both the State and local levels. The Committee encourages the State party to mainstream gender equality and establish gender focal points in the ministries (CEDAW/C/MMR/4-5, para. 17).
 - d. **Encourage and facilitate the active participation of women NGOs and civil society groups** in the implementation of CEDAW, particularly in the follow up to the Concluding Observations. Review its regulations for the registration of NGOs by providing clear criteria for such registration and minimize any barriers to working and registering as an NGO in Myanmar (CEDAW/C/MMR/4-5, para. 19).

- e. *Scale up public advocacy on gender equality* targeting women and men at all levels of society, which should be undertaken in collaboration with civil society. This can involve the effective use mass media and all forms of education to enhance a positive and non-stereotypical portrayal of women. It should also carry out studies on this subject, including among the ethnic and religious groups (CEDAW/C/MMR/4-5, para. 21).
- f. Carry out *human rights education and gender-sensitization training for all law-enforcement and military personnel* particularly on Security Council resolutions 1325 (2000) on women and peace and security and 1820 (2008) on sexual violence in armed conflict and is encouraged to put in place an action plan for the full implementation of those resolutions (CEDAW/C/MMR/4-5, para. 25).
- g. Implement measures to *ensure equal access of girls and women to all levels of education* and retain girls in school; increase the number of qualified teachers, including providing appropriate and continuous training, and to ensure the provision of an adequate educational infrastructure, especially in rural and remote areas, and sufficient supplies of teaching materials and textbooks that are not sex-discriminatory; review and improve its statistics in the area of education and to carry out human rights education in all schools (CEDAW/C/MMR/4-5, para. 35).
- h. *Promote of women's full and equal participation in decision-making* in all areas of public, political and professional life. Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate women's full and equal participation in public and political life, in particular at high levels of decision-making (CEDAW/C/MMR/4-5, para. 29).
- i. Ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention; review its labour laws and ensure that employment legislation applies to and is enforced in the public and private sectors; provide a regulatory framework for the informal sector, with a view to providing access to social protection and benefits (CEDAW/C/MMR/4-5, para. 37).
- j. Adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19; raise public awareness, through the media and education programmes; ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection.

References

- Asian Development Bank (ADB) (2016). *Gender Equality and Women's Rights in Myanmar: A Situation Analysis*. Mandaluyong City: ADB. Retrieved from <https://www.adb.org/sites/default/files/institutional-document/209596/gender-equality-womens-rights-myanmar.pdf>
- CEDAW/C/MMR/4-5, Combined fourth and fifth periodic reports of States parties due in 2014, Received on 8 January 2015. Retrieved from: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MMR/CEDAW_C_MMR_4-5_713_E.pdf
- Concluding observations of the Committee on the Elimination of Discrimination against Women 7 November 2008.
- Countdown to 2015. *Maternal, Newborn and Child Survival*. Retrieved from: http://www.countdown2015mnch.org/documents/2014Report/Myanmar_Country_Profile_2014.pdf
- Gender Equality Network, October 2014. *Behind the Silence Violence Against Women and their Resilience*, Myanmar Briefing Paper. Yangon, Myanmar.
- Save the Children Foundation, Inc., 2015. *The Urban Disadvantage*. State of the World's Mothers 2015, http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SOWM_EXECUTIVE_SUMMARY.PDF
- The Myanmar Elections: Results and Implications. Crisis Group Asia Briefing N°147 Yangon/Brussels, 9 December 2015.
- UN General Assembly (October 2015). Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives: Situation of human rights in Myanmar
- UNDP, 2015. Work for human development . Briefing note for countries on the 2015 Human Development Report – Myanmar. Retrieved from: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MMR.pdf
- UNDP (2016). Myanmar: Briefing Note for countries on the 2016 Human Development Report in *Human Development Report 2016*. Retrieved from <http://hdr.undp.org/sites/all/themes/>

[hdr_theme/country-notes/MMR.pdf](#)

UNFPA Myanmar (2015 July 17). *Increasing women participation in the drafting of landmark Anti-Violence Against Women Law*. UNFPA Myanmar Website. Retrieved from <http://myanmar.unfpa.org/news/increasing-women-participation-drafting-landmark-anti-violence-against-women-law>



PHILIPPINES

A. General Country Profile

1. The Philippines has a total population of 100.10 million with an annual growth rate of 1.72 percent. The overall population sex ratio is 1.02 (male/female). Its annual gross domestic product is USD165.09 billion; its per capita GDP is USD6,598 (WEF, 2015:294). Its gross national income per capita is USD5,382 for female and USD10,439 for male (UNDP, 2015:5).
2. The 2015 Human Development Report (HDR) rated the Philippines' Human Development Index (HDI) value for 2014 at 0.668, which put the country in the medium human development category. It is ranked 115 out of 188 countries and territories. Between 1980 and 2014, the Philippines HDI value increased from 0.557 to 0.668, an increase of 20.0 percent or an average annual increase of about 0.54 percent.

Table 1. Gender Development Index Sub-Indicators, Philippines. In Percent.

Life Expectancy at birth		Expected years of schooling		Mean years of schooling		GNI per capita		HDI Values		F-M ratio
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	
71.8	64.9	11.5	11.1	8.4	7.9	5,382	10,439	0.649	0.0664	0.977

3. In the 2014 HDR, the Gender Development Index (GDI) was introduced based on the sex-disaggregated Human Development Index, defined as a ratio of the female to the male HDI. The GDI is calculated for 161 countries. The 2014 female HDI value for the Philippines is 0.649 in contrast with 0.664 for males, resulting in a GDI value of 0.977. Table 1 shows the scores on the sub-indicators included to compute the GDI.
4. The Gender Inequality Index (GII) was earlier introduced in 2010, which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity. As of 2014, the Philippines has a GII value of 0.420, ranking it 89th out of 155 countries (UNDP, 2015).

Table 2. Gender Inequality Index, Philippines. In Percent.

GII Value	GII Rank	Maternal Mortality Ratio	Adolescent birth rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
					Female	Male	Female	Male
0.420	89	120	46.8	27.1	65.9	63.7	51.1	79.7

B. Duty-Bearer's Accountability of the State

5. *International Human Rights Commitments.* To date, the Philippines is a state party to eight (8) out of 9 core international human rights treaties (UNOHCHR, 2017). This includes CEDAW, that it ratified on 05 August 1981) and Optional Protocol on Individual Complaints and Inquiry Procedure that it ratified on 12 November 2003.

6. The only Convention the Philippines has not yet signed is the Convention for the Protection of All Persons from Enforced Disappearance.

Harmonizing National Laws with CEDAW

7. The Magna Carta of Women (MCW) was signed into law on 14 August 2009 and is considered as the translation of the CEDAW into the nation's legal system. It defines discrimination against women in accordance with Article 1 of the Convention and cites specific acts of discrimination by law, policy or practice including discrimination compounded by intersecting grounds (CEDAW/C/PHL/7-8, 2015, para. 12).
8. The Reproductive Health Law (RA 10354) or An Act Providing a National Policy on Responsible Parenthood and Reproductive Health was also enacted in 2013 and took effect in 2014, which gives women access to reproductive health services and information and mandates government to allocate funds for the same. Implementing Rules and Regulations (IRR) of the Reproductive Health and Responsible Parenthood Act (RPRH Law) and the Expanded Trafficking in Persons Act also integrated a strong gender dimension (CEDAW/C/PHL/7-8, 2015, paras. 20 (b) and 34).
9. *Kasambahay* Law (RA 10361) or An Act Instituting Policies for the Protection and Welfare of Domestic Workers, such as fixing the basic salaries, social protection, hours of work including day off, among others. Previous to the *Kasambahay* Law, the Philippine Government ratified ILO Convention 189 in 2011, which seeks to protect and promote the human rights of all domestic workers by ensuring fair terms of employment, decent working and living conditions that respect the privacy, equal treatment, normal hours of work, compensation, periods of daily and weekly rest and paid annual leaves of workers in accordance with national laws, taking into account the special characteristics of domestic work (CEDAW/C/PHL/7-8, 2015, para. 20).
10. Other domestic laws addressing other gender related concerns, such as the Expanded Anti-Trafficking in Persons Act, which strengthened the Anti-Trafficking in Persons Act of 2003, and the Anti- Photo and Video Voyeurism Act of 2009, were enacted. In 2013, the law declaring November 25 as the National Consciousness Day to Eliminate Violence against Women was enacted. It was during the same period that the 'Batas Kasambahay' or An Act Instituting Policies for the Protection and Welfare of Domestic Workers was issued, which safeguards the working conditions of household domestic workers, most of whom are women. Earlier, the "night work prohibition" provisions of the Labor Code of the Philippines were effectively repealed by enactment of the Act Allowing the Employment of Night Workers that allows women to work at night or be assigned to night duties (CEDAW/C/PHL/7-8, 2015, para. 6).
11. The Autonomous Region of Muslim Mindanao (ARMM) GAD Code was passed in 2010 following provincial multi-sectoral consultations, including a consultation workshop with Muslim Religious Leaders, non-government organizations, women's groups, local

government units, and members of the academe. The Regional GAD Code could be an important step in the revision of the CMPL. Short of removal, which was met with resistance, the agreed provision in the Code is “discouragement of marriage to a child defined as below 18 years of age.”

Implementation and Monitoring Mechanisms

12. The Magna Carta of Women (MCW) expanded the mandate of the national women’s machinery, from being a policy advisory body, to becoming the primary policy-making, coordinating, over-all monitoring and oversight body on women and gender equality concerns. It renamed the National Commission on the Role of Filipino Women (NCRFW) to Philippine Commission on Women (PCW). The PCW is authorized to direct any government agency and instrumentality to report on the implementation of their responsibilities under the MCW (CEDAW/C/PHL/7-8, 2015, para. 27).
13. The MCW is translated into the latest medium-term development plan, the Women’s Empowerment, Development and Gender Equality (Women’s EDGE) Plan 2013- 2016 as a guide to agencies and local government units in implementing the MCW. The main vehicle for implementing and monitoring implementation of the MCW and the Women’s EDGE Plan is through the preparation of the annual gender and development plan (GAD Plan) by government agencies and local government units. The Women’s EDGE refers to and is a time-slice of the longer-term perspective plan, the Philippine Plan for Gender Responsive Development (PPGD) 2005 – 2025 that has consistently been promoted as a reference for government agencies and LGUs in formulating their policies, plans and programs (CEDAW/C/PHL/7-8, 2015, para. 29).
14. The PCW has organized its technical assistance to government on gender mainstreaming around the sectoral themes of the Women’s EDGE Plan. To support its technical assistance provision, PCW is expanding its pool of gender trainers and technical assistance providers under the national gender resource program (NGRP). Alongside, it is piloting a system called the Gender Resource Pool Data Base. As of 2008, there are 189 GAD Focal Points established in national government agencies, their attached agencies, state universities and colleges, and government owned and controlled corporations. In 2010, a total of 44 provinces, 59 cities and 811 municipalities have functional GAD Focal Points. An enhanced policy on the creation and strengthening of GAD Focal Points was issued in 2011 and a survey on GFPs has been started based on the revised guidelines. The GAD Focal Point assemblies have also been convened to update members on new guidelines and to agree on measures to strengthen the fulfillment of their functions (CEDAW/C/PHL/7-8, 2015, paras. 30 and 41).
15. Pursuant to Section 36 of the MCW, a gender dimension has been integrated in national, sectoral and local development plans, such as in the Philippine Development Plan for 2011-2016 and in sector specific plans such as: a) Philippine National Action Plan on Women, Peace and Security (NAPWPS 2010-2016); b) Philippine Labor and Employment Plan (PLEP

2011-2016); c) Micro, Small and Medium and Enterprise Development Plan (MSMED 2011-2016); d) Disaster Risk Reduction Plan; e) Philippine Statistical Development Plan; and, e) Second Philippine Human Rights Action Plan. The NAPWPS implements UN Security Council Resolutions No. 1325 and 1820, which hold States and individuals accountable for ensuring women's full participation in resolving conflict and post-conflict situations, and for recognizing, sustaining, and expanding women's role in peace-building processes.

16. In the judiciary, the Supreme Court's Committee on Gender Responsiveness in the Judiciary (CGRJ), in partnership with the Philippine Judicial Academy and the Philippine Judges Association, conducted a series of training programs to improve women's access to family courts. The program trained family court judges, clerks of court and interpreters, public prosecutors, public attorneys and representatives from concerned government agencies and civil society organizations involved in child and women service, on women's legal rights. In the legislature, the House Committee on Women and Gender Equality in the lower house and the Senate Committee on Women, Family Relations and Gender Equality in the upper house, led to the formulation and passage of gender related bills (CEDAW/C/PHL/7-8, 2015, para. 35).
17. Gender mainstreaming has also been introduced in various government interagency committees to strengthen the gender responsiveness of policies and plans that such committees review and approve. Examples include the cabinet cluster on Human Development and Poverty Reduction (HDPR), the Interagency Council on Violence against Women and their Children (IACVAWC), the Interagency Council against Trafficking (IACAT), the Social Development Committee (SDC) of the NEDA) and a host of other national interagency committees and project steering committees (CEDAW/C/PHL/7-8, 2015, para. 43).
18. The statistics community is another source of strong support in gender mainstreaming as it pays particular attention to sex disaggregated data for gender analysis. The Interagency Committee on Gender Statistics (IACGS) has been guiding improvements in gender statistics in the country and monitoring the implementation of the GAD statistical action plans towards closing data gaps on the Philippines Core GAD Indicators (based on the BPfA) and ensuring the availability of required data and statistics for monitoring the progress on the status of Filipino women. In 2008, a methodology to measure the Gender and Development Index (GDI) at the local level was developed. This methodology generated the GDI of local government units (CEDAW/C/PHL/7-8, 2015, para. 44).
19. The Magna Carta of Women also designated the Commission on Human Rights of the Philippines (CHRP), the national human rights institution, as the Gender and Development Ombud (Gender Ombud). The CHRP is tasked to formulate and implement programs and activities related to the promotion and protection of the human rights of women, including the investigation of complaints of discrimination and violations of their rights.
20. Women NGOs have actively engaged in monitoring CEDAW, the BPfA and the ASEAN processes. NGO shadow reports were submitted and presented in dialogues with CEDAW

for the past two reporting cycles. Women NGOs also filed three (3) OP-CEDAW cases, two of which were favorably ruled by the CEDAW Committee.¹ Issues of access to justice, policy and institutional reforms brought on by the OP-CEDAW cases have informed policy legislation, such as the Responsible Parenthood and Reproductive Health (RPRH) Law, and institutional reforms in the law implementation agencies.

C. Claimholder's Benefits and Enjoyment of Rights

21. The Gender Gap Index 2015 gives a more optimistic ranking of the Philippines at 7th out of 145 countries. In terms of its sub-indices, scores indicate no significant gender gap in health and education but there are significant gaps in the economic opportunities and political participation of women.

- a. **Maternal Mortality Rate.** The country is not on track in meeting the MDG goal on reducing maternal mortality rate. The country's maternal mortality ratio (MMR) decreased from 209 per 100,000 live births in 1990 to 162 per 100,000 live births in 2006. However, based on the 2011 Family Health Survey, the MMR increased to 221 per 100,000 live births (NEDA-UNDP, 2014:73).
- b. Despite the efforts to improve maternal health, a lot remains to be undertaken to achieve the target of decreasing the maternal mortality ratio to 52 deaths per 100,000 live births in 2015. It has been observed that maternal mortality can be attributed to three delays: (a) delay in deciding to seek medical care; (b) delay in reaching appropriate care; and (c) delay in receiving care at health facilities. Moreover, even with a shift in policy from home-based to facility-based deliveries, mothers still decide not to seek care from health facilities because of the following reasons: (a) unaffordability; (b) lack of transportation; (c) lack of information on the benefits of PhilHealth insurance; and (d) unavailability or inaccessibility of health facilities. In addition, there are still implementation gaps that need to be addressed and these include, among others, the following: (a) variations in access across geographical locations which may be due to lack of health facilities and services, as well as, other socio-economic factors; (b) significant proportion of births were still delivered at home; (c) inadequacies of the referral system; and (d) non-utilization of health facilities due to lack of awareness and other barriers. These concerns have been reflected in the National Agenda to Accelerate the Achievement of MDG 5 (NAAAM5) (NEDA-UNDP, 2014:77).

22. National Statistics Office (NSO) data indicate that the target for universal access to reproductive health is unlikely to be achieved, as determined by the contraceptive prevalence rate (CPR), and other proxy variables: total fertility rate (TFR), antenatal care check-ups (ANC), unmet need for family planning (FP), and adolescent fertility rate. The CPR among currently married women (15-49 years) remains stagnant at almost 50 percent (from 1998 to 2011). The country's CPR target for 2015 is at 63 percent. From 2006 to 2011, the CPR

¹ CEDAW. Views. Communication No. 18/2008 1 Sept 2010; and Communication No. 30/2011. Decision adopted by the Committee at its fifty-eighth session (30 June-18 July 2014). Work harassment

even decreased from 50.6 percent to 48.9 percent. For the same period, the prevalence rate for modern methods was roughly constant, while the traditional methods decreased by 2.8 percentage points. In all regions, modern methods were more widely used than traditional methods regardless of educational attainment, and the socioeconomic status of women (MDG report, p 80) (NEDA-UNDP, 2014:80).

23. The results of the 2013 Young Adult Fertility and Sexuality Study (YAFS4) show that the number of young mothers has more than doubled over the past decade. From 6.3 percent in the 2002 survey, the percentage of girls aged 15-19 who became mothers rose to 13.6 percent, or about 700,000 young women in this age group. Researchers attribute the alarming increase to the prevalence of premarital sex among young adults. Approximately 32 percent of the 19.2 million, or 1 in 3 youth have already engaged in premarital sex, compared to 23.2 percent in 2002 and 17.8 percent in 1994. Another disturbing finding was that 78 percent of the first instance of premarital sex was unprotected both against pregnancy and against sexually transmitted infections (CEDAW/C/PHL/7-8, para.142). As a policy response, the Magna Carta of Women and the reproductive health law stipulate family and State collaboration on youth sexuality and health services, including information and education campaigns and integrating sexuality and health education in the school curriculum.

Table 3. 2015 State of the World's Mothers, The Philippines.

Maternal Health	Children's Well-being	Educational Status	Economic Status	Political Status	Mothers' Index (out of 179 countries)
Lifetime risk of maternal death (1 in number stated)	Under-5 mortality rate (per 1,000 live births)	Expected number of years of formal schooling	Gross national income per capita *current (US\$)	Participation of women in national government (% of seats held by women)	
250	29.9	11.3	3,270	27.1	105

24. The MDG targets for infant and under-five mortality rates remain to be achievable by 2015. Latest data reveal that the number of infant and under-five deaths continued to decrease from 2006 to 2011. In 2006, the number of infant deaths was at 24 per 1,000 live births and under-five deaths at 32 per 1,000 live births. In 2011, deaths decreased to 22 and 30 per 1,000 live births, respectively (NEDA-UNDP, 2014:80).

25. Consistent with the findings above, the 2015 State of the World's Mothers' (SOWM) Report ranked the Philippines 105th out of 179 countries.

26. In response to the situation described in the preceding sections, gender advocates within and outside government persistently lobbied the Philippine legislature to finally enact the Responsible Parenthood and Reproductive Health Act of 2012 (RPRH Law) in December 2012. After some Constitutional challenge, the Supreme Court upheld most of the provisions but with some removed, in April 2014. The law guarantees universal access to

reproductive health care including all methods of contraception, sexuality and reproductive health education, maternal, infant, and child health and nutrition, among others. The law seeks to address problems on the delivery of reproductive health services. Financing the delivery of RH services, including the gender and development budget, shall come from the general annual appropriations. The Philippine Health Insurance Corporation (PhilHealth) has been tasked to come up with guidelines for financing RH care, including benefits for serious and life-threatening RH conditions, such as HIV/AIDS, breast and reproductive tract cancers. PhilHealth also introduced the Partial Subsidy Scheme for the poor in 2011, which allows the sharing of annual contribution between the local government units, simplified the process of especially for those from far-flung and rural areas, expanded medical benefits, and made women the priority in enrollment. The primary bearer of the PhilHealth card of the family is now the woman. This is complemented by the conditional cash transfer (CCT) that requires pre- and post-natal care visit for pregnant women, cash grant for health and nutrition and school expenses and attendance to Family Development Sessions (FDS), which include topics on family planning, marital and gender relations, child rearing and youth development. The institutionalization of said grant has increased the number of women getting prenatal and postnatal health care treatments based on an impact evaluation conducted by the World Bank released on 23 January 2013 (CEDAW/C/PHL/7-8, paras. 140-142).

27. To intensify these child health programs, the DOH already drafted the Maternal, Newborn, Child Health and Nutrition (MNCHN) Strategic Plan for 2013 to 2017. Its goal is to rapidly reduce maternal and neonatal mortality through local implementation of a MNCHN strategy with the objective of reducing maternal and neonatal mortality. Neonatal mortality according to the plan will be reduced to 12 deaths per 1,000 live births by 2016. The specific objectives related to the goal are as follows: (a) increase percentage of newborns initiated to breastfeeding within one hour of life from; (b) increase percentage of exclusively breastfed infants for the first 6 months of life; and (c) increase percentage of fully immunized children (NEDA-UNDP, 2014:69).
28. **Violence against Women.** Gender-based violence is a complex social problem that remains prevalent in the country. Data show a sudden increase in the number of cases of women in extremely difficult circumstances (WEDC) served by DSWD from 2010 to 2011 (Figure 57). Compared with the 14,761 reported cases in 2009, there are about 40,962 cases in 2010 and 50,186 cases in 2011. There was also an increase in the number of violence against women (VAW) cases reported to the Philippine National Police (PNP) for the same periods from 9,485 cases in 2009 to 15,169 in 2010, then a slight decrease in 2011 with 13,033 cases.
29. The National VAW Documentation System was pilot-tested by the Philippine Commission on Women (PCW) from 2010 to 2011 in 10 cities and provinces. Furthermore, the government-issued guidelines on establishing VAW Desks facilitated the establishment of 27,000 VAW Desks at the barangay level by 2012. This is over and above the 1,868 women and children protection desks situated in police stations nationwide staffed by 3,240 female police

personnel (NEDA-UNDP, 2014:56-58).

30. Since 2004, attention has been given to popularizing the various anti-VAW laws, strengthening their implementation at the national and local levels, and building a network of male advocates against VAW as part of the worldwide campaign to end VAW. The 2008-2009 campaign focused on intensified advocacy for local government units to provide comprehensive and gender-sensitive services to VAW victim-survivors. One activity conducted along this end was the Search for Outstanding VAW-Responsive LGUs which enabled competing local government units to clearly examine their policies, programs, and services on VAW and identify ways by which they can improve them, to better address VAW in their localities (CEDAW/C/PHL/7-8, para. 48).
31. The PCW helped organize the Men Opposed to VAW Everywhere (MOVE), an organization of men who committed to be actively involved in the elimination of VAW. As of February 2014, MOVE has 29 chapters and affiliates with more than 5,000 members all over the Philippines who commit to speak out against VAW, examine, propose and formulate total male involvement and actions in the elimination of VAW. MOVE members have since conducted orientations, lectures, advocacy activities on VAW in national government agencies and in LGUs down to the barangays (villages), particularly during 18-Day Campaign to End VAW and Women's Month Celebration. They have developed networks through representation in national and international conferences on VAW (CEDAW/C/PHL/7-8, para. 50).
32. Emerging forms of violence against women, such as cyber pornography (ICT-related electronic or E-VAW), violence in armed conflict and during disasters and calamities, and against lesbians, bisexuals and transgender persons (LBTs) are now being recognized and publicly discussed (CEDAW/C/PHL/7-8, para.49). Some NGOs are currently doing research on violence against women, particularly on incest, domestic violence, information and communication technology (ICT) and violence (CEDAW/C/PHL/7-8, para. 54).
33. Trafficking in Persons. The 13th Annual Trafficking in Persons (TIP) Report of the US State Department removed the Philippines in its watch-list and placed it in Tier 2 status. The Tier 2 status officially recognizes a country's significant efforts to adhere to the benchmarks prescribed by the US State Department in meeting the minimum standards. This achievement is a result of the increase in prosecution of suspected offenders and protection of witnesses in trafficking cases through Interagency Council against Trafficking (IACAT), a State mechanism that developed the following policies and guidelines to enhance the investigation and prosecution of trafficking cases where trafficking in persons occur: a) Standard Operating Procedures for Task Forces Against Trafficking in Persons in International Airports; b) Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases; and, c) Model Local Ordinance against Trafficking in Persons (CEDAW/C/PHL/7-8, para. 64).
34. Guidelines for systematic and gender responsive handling of victims by concerned agencies have been developed by IACAT. These include the Manual on the Recovery and Reintegration of Victim-Survivors of Trafficking and two other guidelines in handling trafficked victims,

children and women, respectively. Another manual developed by DSWD, the Gender Responsive Case Management (GRCM) as a practice model, guiding principles, framework and tools (all-in-one), is used in improving case management of VAW victim-survivors (CEDAW/C/PHL/7-8, para. 79).

35. The Department of Labor and Employment (DOLE) is using a Manual in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor to organize and improve effectiveness of management of cases of trafficking in persons, illegal recruitment and child labor in the enforcement of provisions of the Labor Code and related laws: Special Protection of Children Against Child Abuse, Exploitation and Discrimination, Anti-Trafficking in Persons Act of 2003, and Migrant Workers Act. The Manual's step by step procedures guide DOLE offices in handling complaints in the Philippines and abroad (CEDAW/C/PHL/7-8, para. 80).
36. Advocacy has always been part of the State Party's anti-trafficking efforts. The DOJ organized information caravans to disseminate information about the laws and to warn potential victims. Community-based education programs in selected local government units on the anti-trafficking and anti-VAW laws and other migration related concerns have also been conducted by the Commission on Filipinos Overseas (CFO) since 2007. The CFO has chaired the Advocacy and Communications Committee (ADVOCOM) of the IACAT since 2010 and conducts training for media practitioners to improve their writing of stories on anti-trafficking. As well, it manages the anti-trafficking hotline 1343 in partnership with a private entity (CEDAW/C/PHL/7-8, para. 81).
37. The Philippines has been pushing for ASEAN stronger cooperation in combating trafficking in persons among AMS in the spirit of the ASEAN Declaration against Trafficking in Persons Particularly Women and Children signed in 2004, and the ASEAN Plan of Action to Combat Transnational Crime, 2010-2012 that aimed to strengthen regional and international cooperation to combat and prevent trafficking in persons. In a joint statement issued by the ASEAN leaders in 2011, they agreed to accelerate the consideration of an ASEAN Convention on Trafficking in Persons (CEDAW/C/PHL/7-8, para. 66).

Access to Education

38. The 2014 Philippine MDG report shows that targets for elementary education are nearly achieved: net enrolment rate is high, cohort survival rate is medium, and completion rate is low. The NGO Report on BPfA20 noted that Filipino girls and young women have generally fared better than boys and young men insofar as education indicators are concerned. Inequalities in access to education stemmed from poverty, geography (distance from school), and ethnicity (more marginalized IP groups) than simply because of the child's gender. The gender gap favors females, and gaps in school participation and cohort survival widens as one moves from primary, to secondary and tertiary levels (NEDA-UNDP, 2014).
39. Kindergarten was institutionalized in January 2012 with the enactment of RA 10157

or Kindergarten Act of 2012. Another landmark legislation – RA 10533 known as the “Enhanced Basic Education Act of 2013” on May 15, 2013 – institutionalized the implementation of the K to 12 Program thereby aligning the Philippines’ basic education system with international standards. By decongesting the curriculum with the addition of 2 years Senior High School, the Department of Education intends to improve the quality of basic education thereby producing holistically developed learners that are better prepared for higher education, middle-level skills development, employment, and entrepreneurship (NEDA-UNDP, 2014).

40. There remain issues of equity of access to education. The disparity in education outcomes across regions still masks the even wider disparities at the sub-regional level (provincial/division, municipal/city/district, and school level). In general, the disparity in education outcomes underscores inequality in terms of poverty conditions and adequacy of school resources, such as that between urban and rural areas, generally favoring the former. As school attendance is highly associated with economic conditions, rural areas, particularly those in the poorest quintile have the highest incidence of out-of-school children and dropouts. However, urban areas, such as the NCR, also have their unique problems, such as the limited sites in which to build public schools and classrooms, which in turn lead to overcrowding, and eventually, to poor learning outcomes as reflected by the low achievement rate in the region (NEDA-UNDP, 2014).
41. Females have outperformed the males in elementary education indicators (e.g., net enrollment ratio (NER), cohort survival rate (CSR), completion rate (CompR) from 2000 to 2011. Data show that since 2009, gender parity in elementary participation has been to the females’ advantage in all regions of the country. The disparity is more evident in CSR and CompR as more boys drop out or do not complete elementary education. Boys appear to be more vulnerable to a wide range of hazards or risks. Based on the APIS 2010, boys are more likely to drop-out of school due to lack of personal interest. They are also more likely to be engaged in child labor as boys are expected to contribute to livelihood (e.g., farming) to augment family income especially in rural communities; thus, resulting to absenteeism and eventually dropping out of school (NEDA-UNDP, 2014).

Table 4. Elementary education school-leaver (drop-out) rate per grade level (%), SY 2012-2013, (public and private)

	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Average
TOTAL	12.51	5.02	3.80	3.96	4.95	2.27	6.81
Male (M)	13.84	5.66	4.48	4.80	6.19	2.92	7.91
Female (F)	10.94	4.32	3.08	3.08	3.69	1.63	5.60

Source: Research & Statistics Division Office of Planning Service, Department of Education

42. The Commission on Higher Education (CHED) has issued CHED Memo Order 1, Series of 2015 Establishing the Policies and Guidelines for Gender and Development in the CHED and Higher Education Institutes (HEIs). The Guidelines seek to introduce and institutionalize

gender equality and gender responsiveness and sensitivity in all aspects of Philippine higher education. The integration of the shall be in the trilogical functions of higher education – 1) curriculum development, gender-responsive research programs, and 3) gender-responsive extension programs.

43. The Department of Education is still in the process of developing its version of a comprehensive gender-fair policy that will apply to all aspects of basic education.

Political participation and Decision-Making

44. Women have become more visible in terms of political participation with a steady increase of women elected in the legislative seats and local government positions. In the present Congress (2013), women occupy 6 of the 24 senatorial seats (25%) and about the same percentage (25.64%) of the congressional seats. At the local level, there is an increase in percentage of women Provincial Governors, from 15.4 percent in 1998 to 22.5 percent in 2013. At the municipal level, the number of women mayors is increasing, from 15.26 percent in 2004 to 20.86 percent in 2013 (CEDAW/C/PHL/7-8, paras. 121-122). In the Philippine Congress, a party list organization of women, Gabriela Women's Party, has been successful in staying in Congress in the past four election periods. Gabriela has been pushing for gender responsive laws, including the bill on divorce (CEDAW/C/PHL/7-8, para.122).
45. Section 11 of the MCW provides that "the State shall undertake temporary special measures to accelerate the participation and equitable representation of women... in decision-making and policy-making processes." To implement this provision, the Commission on Elections (COMELEC) is mandated to incorporate in its accreditation of political parties, including party-list organizations, specific provisions that promote integration of women in the leadership hierarchy, internal policy-making structures, and appointive and electoral nominating process of said parties. Political parties are urged to create programs where their members can advocate on matters of policy and women members can participate meaningfully within the party (CEDAW/C/PHL/7-8, para.118).
46. For the bureaucracy, MCW targets a 50-50 distribution among men and women in 3rd level managerial positions covering Assistant Bureau Director up to Undersecretary. For women's participation at the local level, the law provides that they should comprise at least 40 percent of membership in local development councils. It also stipulates that women should be provided equal opportunity, on equal terms with men, to represent the government at the international level and in the work of international organizations (CEDAW/C/PHL/7-8, para.119).
47. As of 2013, the targeted 50-50 in the bureaucracy is short by 5 percentage points with 45 percent of third level positions occupied by women. However, the President has appointed women to important cabinet or highly critical positions in government, beginning with the

Case Study 1

Engendering the Barangay Justice System

The Women's Legal and Human Rights Bureau entered into a partnership with barangay Malanday in Marikina on a program called 'Engendering the Barangay Justice System. It sought to address the issues of - Violence against women at the local level; the need for State accountability for human rights obligations, and exercise of due diligence; the lack of women's participation in local governance; and Lack of mechanisms at local government units . The Malanday Barangay Council commit to promote and protect women's rights . Malanday had one of the highest reported cases on VAW.

The partnership objectives are in compliance with national laws and policies, such as Republic Act N7160. The Local Government Code of 1991, which provided for devolution of governance and established the Barangay Justice System; Republic Act No. 8505; Rape Victim Assistance and Protection Act of 1998; Republic Act No. 9262; "Anti Violence against Women and their Children Act of 2004;" and, the Magna Carta of Women of 2009. The program aimed to "Increase women's access to justice by engendering the barangay justice system and promoting local government accountability."

The specific objectives are (a) to enhance capacities and potentials of women and communities to advocate for women's access to justice and to promote, protect and fulfill women's human rights in their communities; and (b) to establish mechanisms and policies to address violence against women, integrating women's issues in the development agenda and strengthening women's participation in the development processes of local governments."

The process involved (a) coordination with the Barangay Council for the conduct of a participatory action research on cases of violence against women (VAW) in the barangay and the response of the barangay justice system; (b) Mapping of community resources (e.g., basic services and facilities in the barangay); (c) Partnership with the women's core group, *Kaagapay ng Kababaihan sa Barangay Malanday*, (KKBM) for legislative advocacy in the barangay; (d) Capacity building of KKBM for advocacy with the Barangay Council, organizational development, agenda building, research, and engagement in local governance to promote women's rights ;

Legislative advocacy for the passage of a barangay ordinance creating a barangay anti-VAWC desk and the establishment of a temporary women's shelter for VAW survivors; KKBM also worked with the Barangay Council in the formulation of the barangay GAD plan and budget; and Linking KKBM to broader advocacy groups

The reflections from the project are the following:

- Participatory action research is an effective approach to assess a situation and responses by the local government units. Its findings serve as basis for community action.
- VAW survivors need economic resources for them to become independent. Thus, KKBM embarked on livelihood projects, and even engaged in fundraising activities.



NO to Rape Joke campaign

- Education on women's rights and laws protecting and promoting women's rights is vital in developing and sustaining women leaders and their organizations.
- Women's organizations like KKBM have to respond to women's practical needs such as source of income. If not, community residents ask "what benefit will we get from joining an organization?"

Chief Justice of the Supreme Court, the Secretary of the DOJ, the Chairperson of the Commission on Human Rights of the Philippines (CHRP) and the Ombudsman, which are all important in dispensing justice for women. Also in the Cabinet are women secretaries of the Department of Labor and Employment (DOLE), the Presidential Adviser on the Peace Process and the head of the Government Panel for Peace Negotiation, the Department of Social Welfare and Development (DSWD), the Commission on Higher Education (CHED) and the Commission on Filipinos Overseas (CFO). The President has also appointed women to important posts, such as the head of the Bureau of Internal Revenue and the Pag-Ibig Fund (housing fund). Women's participation in the diplomatic service is also improving. Between 2002 and 2010, the percentage of women in key posts (Ambassador and Consul General) rose from 28 percent to 35 percent (CEDAW/C/PHL/7-8, paras. 120-123).

46. Supporting women's participation in local governance is incorporated in the guidelines issued to localize the MCW that states, "LGUs shall ensure active participation of local committees/ councils in partnership with national/regional government agencies, academe, private sector and civil society organizations (CSOs) operating at the local level for effective gender mainstreaming" (CEDAW/C/PHL/7-8, para.120). Hence, women's representation in local special bodies are encouraging, particularly with the increasing awareness of government on the provisions of the MCW. Women form 48 percent of local school boards, 50 percent of local health boards, 30 percent of local peace and order councils, 31 percent of local housing boards, but a low 16 percent of local development councils (CEDAW/C/PHL/7-8, para. 124).

47. Women NGOs' participation in the anti-poverty agenda of the government is institutionalized through the National Anti-Poverty Commission (NAPC). NAPC is composed of lead government agencies and 14 basic sectoral councils – peasant and fisher folk, formal labor, informal sector, migrant workers, urban poor, indigenous peoples, people with disabilities, senior citizens, women, youth and students, children, victims of disasters and calamities, etc. Aside from the 30 percent participation of women in each of the 13 sectoral councils, an all-women's sectoral council (WSC) completes the sectors. The women sectoral council representatives and the women in the other basic sectoral councils have been trained on the MCW to ensure that gender perspectives and women's rights are included in all the basic sectoral councils' agenda. The members assist in monitoring the MCW at the local level and participate in local decision making (CEDAW/C/PHL/7-8, para. 159).
48. Women's participation in local decision-making is one of the concerns of the MCW. The law provides that women should represent 40 percent of local special bodies. This representation is being extended into sector-specific local councils. For instance, the National Fisheries and Aquatic Resources Management Council, included 129 female officers (20%) as representatives of the fisher folk. Women also comprise 43 percent of agrarian reform organizations and are also present in local agricultural and fisheries councils. There is also a National Coalition of Rural Women (*Pambansang Koalisyon ng Kababaihan sa Kanayunan* or PKKK) consisting of organizations and federations of associations of women peasant, fisher folk, farm workers, and indigenous peoples; including rural women in the sectors of informal labor, elderly, youth, and persons with disabilities. Other NGOs advocates call for action to address the needs of rural, indigenous and Muslim women (CEDAW/C/PHL/7-8, para. 120). The women's movement in the Philippines is alive as evidenced by plethora of women and feminist organizations such as Women and Human Rights Legal Bureau, the Coalition Against Trafficking in Women, Asia Pacific, PILIPINA, GABRIELA and others that actively implement programs on violence against women, trafficking and prostitution, poverty, unemployment and development issues are actively pushing for reforms in government to improve services and respond to critical issues of women.
49. More than one quarter (27%) of the 1,143,914 agrarian reform beneficiaries as of December 2010 are women. Rural women availed themselves almost half of the total agricultural credit from the government Quedan and Rural Credit Guarantee Corporation (QUEDANCOR). Women agrarian reform beneficiaries have also been accessing agricultural and micro-credit (CEDAW/C/PHL/7-8, para. 160).

Access to Economic Opportunities

50. The Philippine Statistics Authority posted these sex-disaggregated data on Work and Economic Participation as of March 2015 (PSA, 2015). Women' labor participation rate is only 50.3 percent compared to 78.4 percent of men's. However, unemployment rate is slightly more among men. The data also show that more women are unpaid family workers (15.7% compared to 7.5% for men) and a significant proportion (25.6%) are considered poor. For both men and women employed, most are laborers and unskilled workers. Women

are in wholesale and retail trade as well as into repair of motorcycles and motor vehicles. On the other hand, most men are into agriculture and forestry.

51. Detailed analysis is provided in the 2014 Philippine MDG Report (on page 60) on similar trends noted in earlier data. Of the total 14.2 million employed women in October 2010, around 7.5 million (53.0%) were wage and salary workers; 3.9 million (27.7%) were self-employed without any paid employee; and around 327 thousand (2.3%) were employers in family-owned and operated farm or business. As to the 22.3 million employed men, 12.3 million (55.0%) were wage and salary workers; 7.1 million (31.8%) were self-employed without any paid employee; and 1.1 million (4.8%) were employers in own family-operated farm or business (NEDA-UNDP, 2014).
52. Contrary to the standard, not all employed women and men were paid. There is, in fact, a considerable number of unpaid family workers. In October 2010, unpaid family workers in family-owned and operated farm or business were estimated at 4.3 million. Of the total figures, 2.4 million (56.7%) were women while only 1.8 million (43.3%) were men. The share of women in wage employment in the non-agriculture sector was placed at 41.9 percent in 2009 and 41.8 percent in 2011. This hardly shows any change from the 1991 data, which is placed only at 40.6 percent (NEDA-UNDP, 2014).
53. In terms of labor migration, the Philippine Labor and Employment Plan 2011-2016 noted that the presence of a large number of Overseas Filipino Workers (OFWs) is a key feature in the Philippine labor market. Statistics from the past years (2004-2011) consistently show an increasing trend in the number of Filipinos working abroad. According to the World Migration Report 2010, there are around 8.7 million Filipinos in 239 host countries. In 2011 alone, a total of 1,687,831 overseas Filipino workers were deployed abroad, which is an increase of 15 percent from that in 2010 (IOM – World Migration Report 2010). The 2011 Survey on Overseas Filipinos (SOF) conducted by the PSA - National Statistics Office (NSO) estimated a total of 2.2 million overseas Filipinos which increased from the previous year's estimate of 2.0 million OFWs. Of the 2.2 million OFWs in 2011, female OFWs were estimated at 1.03 million (47.8%) or an increase of 5.8 percent from the 975 thousand estimated female OFWs in 2010. Male OFWs accounted for 52.2 percent or around 1.13 million of the total OFWs in 2011, an increase of 5.4 percent from the estimated 1.07 million male OFWs in 2010. Female OFWs in 2011 were generally younger than males. Around 63.1 percent female OFWs were 15 to 34 years old while only 48.5 percent male OFWs are of the same age group. There was a slight decrease of younger female OFWs because in 2010, an estimated 64.5 percent of the total female OFWs belonged to the 15 to 34 years old group (NEDA-UNDP, 2014).
54. The Philippines has pursued bilateral labor agreements with destination countries for OFWs. The Philippine Overseas Employment Administration (POEA) reviewed bilateral labor agreements (BLAs) of 20 destination countries of Filipino migrant workers in 2013. In May of the same year, it signed a labor agreement with the Kingdom of Saudi Arabia governing household workers benefits, such as a day off each week, while preventing their hiring

costs from being deducted from their salary. This agreement also includes opening of bank accounts under the name of the worker by the employer for monitoring the payment of workers' salaries, a complaint mechanism was set up starting with a 24-hour hotline for dispute resolution, guaranteed a USD\$400 monthly salary. Around 60,000 household service workers in Saudi Arabia stand to benefit from this agreement. Labor agreements with other destination countries are also being explored to promote the welfare and dignity of OFWs. Cooperation and agreements with other government, non-government and civic organizations engaged in advocacy and services against illegal recruitment, human trafficking, and "reprocessing" or contract substitutions are established for the same purpose. Under these agreements, workers are enrolled for health, life insurance, housing and social security. Similar efforts are being done by the CFO, which establishes linkages and partnerships with Filipino communities to seek their help in ensuring the integration of the newly arrived migrants, such as those in North America, Europe, Australia and Asia. The CFO also partners with relevant institutions to help marriage migrants with resettlement, adjustment and assimilation issues (CEDAW/C/PHL/7-8, para. 83).

55. Amendments were introduced to the policy of sending household service workers (HSWs) overseas to curb the different forms of abuse and discrimination against them. The revised policy increased the minimum age requirement for HSWs from 18 to 23 years of age, ordered "no-placement fee" policy, imposed mandatory skills and language training, and set a minimum monthly wage standard of US\$400. Pursuant to this policy, the Philippine Overseas Labor Offices (POLO) and the Philippine Overseas Employment Administration (POEA) blacklist employers who have been found guilty of abuse and maltreatment against Filipino workers, or those who have committed contractual breaches, especially non-payment or underpayment of salaries (CEDAW/C/PHL/7-8, para. 84).
56. As mandated in the amended Migrant Workers' Act (Republic Act 10022), Foreign Service Posts (FSPs) have certified countries under their jurisdictions either as compliant or non-compliant, or have/have not initiated positive and concrete measures to protect the rights of Filipino migrant workers. Based on the FSPs' certification, the POEA Governing Board either unilaterally approves or disallows the deployment of OFWs in a particular country. The certification process undergoes periodic reviews and those non-compliant countries are induced to conclude bilateral labor agreements (CEDAW/C/PHL/7-8, para. 85).
57. The Migrant Workers Act (RA 8042) prescribes a "one country team" approach in addressing concerns of migrant workers. Deployed social welfare attachés, labor attachés and Foreign Service officers work together in selected countries, particularly where there is a high concentration of workers, to respond to social, employment and other concerns of OFWs. Migrant Workers and Other Overseas Filipinos Resource Centers (MWOOFRC) are set up and operated jointly by the Embassy/Consulate Coordinators with the Labor Attachés assigned in the area. DFA and DOLE jointly prepared a Joint Manual on Assistance to Nationals (ATN) Operations and Guidelines on the Management of the MWOOFRC to streamline and more efficiently manage ATN, including MWOOFRC operations. DFA and DOLE increased the deployment of female ATN and POLOs for more gender-sensitive

assistance to OFWs in distress. The DFA designates GAD focal persons in embassies and continues to train personnel on violence and sexual harassment issues and handling, for home and post assignments (CEDAW/C/PHL/7-8, para. 86).

58. The government seeks to address the root causes of trafficking and migration through the support to entrepreneurship, expanding job opportunities and provision of social safety nets for the poor. The five-year Philippine Development Plan (PDP) 2011-2016, the country's blueprint for economic development. These objectives of the PDP are targeted through three broad strategies of high and sustained economic growth, equal access to development opportunities and effective and responsive social safety nets. PDP defines inclusive growth as "sustained growth that massively creates jobs, draws the vast majority into the economic and social mainstream, and continually reduces mass poverty" (PDP, 18). According to the PDP, the poor accounted for 26.5 percent of the population in 2009 (in 2013, poverty incidence declined to 24.9 percent per latest MDG report). The goal is to reduce poverty to 16.6 percent in 2015 through the various government plans and programs that seek, among others, to increase investment in human capital development and employment creation for both wage and self-employed. Investment in human capital focuses on qualitative development of human resources in terms of education, skills, health, etc., which increase the prospects of accessing productive employment, increasing productivity and income (CEDAW/C/PHL/7-8, para. 96).
59. Improving the business environment and promoting the growth of micro, small and medium enterprises (MSMEs) is still one of the critical drivers of the economy. The Department of Trade and Industry (DTI) estimates that this sector contributes at least 60 percent of jobs created by all enterprises. MSMEs are often the only source of new employment and serve as a safety net, not only for the urban poor but also for rural women who have limited access to formal employment. About 4 of 10 Filipinos aged 18 to 64 years are engaged in business, and they constitute half of the Philippine labor force (CEDAW/C/PHL/7-8, para. 97).
60. The Magna Carta for Micro, Small and Medium Enterprises (MSMEs) of 2008 aims to promote entrepreneurship and support the development of MSMEs. To support women's entrepreneurship, the Micro, Small and Medium Enterprise Development [MSMED] Plan 2011-2016 includes gender mainstreaming among its key themes to facilitate their access to productive resources for their enterprises. The Plan seeks to address some of the gender issues that hinder the growth of women's business, such as limited access to resources and capacity to sustain and upscale their business (CEDAW/C/PHL/7-8, para. 98).
61. Another measure to support entrepreneurship is the program of DOLE called Kabuhayan (livelihood) Program, a capacity-building facility and entrepreneurial ventures for workers in the informal economy and vulnerable groups of workers, such as women, youth, parents of child laborers, indigenous people, and persons with disabilities. From 2009- 2013, 413,513 workers in the informal economy have benefited from the program, 27 percent (112,026) of them women (CEDAW/C/PHL/7-8, para. 99).

Case Study 2

Balik Pinay! Balik Hanapbuhay! Program (BPBHP)

Economic Reintegration of Returning Overseas Filipino Workers

National Reintegration Center for Overseas Filipino Workers (NRCO), under the Office of the Secretary, Department of Labor and Employment (DOLE) collaborates with Philippine Overseas Labor Offices (POLOs) in at least 17 countries and the 16 administrative regions where the overseas workers come from.

The Program combines training and production interventions aimed at women overseas workers, specifically household service workers (domestic workers) who are returning to the Philippines after experiencing distress, abuse and/or displacement. Its objectives are to enable the women to:

- a. be multi-skilled through access to training services/assistance by training institutions like the Technical Education and Skills Development Authority (TESDA), Department of Trade and Industry (DTI), and Agricultural Training Institute.”
- b. plan, set up, start and operate a livelihood undertaking by providing them with ready-to-go roll out self-employment package of services consisting of trainings, start up kits, business counselling, and technical and marketing assistance services; and provide them with skills that are highly in- demand in the local labor market so as to increase their chances of finding better job opportunities.

Since 2011, a total of 5,746 women who had previously worked abroad and experienced distress, abuse, and/or pretermination of contracts have benefitted from the Program².

From 2011 to 2014, the BPBH Program provided livelihood starter kits worth P42.36 million (US\$901,276.59) to 4,236 beneficiaries³. In 2015, the Program gave livelihood starter kits and financial assistance amounting to P14.5 million (US\$308,510.64) to 1,456 OFW beneficiaries.

Women’s rights to access economic resources, skills trainings, and social protection from the government are fulfilled. There has not been any evaluation to systematically assess program outcomes. There are no data yet on the sustainability of the businesses that the grantees embarked on. One of NRCO’s success indicators is that 6 months after the distribution of livelihood starter kits, at least 10 percent of the grantees continue with their businesses. The reason behind the seemingly low sustainability rate is that the NRCO views the BPBH Program as only a bridging intervention. From the livelihood starter kits, NRCO hopes the grantees can transition to other economic ventures⁴.

² Interview with Ms. Elizabeth Zambarrano, Officer-in-Charge, Program Coordination and Monitoring Division, NRCO on April 25, 2016.

³ “Baldoz signs A.O.No. 120-16 for effective implementation of Balik Pinay, Balik Hanapbuhay.” www.dole.gov.ph/news/view/3117

⁴ Interview with NRCO Director Mantilla and OIC Ms. Zambarrano. April 25, 2016

The Program has provided women who have not been successful as overseas workers with competencies in business planning, starting and managing micro and medium scale businesses. It has also offered alternatives to overseas employment.

62. The Department of Social Welfare and Development (DSWD) employs a convergence strategy (TATSULO) to harmonize its core poverty reduction programs – the Pantawid Pamilya Program or the Conditional Cash Transfer (CCT) Program, the Kapit-Bisig Laban sa Kahirapan- Comprehensive and Integrated Delivery of Social Services Programs (KALAHI-CIDDS) recently transformed into the National Community Driven Development Program (NCDDP), and the Sustainable Livelihood Program to help address the root causes of migration. By identifying who and where the poor are, through the National Household Targeting System for Poverty Reduction (NHTS-PR), maximization of resources and the timely, effective and efficient delivery of services to the marginalized is viewed could be achieved (CEDAW/C/PHL/7-8, para.106).

63. The KALAHI-CIDDS/NCDDP is a program that seeks to empower communities through enhanced participation in local governance and community projects of the community members, specifically the women. It seeks to make local governance processes and systems more participatory, transparent, and accountable. Community members identify their projects, prepare proposals and participate in or monitor their implementation to foster commitment, accountability and sustainability. Funds for approved projects are released through community project accounts maintained by community volunteers. Projects range from roads, drainage systems, daycare centers, health centers, post-harvest facilities, and water and sanitation projects. As of January 2014, the KALAHI-CIDSS project has funded 4,243 community sub- projects amounting to PHP 4.952 billion (more than USD117 million) benefiting 959,368 households in 4,337 barangays. Beneficiaries of this program are both women and men. It has particularly increased their participation in the labor force, and in local decisions advancing development through responsive community projects and accountable governance (CEDAW/C/PHL/7-8, paras. 110-111).

64. The Sustainable Livelihood Program provides capacity building to improve the program participants' socio-economic status, executed through employing two tracks vis-a- vis strategies. First, it supports microenterprises to become organizationally and economically viable through a capacity building program that focuses on community development, skills enhancement, network building and capital assistance to poor families included in the National Household Targeting System for Poverty Reduction (NHTS-PR) list, prioritizing the CCT beneficiaries in order to improve their opportunities for managing a sustainable microenterprise. Second, it links participants to employment opportunities by providing assistance to unemployed poor families included in the NHTS-PR list, also prioritizing the CCT beneficiaries, who are provided with skills profiling, job matching, occupational guidance and counseling and job referrals. As of January 2014 a total of 340,163 poor households were served from January 2011 to October 2013: 288,601 (94.74%) households are

enrolled in the micro enterprise development track while 16,488 (5.40%) are under the employment facilitation track. The program has been benefitting both women and men contributing to eradication of poverty and hunger and gender equality and empowerment of women (CEDAW/C/PHL/7-8, paras. 112-113).

65. For social protection of women and their families, the State Party, through the Philippine Health Insurance Corporation (PhilHealth) developed a health benefit package in addressing access to and affordability of quality health care for women in the informal economy. PhilHealth approved the implementation of the partial subsidy scheme for the coverage of women micro-entrepreneurs (WMEs), small self-employed and other low- income workers of the informal economy (CEDAW/C/PHL/7-8, paras. 112-114).
66. A quarter of Filipino women are poor. The Center for Women's Resources (2014) reports that, despite having an expensive poverty reduction program like the 4Ps, poverty incidence had not significantly changed since 2006. Majority of peasant families are landless and work in predominantly foreign-owned agricultural plantations, where they earn a basic pay of around 148 pesos, with women farmworkers getting, on the average, 125 pesos, or 15 per cent lower than that basic pay⁵. Women's lack of individual ownership rights is reflected on their disproportionately small possession of land instruments: 33 percent of Certificates of Land Ownership Agreements, and 14 percent of Emancipation Patents (PSA, 2014).
67. From 2007 to 2013, the Philippine Commission on Women (PCW) implemented the Gender-Responsive Economic Actions for the Transformation of Women Project. More popularly known as the GREAT Women Project, the initiative aimed -to promote and support a gender-responsive enabling environment for women's economic empowerment, particularly those in microenterprises. The project has reportedly benefited 14,000 women micro-entrepreneurs in the country through trainings, convergence partnerships between local government units and national government agencies, and linkage to local and international markets (PCW, 2014).
68. Republic Act No. 9700, or The Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) (2008) is "an act strengthening the comprehensive agrarian reform program (CARP), extending the acquisition and distribution of all agricultural lands, instituting necessary reforms." It amends certain provisions of the Comprehensive Agrarian Reform Law of 1988 (Republic Act No. 6657). As of December 31, 2013, a total of 6.9 million hectares of land, or 88 percent of the total land subject to CARP, was acquired and distributed by the government (Official Gazette, 2014). For the period 2014 to 2016, the Department of Agrarian Reform (DAR) has to acquire 771,795 hectares, and the Department of Environment and Natural Resources (DENR) 134,857 hectares, a total of 906,652 hectares, for distribution (Official Gazette, 2014).
69. With specific reference to women, R.A. No. 9700, Section 14 also states that the Presidential Agrarian Reform Council (PARC) shall adopt, implement, and monitor policies and programs

⁵ Center for Women's Resources as cited in "Women and the Economy", Women NGO Report to BPFA+20

to ensure the fundamental equality of women and men in the agrarian reform program.” Specifically, the PARC shall ensure that: (a) these support services integrate the specific needs and well-being of women farmer-beneficiaries; (b) rural women can organize themselves in order to obtain equal access to agricultural credit and loans, marketing facilities and technology, and other support services; and (c) equal treatment will be extended to women and men in land reform and resettlement schemes. Five years after the enactment of the CARPER, women continue to have less land and control over productive resources. Only 29 percent (674,486), of the total Agrarian Reform Beneficiaries, or ARBs (2,303,454) with Certificates of Land Ownership Award are women (numbers from PCW, 2014b). As widely noted, Philippine laws “offer vast opportunities in terms of women’s rights and access to land,” but there is “a big gap in policy implementation” (UPCWS, 2015:8).

70. The government “implements rural agricultural programs for poor farmers through improved access to land, better land tenure, credit support to farmer productivity, and participation in farmer organizations” (PCW, 2014b, p. 11). Among its projects is the Philippine Rural Development Project (PRDP) to be implemented by the Department of Agriculture and financed by a US\$ 508.25 million loan and grant package from the World Bank (World Bank, 2014b). The project is intended for rural infrastructure and small business and livelihood projects for farmers and fisher folk in the Philippines, and “aims to improve the productivity of small farmers and fisherfolk as well as their access to markets” (World Bank, 2014b). The number of expected direct beneficiaries of the projects is two million farmers and fisherfolk, almost half of whom are women, while indirect beneficiaries are estimated at 22 million people, including 10 million women (World Bank, 2014b).
71. The credit and microfinance programs of the DAR for ARB cooperatives, implemented in cooperation with the Landbank, CARD, Inc., and the National Confederation of Cooperations (NATCCO), are geared towards micro-finance capacity development (DAR, 2013a). Other programs for ARBs are the Agrarian Reform Community Connectivity and Economic Support Services, Enterprise Development for ARBs, Enterprise-based Social Services Systems Development, and Capacity Development Program for ARBs (DAR, 2013 b).
72. In terms of participation in agriculture and local government governance, there are “468,706 female members in agrarian reform cooperatives, around 3,283 ARB organizations/women’s organizations, 11,118 female board members in ARB organizations, 8,311 female ARBs involved in planning, implementation, monitoring, and evaluation of socio-economic programs of organizations within agrarian reform communities, 8,349 female ARBs elected at the barangay (village) level, 1,244 at the municipal level, and 193 at the provincial level” (PCW, 2014b, p. 11).
73. Issues that continue to beset rural women in agriculture are “limited access to and control over resources and women’s limited participation and representation in decision making” (PCW, 2014c). Their limited access to and control over resources is related to “threats to property rights in agrarian and aquatic areas and ancestral domain, loss of traditional

Case Study 3

Kapit-Bisig Laban sa Kahirapan Comprehensive and Integrated Delivery of Social Services-National Community-Driven Development Program (KALAHY CIDSS-NCDDP)

KALAHY CIDSS is a conditional cash transfer program (CCT) that is rights-based by focusing on human capital investment through provision of health and education cash grants to eligible poor households. The Millennium Challenge Corporation, a USAID agency created by Congress in 2004, provided the GOP, a grant of USD120,000,000.00 and a Gender Incentive Grant (GIG) amounting to USD1,000,000.00. The DSWD provides cash grants to supplement the income of poor households to enable them to meet their needs subject to the following conditionalities:

- For health and nutrition: Pregnant women must have pre-natal and post-natal care by a skilled/trained health professional during childbirth; children 0–5 years old must receive regular preventive health checkups and vaccines; and children 0–14 years old must take deworming pills every 5 months.
- For education: children 3–5 years old must attend daycare at least 85 percent of the time; children 6–18 years old must enroll in elementary or high school and attend at least 85 percent of the time; parents or guardians must attend responsible parenthood sessions, mother's classes, and parent effectiveness seminars at least once a month;

The target beneficiaries are poor households with children 0–18 years old (increased from 14 years in 2013 to enable them to complete secondary education) and pregnant or lactating women are eligible for the health transfer set at PHP500 (approximately USD10) per household per month. The education cash transfer is PHP300 (approximately USD6) per month, for 10 months per year (PHP3,000 or approximately USD62 per year) for up to a maximum of three (3) children per family. As of December 2013, the program implementation geographically covers 1,484 municipalities, 143 cities and 79 provinces nationwide covering over 3,841,147 household beneficiaries 91.3 percent (3,505,703) of whom are women grantees.

Kalahy CIDSS GAD Champions (community leaders) who were featured in the compendia of stories and video series on Kalahy-CIDSS



The Program provides women additional income for the basic needs of the family, and has given them a degree of financial freedom from their husband. It has also led to an increase in the enrollment of children and the number of women getting prenatal and postnatal health care treatments, and enabled them to monitor their children's health and schooling. Women are also informed of their rights, about gender relations, child rearing and better communication (CEDAW/C/PHL/7-8, paras. 107-109).

There has been a purposive intervention on the development, piloting, publication and utilization of a "Gender Toolkit," an instructional material to guide the Area Coordinating Teams and the Regional Project Management Teams in integrating gender into Kalahi-CIDSS. Two gender pilot sites were chosen - the Municipality of Torrijos in Marinduque Province and the Municipality of Madalag, Aklan Province.

sources of food, limited access to support services, and geological and climate-change hazards" (PCW, 2014c, pp. 55-56). Further, despite consisting half of the agrarian reform community membership, their participation in decision-making is highly constrained by "gender biases or cultural norms" (PCW, 2014:56).

D. Recommendations

In spite of The Philippines has a long way to go to achieve the full realization of women's empowerment and gender equality. Some of the critical recommendations raised by the CEDAW Committee in the Philippines 5th and 6th, as well as, 7th and 8th reports include:

74. The full implementation of the RPRH Law is a crucial issue given the following reproductive health issues that the country faces such as : (a) high fertility among poor and less educated women; (b) low contraceptive use and high unmet need for family planning; (c) high unintended and unplanned pregnancies; and (d) high rate of maternal deaths (NEDA-UNDP, 2014:83).
75. Strengthening of women's political participation, including representation of marginalized women in rural, indigenous, Muslim and urban poor communities through temporary special measures in political parties, elective and appointive posts in national and local governments that has policy monitoring and oversight functions.
76. Strengthening of the Philippine Commission on Women, the national machinery on women, which to date, does not have the stature of a full commission or department as well as regional offices and adequate resources to implement the Magna Charta of Women.
77. Stronger cooperation with ASEAN in combating trafficking in persons among AMS in the spirit of the ASEAN Declaration against Trafficking in Persons Particularly Women and Children signed in 2004, and the ASEAN Plan of Action to Combat Transnational Crime,

2010-2012 that aimed to strengthen regional and international cooperation to combat and prevent trafficking in persons. In a joint statement issued by the ASEAN leaders in 2011, they agreed to accelerate the consideration of an ASEAN Convention on Trafficking in Persons.

72. A clarification on the status of CEDAW vis a vis national law (CEDAW/C/PHL/CO/6).

References

- BPfA + 20: Philippine Progress Report on the Implementation of the Beijing Declaration and Platform for Action, 2015. Retrieved from: <http://pcw.gov.ph/publication/beijing-platformaction-bpfa-20-philippine-progress-report>
- Combined 7th and 8th Periodic Report, Philippines, CEDAW/C/PHL/7-8., 16 January 2015.
- NEDA & UNDP, 2014. The Philippines Fifth Progress Report - Millennium Development Goals.
- Philippine Commission on Women. Women's Empowerment, Development and Gender Equality Plan, 2013-2016.
- Philippine Statistical Authority (PSA) (2015 March). *Fact Sheet on Women and Men*. Philippines: PSA. Retrieved from http://www.nscb.gov.ph/gender/FINAL%202015%20FS_24march2015.pdf
- Philippine Statistical Authority. http://www.nscb.gov.ph/gender/FINAL%202015%20FS_24march2015.pdf
- Save the Children International, 2015. State of the World's Mothers Report.
- State of the Filipino Women Report 2015 Highlights. Retrieved from http://pcw.gov.ph/sites/default/files/documents/resources/SFWR%20Highlights_COMPLETE%20CHAPTERS%201-3.pdf
- UNDP, 2015. Briefing Note for Countries on the Human Development Report. Philippines
- UNDP, 2015. Human Development Report.
- UNOHCHR (2017). *Ratification of 18 International Human Rights Treaties*. Retrieved from www.indicators.ohchr.org
- UP CWS (2015). Women and the Economy in *BPfA+20 NGO Report*. Quezon City: UP Center for Women Studies.
- World Economic Forum, 2015. Global Gender Gap Report.



SINGAPORE



A. General Country Profile

1. Singapore is a small country with no natural resources but has sustained an impressive economic growth since its founding. To remain competitive, it provides an enabling environment for its people to be the best they can be, irrespective of gender, race or creed. As of 2015, its total population was 5.53 million, of which 3.9 million are residents (Singapore Dept. of Statistics, 2017). The sex ratio was 965 males per 1,000 females.
2. Due to its wealth and social policies, Singapore has consistently scored high in global indices on human development. According to the United Nations Development Program, Singapore's score in the Human Development Index 2014 is 0.912 and is ranked 11th out of 188 countries (UNDP, 2015:208). An upward trend in the value of the Human Development Index (HDI) in Singapore is noted since it rose from a value of 0.718 in 1990 (UNDP, 2015:212). In the Gender Inequality Index (GII) 2014, Singapore ranked 13th out of the 155 countries surveyed (UNDP, 2015:224). As of 2015, its per capita gross domestic product (GDP) is USD72,711 while its per capita gross national income (GNI) is USD69,283 (Singapore Dept. of Statistics, 2017).

B. Duty-Bearer's Accountability

International Human Rights Commitments

3. Singapore is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child, and its Optional Protocol on the Involvement of Children in Armed Conflict, Convention on the Elimination of All Forms of Racial Discrimination, 1949 Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide, the UN Convention against Corruption, and the Hague Convention on Civil Aspects of International Child Abduction. Singapore is also a signatory with the policies of the International Labour Organisation. However, the Singaporean government has not signed two key human rights instruments such as those on civil and political rights, and economic and cultural rights.
4. Singapore is considering accession to the following agreements in order to improve the rights of the people: the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography; and Convention on Abolition of Forced Labour (Human Rights Council 2011, 21).
5. Singapore is not yet a signatory to the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women.

Harmonizing national laws and policies with CEDAW

6. Article 12 of the Constitution of Singapore enshrines the principle of equality of all persons

before the law and it specifically provides that “all persons are equal before the law and entitled to the equal protection of the law.” Women gained the right to vote at the same time with men in 1947 (Syahidah, 2012). The rights of women are enshrined in the Women’s Charter, which was enacted in 1961 to lift the status of women and provided greater equality for women within civil marriages¹. For instance, it provides that the husband and wife shall be mutually bound to co-operate with each other in the interests of the union. It also makes it clear that a woman retains her right to enter into contracts, own property, sue and be sued in her own name after marriage.

Table 1. Status of Singapore’s International Human Rights Commitments

Treaty Description	Treaty Name	Signature Date	Ratification (r), Accession (a), Succession (d) date
Core International Human Rights Instruments			
International Convention on the Elimination of All Forms of Racial Discrimination	CERD	2015	
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW		1995
Convention on the Rights of the Child	CRC		1995
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	OP CRC-AC	2000	2000
Convention on the Rights of Persons with Disabilities	CRPD	2012	2013

Monitoring Gender Equality

7. Singapore submitted its fourth periodic report to the Committee in 2009. The report was presented to the Committee in 2011, and it was well received. The Committee commended Singapore for initiatives, such as the National Family Violence Networking System, the Inter-Agency Taskforce on Trafficking in Persons, and the enhanced Marriage and Parenthood Package (2008), which support marriage and parenthood aspirations. It also noted Singapore’s ratification of the Convention against Transnational Organized Crime (2007) and welcomed the partial withdrawal of its reservations against Articles 2 and 16 of CEDAW. However, Singapore was urged to further improve the status of women in the country by stepping up on legislation to specifically criminalize marital rape, trafficking in persons, and sexual harassment, as well as, taking measures to change or eliminate stereotypes and patriarchal attitudes, and ratifying treaties that Singapore has not yet ratified. Singapore submitted its fifth periodic report to the Committee in October 2015.
8. There are two main national entities overseeing women-related matters—the Inter-Ministry Committee (IMC) on CEDAW, which monitors Singapore’s implementation of CEDAW, and the Office for Women’s Development (OWD). The IMC on CEDAW ensures a coordinated “whole-of-Government” approach to the domestic implementation of CEDAW. It comprises agencies that coordinate and implement initiatives under their purview to better address the needs of women. OWD is the Secretariat for the IMC on CEDAW.

¹ Muslim marriages are governed by Muslim law

9. The Singapore Government partners with stakeholders to enhance women's participation in various fields. The Singapore Council of Women's Organisations (SCWO), the national co-ordinating body for local women's organisations, launched the Women's Register in March 2007 as a platform for mentoring, networking, education and volunteerism. SCWO subsequently launched Board Agender in March 2011 to provide greater awareness and understanding of the benefits of gender-balanced business, and to encourage and enable more women to contribute their expertise in the boardroom and committees.
10. The Ministry of Social and Family Development has a website on gender statistics which provides an overview of the status and progress of women in Singapore.
11. In fulfilling the Millennium Development Goals, Singapore reported that in order to achieve its goals, Singapore shared its expertise on human resource development and economic development through the Singapore Cooperation Programme. Singapore also hosted international conferences such as the World Cities Summit to share its experiences and knowledge to the rest of the world. Singapore also focuses on water issues and hopes to develop solutions against water-related challenges. In the ASEAN Region, Singapore also launched the Initiative for ASEAN Integration (IAI) to help other Southeast Asian countries to cope with their respective MDGs.
12. At the level of ASEAN, Singapore is active within the ASEAN Intergovernmental Commission on Human Rights, and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. Together with the other ASEAN Member States, Singapore is also involved in the drafting of an instrument on the protection and promotion of the rights of migrant workers.

C. Claimholder's Benefits and Enjoyment of Right

13. Singapore has a Gender Inequality Index (GII)² value of 0.088, ranking it 13 out of 155 countries in the 2014 index. Women hold 25.3 percent of parliamentary seats, and 74.1 percent of adult women have reached at least a secondary level of education compared to 81.0 per cent of their male counterparts. For every 100,000 live births, six (6) women die from pregnancy related causes; and the adolescent birth rate is 6.0 births per 1,000 women of ages 15-19. Female participation in the labour market is 58.8 percent compared to 77.2 percent for men.

² The 2010 Human Development Report introduced the Gender Inequality Index among its comparative measures. GII reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is measured by the share of parliamentary seats held by women and attainment in secondary and higher education by each gender; and economic activity is measured by the labour market participation rate for women and men. The GII can be interpreted as the loss in human development due to inequality between female and male achievements in the three GII dimensions.

Access to Health

14. All Singaporeans are supported by the country's healthcare financing system, with multiple tiers of protection including government subsidies, mandatory personal savings and universal health insurance coverage. Together, these ensure universal access to healthcare, and that no Singaporean is denied medical care because of the inability to pay.
15. Based on the 2015 Mothers' Index (Save the Children Foundation Intl., 2015:63), which assessed indicators such as maternal health, children's wellbeing, educational status, economic status and political status, Singapore was ranked very high at 14th out of 179 countries. This reflects Singapore's advanced healthcare system, which has benefitted women greatly. Singapore's economic success has enabled it to create and finance social policies benefitting its citizens, especially women and children. This situation can be seen from its low maternal mortality rate. Currently, the maternal mortality rate for Singapore in 2014 is 2.4 / 100,000 live births.

Access to Education

16. Access to education is equal for men and women in Singapore. Singapore enacted in 2003 a Compulsory Education Act, where the first six years of primary education in Singapore is compulsory. The educational system is also characterized by very low dropout rates, due in part to the huge government support towards the education sector.
17. The 2015 data on literacy rates of residents aged 15 years old and above indicate a 98.6 percent literacy rate for men and 94.2 percent for women (Singapore Dept. of Statistics, 2017).
18. While Singaporean women are generally perceived to have taken significant inroads in higher education, data show that there is still a five percentage point gap between men and women in terms of those who have had secondary education and higher qualifications. Specifically, among residents aged 25 years and above, 72.3 percent of men have received secondary education or higher while only 67.1 percent of women have done so.

Table 2. Singapore's GDI value and its components

	GII value	GII Rank	Maternal mortality ratio	Adolescent fertility rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
						Female	Male	Female	Male
Singapore	0.088	13	6	6.0	25.3	25.3	81.0	58.8	77.2

Source: UNDP Human Development Report, Singapore, 2015

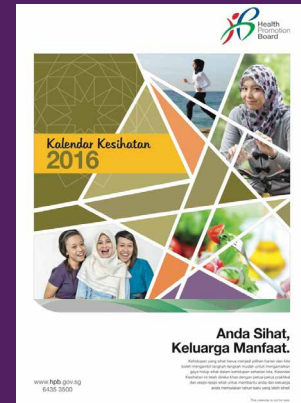
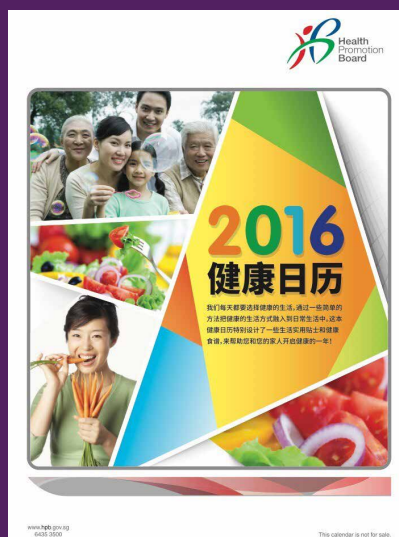
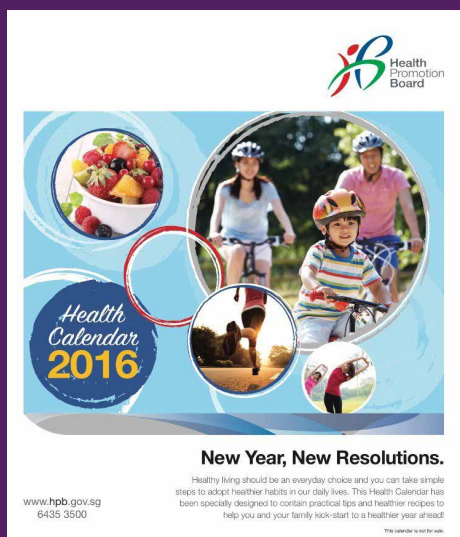
Case Study 1

Women's Health Advisory Committee

The Women's Health Advisory Committee (WHAC) was set up in May 2012 to work with the Health Promotion Board (HPB) to develop national initiatives that will equip women with the knowledge and skills to look after their health at all stages of their life. It targeted Singaporean women aged 18 to 69 years.

With the help of female leaders and experienced advocates in the committee, a 3-year roadmap was developed. The roadmap focused on three key areas, namely, making cancer screening more affordable for low-income women, making health a priority for women in the workforce, and equipping women caregivers (aged 40 and older) with the necessary skills to take care of themselves and their dependents.

The Women's Health Promotion Grant was implemented between 31 Jul 2013 and 31 Oct 2015 from SGD15,000 to SGD20,000 for employers to create a supportive work environment to promote health among working women. A series of talks called 'The Stronger, Healthier, Employees (S.H.E) Inspires!' was initiated, which supported and empowered working women to take charge of their health and be a positive influence to their colleagues, friends and family. The modules spanned a wide variety of topics, covering breast and cervical cancer screening, pre- and post-natal workshops, children's health and parenting workshops.



Health calendars distributed to women caregivers to raise awareness of healthier food and cooking options. Such initiatives help to equip women caregivers with knowledge to maintain healthy lifestyle habits for themselves and their dependents.

After more than two years, the program accomplished the following:

Making cancer screening more affordable for low-income women

- As of 31st January 2016, 15,250 women have benefited from free screening mammograms since the launch of the BEAM15 program.
- As of 31st January 2016, 32,789 CHAS residents have benefitted from the SG50 Cancer Screening initiative. This initiative aims to encourage men and women aged 50-69 years to attend regular health screening for three common cancers affecting Singaporeans, namely colorectal, breast and cervical cancers.

Making health a priority for working women

- The WHP (Women's Health Promotion) grant was implemented between 31 July 2013 and 31 October 2015 and has benefitted at least 1,560 female employees³. Between July 2013 and December 2015, 108 companies have had their grants approved. Eligible employers could use the grant to subsidise breast and cervical cancer screening for working women, and organise HPB approved health talks on women's health topics such as breast and cervical cancer awareness, parenting.

Equipping women caregivers 40 years and above with the skills to take care of themselves and their dependents

- Between March 2013 and December 2015, approximately 2,800 women in the community have benefitted from the Holistic Women's Health Series. For example, the 'Good Health, Better Life' workshop was offered free to community and Voluntary Welfare Organizations (VWOs), and aimed to educate participants on cost-saving tips (e.g., meal budgeting skills) that can be incorporated in everyday life to live healthily, as well as touch on existing primary care subsidies that they can tap on.
- To date, a total of 194,000 copies of Health Calendars have been produced over three (3) years and the 2016 version is currently being distributed. The health calendars are produced in different languages (i.e. Chinese, Malay and Tamil) to reach out to women from different ethnic groups. Majority of calendar users had a better knowledge of healthier food and cooking options which translated to their family members having healthier home-cooked food.

These initiatives strive to better educate and empower women to adopt and maintain healthy lifestyle habits such as good nutritional practices, and regular physical activity, which will bring about long-lasting health benefits. Not only will this improve women's health outcomes, the multiplier effect will also bring about a positive behavioral change in their family members.

³ Based on grant reimbursement reports received from 50 companies.

19. The master planning for Information Communications Technology (ICT) in education provides a blueprint for the use of ICT in schools and access to an ICT-enriched school environment for learning and teaching for every student from primary to junior college levels and centralised institutes. ICT is harnessed to enhance the learning experiences of our students and to equip them with essential learning skills, creative thinking skills and communication skills. These skills will help prepare them for the workplace of the future. The appropriate and judicious use of ICT, based on an understanding of the affordances and limitations of technology, supports, as well as, deepens and enhances learning and teaching. Singapore has articulated clear students' learning outcomes and continues to provide guidance, as well as, professional development to teachers and school leaders. In the implementation of ICT, schools are given the autonomy to adopt and adapt a variety of approaches that cater to their students' profile and best meet their learning needs.

Violence against Women

20. As had been mentioned above, women's rights in Singapore are protected in the constitution and in legislations, such as the Employment Act, the Women's Charter, the Children and Young Persons Act, and Penal Code. The government, through the Office of Women's Development, coordinates with non-governmental organizations, businesses, voluntary groups, and government ministries to promote the well-being of women.

21. The law provides for a personal protection order (PPO) in instances of spousal abuse. The Family Justice Courts of Singapore hears cases concerning family violence, divorce, adoption, protection order, and maintenance order.

22. Due to the increase in divorce cases and family disputes, Family Justice Committee had been established in 2013 to conduct nation-wide consultations in key sectors, such as schools, to serve as guide to the government in addressing these problems⁴. A recent study shows that spousal abuse is the most common case of abuse against women, which comprises 72 percent of the 3,600 reported cases of abuse for the past ten years. Accordingly, this is a marked increase compared to only 978 cases heard by the Family Court 20 years ago⁵.

23. The Family Violence Dialogue Group, which is headed by the Ministry of Social and Family Development, and the Singapore Police Force, is the platform that oversees problems in the family, such as violence (CEDAW 2009, 81). The National Family Violence Networking System (NFVNS) provides multiple access points for victims to obtain help. This system links partner agencies for closer collaboration and networking for role clarity and effective case management. Since 2003, six Regional Family Violence Working Groups, led by non-government organizations (NGOs), have been harnessing community energy to spearhead

⁴ Recommendations of the Committee for Family Justice, July 2014. Retrieved from: <https://www.mlaw.gov.sg/content/dam/minlaw/corp/News/Family%20Justice%20Report.pdf>

⁵ PAVE's submission to the Public Consultation on the Women's Charter on Widening the Definition of Domestic Violence. July 13, 2015. Retrieved from http://www.pave.org.sg/downloads/PAVEsubmission_WideningTheDefinitionOfFamilyViolence-Oct2015.pdf; and in Brigitte Bouhours, Chan Wing Cheong, Benny Bong and Suzanne Anderson (2013) International Violence Against Women Survey: Final Report on Singapore. Retrieved from <http://www.socialserviceinstitute.org/RP/Families/Fulltext/16.pdf>

and plan joint regional activities to raise awareness of family violence, examine new trends and seek new ways to help families affected by violence.

Migration and Trafficking

24. Singapore is both a transit and a destination country. It has relied on foreign labour to enhance productivity and cope with its small population size and huge economy.
25. Singapore's policy and approach on trafficking in persons (TIP) is coordinated at the whole-of-Government level by an Inter-Agency Taskforce on TIP. Co-chaired by the Minister of Home Affairs (MHA) and the Ministry of Manpower (MOM), the Taskforce includes representatives from the Ministry of Social and Family Development (MSF), the Singapore Police Force (SPF) Immigration and Checkpoints Authority (ICA), Attorney-General's Chambers (AGC), Ministry of Law (MinLaw), Ministry of Foreign Affairs (MFA) and Ministry of Health (MOH). The Taskforce was formally institutionalised in November 2010 to develop a holistic perspective on the TIP situation in Singapore, as well as, to identify and implement strategies to combat TIP both at home and abroad.
26. In 2015, the Taskforce started developing plans for the next phase of anti-TIP efforts following the completion of the National Plan of Action (NPA) 2012-2015. The Taskforce worked with various stakeholders to develop a new National Approach against TIP, which was launched on March 2016. The National Approach builds on the foundational work laid by the NPA and outlines the long-term direction to guide stakeholders in addressing TIP issues.
27. To affirm its commitment to combat TIP offences, Singapore acceded to the UN TIP Protocol in September 2015. It also ratified the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) in January 2016; and it is one of the first ASEAN countries to deposit the instrument of ratification. ACTIP will shore up Singapore's capabilities to combat TIP and protect victims of such crimes.
28. Singapore adopts a proactive approach to detect and deal with cases that have the potential to become full-fledged TIP early. The Taskforce partners with civil society organisations to reach out to potential victims so that they may seek assistance through multiple avenues. SPF and MOM have also implemented an SOP with ICA for the referral of potential TIP cases that are surfaced at the checkpoints. If ICA detects that Foreign Workers/Foreign Domestic Workers have outstanding labour claims, or cases to lodge against their employers, and are being repatriated against their will, they will be immediately referred to MOM or SPF for assistance.
29. On the issue of victim protection and assistance, the Taskforce actively partners and funds suitable NGOs to provide a range of services, which includes temporary accommodation, food, counselling services, transport, medical care and temporary employment, to victims of trafficking.

Case Study 2

Diversity Action Committee (DAC)

Singaporean women remain under-represented on boards and in senior management of companies listed on the Singapore Exchange (SGX). At the same time, Singapore's policies and leadership actively supports women's participation in decision-making positions.

Hence in 2012, the former minister of the Ministry of Social and Family Development (MSF) set up a Diversity Task Force regarding Women on Boards (DTF) to examine the state of gender diversity on boards and in senior management of SGX-listed companies. A report was launched in April, 2014 that recommended a multi-stakeholder approach with 10 measures to address the underlying causes. Among its recommended measures is to establish the Diversity Action Committee (DAC).



Singapore actively supports women's participation in decision-making positions. The Diversity Action Committee (DAC) adopts a multi-stakeholder approach to raise awareness of the importance and benefits of having boards with a good balance of men and women, champion practices that support greater women representation and inspire relevant stakeholders toward appointing women board directors.

In August 2014, the DAC was formed under the auspices of SGX Ltd by former Minister of Social and Family Development, Mr Chan Chun Sing. Its objective is to build up representation of women directors on boards of SGX-listed companies. Chaired by Mr Magnus Böcker, former Chief Executive Officer (CEO), SGX Ltd, DAC is made up of illustrious leaders from the private, public and people sectors. The members tap on their network to raise awareness on the importance and benefits of gender diverse boards, champion best practices that supported gender diversity and inspire relevant stakeholders toward appointing women board directors. They also work with various institutions to expand the pool of board-ready women, with regular communication with the business community.

To date, its accomplishments include the following:

- Women's share of boards seats in the Straits Times Index composite companies have grown by 34 percent from the previous year (2015: 10.2%; 2014: 7.6%). For these 30 companies, women made up 27 percent of appointments in 2015, significantly above the overall market's 14 percent.
- Overall, women's share of board seats in 758 SGX-listed companies continued on an upward trend (2015: 9.5%; 2014: 8.8%; 2013: 8.3%).
- Shareholders and institutional investors increasingly see the importance of gender diversity for board effectiveness. Companies with better gender diversity on their boards and in their senior management teams are better governed and managed. In the long term, this



Having more women on our corporate boards adds to the board's diversity in skill sets, experiences and perspectives. This leads to better decisions being made.

translates into better valuation and higher shareholder value.

- In the midst of manpower shortage and an ageing population, tapping on the pool of qualified women would give companies a competitive edge. Having more women directors on corporate boards also addresses the economic reality of women increasingly deciding on business and consumer purchases.

Political Participation and Decision-Making

30. Singapore is a parliamentary democracy in which the President is the head of state while the Prime Minister is the head of government. The government has three branches, namely, the legislative, judiciary, and the executive branches. A single party, the Peoples' Action Party, has dominated its political system since the 1960s.

31. Women occupied 24 out of 101 seats (23.8%) in the Singapore Parliament as of June 2016, up from 22 out of 94 seats (23.4%) in 2009. These percentages exceed the Inter-Parliamentary Union's world average of 22.7 percent⁶ in 2015 and 18.8 percent⁷ in 2009. In 2013, Mdm Halimah Yacob was appointed as the first woman Speaker of Parliament in Singapore. As of October 2015, there were six women political office-holders. Out of the five mayors in Singapore, two are women.

32. The civil service is an important pillar of Singaporean governance, known for its meritocracy and corruption-free administrative system. There is a higher proportion of women in the Civil Service. As of 31 December 2014, women made up 56.7 percent of the civil service with 26.1 percent of the Permanent Secretaries and 28.1 percent of the Deputy Secretaries being women. A Permanent Secretary is the highest position held by a civil servant in a Government ministry, followed by the Deputy Secretary position. Women comprised 22.7 percent of judges in the Supreme Court⁸, 47.9 percent, 48.3 percent and 69.0 percent of judicial officers⁹ in the State Courts, the Supreme Court, and the Family Justice Courts (FJC)¹⁰ respectively as at end December 2014.

⁶ Both houses combined as at 1 December 2015

⁷ Both houses combined as at 31 December 2009

⁸ 5 out of a total of 22.

⁹ Judicial Officers in the State Courts concurrently hold the appointments of District Judge and/or Magistrate, Coroner, Registrar/Deputy Registrar.

¹⁰ The Family Justice Courts was set up in October 2014.

Case Study 3

WorkPro Work-Life Grant



Flexible work arrangements help employees better manage their work responsibilities and personal needs.

The Ministry of Manpower encourages the implementation of work-life strategies, particularly flexible work arrangements (FWAs), to help employees manage their work responsibilities and personal needs, and employers gain competitive advantage with greater productivity. Employers, who are ready to pilot FWAs and may need financial support, may tap the WorkPro Work-Life Grant (WLG). The WLG supports employers in implementing and sustaining FWAs that benefit all employees including economically-inactive Singaporeans and women to return to the workforce. Regular outreach and briefings are conducted by grant administrators to employers (around 3 to 4 times every month).

To date, the proportion of establishments providing at least one form of FWA to their employees has steadily increased (2008: 28% to 2011: 38% to 2014: 47%)¹¹. Based on the findings of a Work-Life Integration Survey released in 2014, 65 percent of working mothers with young children agreed that they had the flexibility to integrate the needs of their work with their personal and family life¹². Amid greater availability of FWAs, the resident labor force participation rate for women increased (2006: 54.3% to 2015: 60.4%).

The key success factors for effective FWA implementation are the following:

1. Everyone has a role to play in making FWAs work. For example, while employers are encouraged to keep an open mind and be facilitative in redesigning work processes and jobs for FWAs to work, supervisors are encouraged to consider FWA requests objectively and appraise workers fairly; and employees are encouraged to proactively engage their supervisors to explore suitable FWAs for themselves and use FWAs responsibly.
2. Employers, supervisors, and employees are encouraged to practice open communications regarding FWAs. To implement FWAs sustainably, it is important to foster a workplace

¹¹ Source: MOM's Conditions of Employment 2014. Data covered establishments in the private sector with at least 25 employees and the public sector comprising government ministries, organs of state and statutory boards.

¹² Survey conducted by The Straits Times and the Employer Alliance. The Employer Alliance is a network of corporations committed to enhancing work-life integration and is part of the Tripartite Alliance for Fair and Progressive Employment Practices.

culture based on trust and reciprocity that supports open communications on FWA issues.

3. FWAs should benefit both employers and employees such that employees can better manage their work and personal responsibilities with FWAs offered by the employers, and enables the business needs to be met.

Access to Economic Participation

33. Aside from government and politics, Singaporean women have also been making a name for themselves as employers. This is an important indicator of women empowerment. The percentage of women directorships on boards of companies listed on the Singapore Exchange was 8.3 percent in 2013. It increased to 9.5 percent in 2015. In August 2014, Singapore set up a Diversity Action Committee to increase the proportion of women represented on the boards of companies listed on the Singapore Exchange. Using a multi-stakeholder approach, the Committee has introduced various initiatives to raise the awareness on the business case for having more women on boards and encouraging board chairs to look beyond the usual pool of male-dominated candidates. The Diversity Action Committee also works to encourage more representation of women in senior and board-level positions.

Table 3. Civil Service Staff as of Dec. 2014

Gender	DIV 1		DIV 11		DIV 111		DIV 1V		Total	
	Count	%	Count	%	Count	%	Count	%	Count	%
MALE	17,790	36.5%	14,000	55.6%	1,966	40.2%	1,903	54.5%	35,659	43.3%
FEMALE	30,957	63.5%	11,166	44.4%	2,922	59.8%	1,587	45.5%	46,632	56.7%
Total	48,747	100.0%	25,166	100.0%	4,888	100.0%	3,490	100.0%	82,291	100.0%

Source: Singapore Department of Statistics, Yearbook of Statistics, 2015

34. There are three main non-governmental organizations that deal with women's issues, namely, (1) the Singapore Council of Women's Organisations, which is the national co-ordinating body for 60 women's organisations in Singapore, (2) the People's Association's Women's Integration Network, which runs programs at the community level and provides leadership opportunities for women at the grassroots level, and (3) the National Trade Union Congress' Women and Family Unit, advocates the building of strong and healthy families by championing work-life harmony. They support families at their different life stages and connect women to realise their potential.
35. Singapore participates actively in various regional and international meetings to share its experience in women's empowerment. These meetings include the following:
 - Asia-Pacific Economic Cooperation (APEC) Women and Economy Forum,
 - ASEAN Ministerial Meeting on Women,

- ASEAN Commission on the Promotion and Protection of the Rights of Women and Children,
- ASEAN Committee on Women (ACW) and ACW Plus Three¹³;
- Women Parliamentarians of ASEAN Inter-Parliamentary Assembly Meeting,
- United Nations Economic & Social Commission for Asia and the Pacific High-Level Intergovernmental Meeting to Review Regional Implementation of the Beijing Platform for Action and Its Regional and Global Outcomes, and,
- Commission on the Status of Women Meeting

36. Singapore hosted the APEC Gender Focal Point Network, APEC Women Leaders Network, as well as, the Digital Economy on Women meetings in 2009. In November 2013, Singapore organised the ASEAN Plus Three Workshop on “Work-Life Harmony to Promote Women’s Economic Participation,” which was partially funded by the Japan-ASEAN Integration Fund. Women from the private, public and people sectors also had the opportunity to attend, participate or represent Singapore in these meetings.

D. Recommendations

37. The CEDAW Concluding Comments recommended the following actions to be pursued by the State party:

On Women’s Political Participation¹⁴:

- Adopt laws and policies aimed at the promotion of women’s full and equal participation in decision-making in all areas of public, political and professional life, in accordance with article 7 of the Convention, and adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendations No.23 (1997) and No.25 (2004) concerning women in political and public life and temporary special measures;
- Take steps to ensure that women representatives elected to public office are provided with the necessary institutional support and resources; and,
- Conduct awareness-raising activities for society at large regarding the importance of gender equality and women’s participation in decision making, and develop training and mentoring programs for women candidates and women elected to public office as well as programs on leadership and negotiation skills for current and future women leaders.

38. On Violence against Women:

- Review its Penal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape and ensure that the definition of rape covers any non- consensual sexual act;

¹³ “Plus Three” refers to Japan, People’s Republic of China and Republic of Korea.

¹⁴ Based from CEDAW/C/SGP/CO/4/Rev.1, para 28)

- b. Provide mandatory training for judges, prosecutors and the police on the strict application of legal provisions dealing with violence against women and train police officers on procedures to deal with women victims of violence (para 24);
- c. Encourage women to report incidents of domestic and sexual violence by de-stigmatizing victims and raising awareness about the criminal nature of such acts;
- d. Provide adequate assistance and protection to women victims of violence by strengthening the capacity of shelters and crisis centers and enhancing cooperation with non-governmental organizations that provide shelter and rehabilitation to victims; and,
- e. Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and the perpetrator.

39. On Foreign Domestic Workers

- a. Review and amend the existing labour legislation so that it applies to foreign domestic workers, or adopt new legislation ensuring that foreign domestic workers are entitled to adequate wages, decent working conditions, including a day off, benefits and access to complaint and redress mechanisms;
- b. Review and repeal the law requiring a work-permit holder, including foreign domestic workers, to be deported on grounds of pregnancy or diagnosis of sexually transmitted diseases such as HIV/AIDS; and,
- c. Ratify ILO Convention No. 111, concerning Discrimination in Respect of Employment and Occupation, and sign and ratify ILO Convention No. 189, concerning Decent Work for Domestic Workers (CEDAW/C/SGP/CO/4/Rev.1, para 32).

References

- Brigitte Bouhours, Chan Wing Cheong, Benny Bong and Suzanne Anderson (2013) *International Violence Against Women Survey: Final Report on Singapore*. Retrieved from <http://www.socialserviceinstitute.org/RP/Families/Fulltext/16.pdf>
- Concluding observations of the Committee on the Elimination of Discrimination against Women, 16 January 2012 (CEDAW/C/SGP/CO/4/Rev.1)
- Family Justice Court Work Plan 2016 Press Release. Retrieved from: [https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/FJC%20Workplan%202016%20Press%20Release%20\(with%20Fact%20sheets\).pdf](https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/FJC%20Workplan%202016%20Press%20Release%20(with%20Fact%20sheets).pdf)
- Jean Lee S.K., Kathleen Campbell, and Audrey Chia. 1999. *The Three Paradoxes: Working Women in Singapore*. Singapore: AWARE.
- PAVE's submission to the Public Consultation on the Women's Charter on Widening the Definition of Domestic Violence. July 13, 2015. Retrieved from http://www.pave.org.sg/downloads/PAVEsubmission_WideningTheDefinitionOfFamilyViolence-Oct2015.pdf;
- Save the Children Foundation International (2015). *State of the World's Mothers Report*.
- Singapore Department of Statistics (2017 March 31). *Latest Data*. Retrieved from <http://www.singstat.gov.sg/statistics/latest-data>
- Singapore Department of Statistics (2017 March 31). *Latest Data*. Retrieved from <http://www.singstat.gov.sg/statistics/latest-data#28/>; <http://www.singstat.gov.sg/statistics/latest-data>
- ¹Singapore Ministry of Manpower. 2013. Response to the 2013 US State Department Trafficking in Persons Report. Available at <http://www.mom.gov.sg/newsroom/press-releases/2013/singapore-interagency-taskforces-official-statement-in-response-to-the-2013-us-state-departments-trafficking-in-persons-tip-report>.
- Syahidah. I. (2012 May 9). Singapore Feminism: Fertility and Transnational Immigration in *Women Suffrage and Beyond: Confronting the Democratic Deficit*. Retrieved from <http://womensuffrage.org>

UNDP (2015). Briefing note for countries on the 2015 Human Development Report. Singapore.

Retrieved from http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SGP.pdf

US State Department. 2015 Trafficking in Persons Report. Available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243526.htm>.





THAILAND

A. General Country Profile

1. Thailand has a total population of 67,400,746 in 2015. (UNDESA, 2015) Its population growth rate is 0.32 percent and the male-female population sex ratio is 0.97 (WEF, 2015:340).
2. As of 2014, Thailand's Human Development Index (HDI) value stands at 0.726. Thailand is ranked 93rd out of 188 countries and territories, and is categorized as one of the countries in the high human development category. Between 1980 and 2014, Thailand's HDI value increased from 0.502 to 0.726, an increase of 44.6 percent or an average annual increase of about 1.09 percent (UNDP, 2015).
3. The gross national income per capita is USD11,820 for females and USD14,888 for males, as of 2014 (UNDP, 2015).

B. Duty-Bearer's Accountability

4. **International Human Rights Commitments.** The Government of Thailand has ratified seven (7) international human rights treaties, including CEDAW and its Optional Protocol (see Table 3.43) for the complete list of treaties with the date of the ratification. Thailand has also signed into the Convention for the Protection of All Persons from Enforced Disappearance (CED) on January 9, 2012, but has yet to ratify the Convention (UNOHCHR, 2017). In addition, Thailand is in the process of becoming party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) and withdrawing the reservation to Article 4 of the International Convention on the Elimination of Racial Discrimination (ICERD).
5. In July, 2012, Thailand withdrew its reservation to Article 16 of the CEDAW on Marriage and Family Law in the light of the approval of the *"the Criminal Code Amendment Act (No.19), B.E. 2550 (2007) which expands the definition of rape and criminalizes marital rape, the Name Act B.E. 2548 (2005 Amendment) which permits married women either to take the surname of their husband or to retain their own surname, and the Female Title Act, B.E. 2551 (2008) which allows married or divorced women to freely choose their titles as Miss or Mrs"*¹.
6. Thailand's combined sixth and seventh periodic report to CEDAW was submitted on 27 May 2015 and is due to present the report during the constructive dialogue with the CEDAW Committee in May 2017.

Harmonization of National Laws with CEDAW

7. Thailand has made significant progress in the elimination of discrimination against women.

¹ Ministry of Foreign Affairs of the Kingdom of Thailand, 26 July 2012.

Most significantly, the Gender Equality Act B.E. 2558 (2015), a new act on gender equality, was announced in the Royal Gazette on 13 March 2015 and took effect in September 2015. The Act addresses substantive issues as follows: (1) the definition of gender discrimination; (2) the establishment of national committees to formulate policy and measures, and to deliberate on acts of gender discrimination; (3) penalties; (4) compensation for victims; and, (5) the fund for the promotion of gender equality.

8. Under the provision of Section 4 in the Constitution of the Kingdom of Thailand (Interim) B.E.2557 (2014), all human dignity, rights, liberties and equality of Thai people protected by the constitutional convention under a democratic regime of government with the King as the Head of State, and by international obligations bound by Thailand, shall be protected and upheld by this Constitution.

Table 1. List of Human Rights Treaties Ratified by Thailand

Treaty Description	Treaty Name	Signature Date	Ratification (r), Accession (a), Succession (d) date
a. International Convention on the Elimination of All Forms of Racial Discrimination	CERD		January 28, 2003
b. International Covenant on Civil and Political Rights	ICCPR		October 29, 1996
c. International Covenant on Economic, Social and Cultural Rights	ICESCR		September 5, 1999
d. Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW		August 9, 1985
CEDAW -Optional Protocol 1999	CEDAW-OP	June 14, 2000	June 14, 2000
e. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	CAT		October 2, 2007
f. Convention on the Rights of the Child	CRC		September 27, 1992
Optional Protocol to the Rights of the Child on the involvement of children in armed conflict 2000	CRC-OP-AC		February 27, 2006
Optional Protocol to the Rights of the Child on sale of children child prostitution and children pornography 2000	CRC-OP-SC		January 11, 2006
g. Convention on the Rights of Persons with Disabilities	CRPD	March 30, 2007	July 29, 2008
h. Convention for the Protection of All Persons from Enforced Disappearance	CED	January 9, 2012	

9. On 24 July 2016, Thailand deposited the Instrument of Ratification for the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), the third ASEAN Member State to become Party to the Convention, after Cambodia and Singapore, respectively. The ratification of the Convention affirms Thailand's continued commitment to combating human trafficking and is consistent with the Government's policy which declares fighting human trafficking as a national agenda. It also underscores the Government's commitment to cooperate with ASEAN Member States to jointly combat this crime.

Implementation and Monitoring Mechanism

10. The National Commission on Policy and Strategy for the Improvement of the Status of Women was established in 2008 as the national inter-agency cooperation on the promotion and the protection of women's rights and gender equality. The National Commission is chaired by the Prime Minister, with the Minister of Social Development and Human Security (MSDHS) as Vice Chair. The Commission is a multi-stakeholder body, composed of high-level representatives of government agencies, experts and the civil society. It is responsible for recommending to the Cabinet the policy and national plan for the promotion of women's roles, legislative amendments, and for monitoring and evaluating the plan.
11. The Department of Women's Affairs and Family Development (DWAFFD), under the MSDHS, acts as a secretariat to the Commission. DWAFFD is the coordinating body at the national level in formulating policies, guidelines, measures and mechanisms for women's empowerment, and promotion of gender equality and family development. In addition, the DWAFFD coordinates with relevant government and non-governmental agencies to implement Thailand's obligations under international women's rights instruments. It was explained that the DWAFFD, which is at the department level, has more authority and budget than the previous location of the national gender machinery, the National Commission on Women's Affairs, which was at a division level (CEDAW/C/THA/6-7, paras. 11-12).
12. As of 2010, Chief Gender Equality Officers (CGEOs) and Gender Focal Points (GFPs) were established in 19 (out of 20) ministries totaling 131 agencies, 127 departments, and 4 independent agencies; all of which have developed a master plan on the promotion of gender equality within their agencies.
13. The National Human Rights Commission (NHRC) is an independent body that is composed of one chairperson and six members. It has the powers and duties to propose policies and recommendations to the government with regard to the revision of laws, rules and regulations for the purpose of promoting and protecting human rights. The Sub-Committee on the Promotion of Opportunity and Gender Equality, tasked with the promotion of respect for equal rights and opportunity as well as investigation of complaints on such issues relating to human rights violation, was first established by the Commission followed by the establishment of the two additional sub-committees in 2009, namely, (1) the Sub-committee on Child Rights, Women's Rights and Equality and (2) the Sub-committee on the Investigation of Violation of Human Rights of Children, Youth and Women in the Justice System (CEDAW/C/THA/6-7, paras. 24-25).

C. Claim Holders' Benefits and Participation – Regional Core Indicators

14. Thailand has a Gender Inequality Index (GII) value of 0.380, ranking it 76 out of 155 countries in the 2014 index. Below is the table indicating that women hold 6.1 percent of

parliamentary seats, and 35.7 percent of adult women have reached at least a secondary level of education compared to 40.8 percent of their male counterparts. For every 100,000 live births, 26 women die from pregnancy related causes; and the adolescent birth rate is 41.0 births per 1,000 women of ages 15-19. Female participation in the labor market is 64.3 percent compared to 80.7 for men (UNDP, 2015).

Table 2. Thailand Gender Inequality Index for 2014

GII value	GII Rank	Maternal mortality ratio	Adolescent fertility rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
					Female	Male	Female	Male
0.380	76	26	41.0	6.1	35.7	40.8	64.3	80.7

Access to Health

15. The average life expectancy of Thai women is projected to rise from 75.4 years for the period of 2005-2010 to 76.5 years during 2015-2020. The leading causes of death among this group are cancer and HIV/AIDS (CEDAW/C/THA/6-7, para. 113).
16. The total fertility rate has seen a significant reduction in recent years, with a fertility rate of 1.5 children born per woman in 2014 and a rapidly aging population. As a result, a reduction in human capital base is foreseen. From 1963 to 1983, more than a million babies were born each year, but in 2013 annual birth rates reduced to 748,000 (Public Health Statistics, 2013). The factors contributing to low fertility maybe related to the fact that an increased number of Thai women in the workforce are reluctant to get married and desire to have a lower number of children (Prasartkul and Vapattanawong, 2012).
17. Data on infant mortality rate (IMR) from UNICEF and UN Inter-Agency shows that the IMR in Thailand was around 30 per 1,000 live births in 1990 and then decreased to 11 in 2013 (UNICEF, 2014).

HIV/AIDS

18. Thailand has paid attention to reducing the incidence of mother-to-child HIV transmission. Pregnant women have free access to pre- and post-counseling, HIV testing, and anti-retroviral medicine to reduce the chance of mother-to-child transmission. With support from the Global AIDS program, the Perinatal HIV Intervention Monitoring System (PHIMS) was established in 2001 in Thailand to monitor the progress of the national program on prevention and the control of the transmission of HIV from mother-to-child delivered through public health facilities. In 2014, although the data from PHMIS showed that the coverage of HIV testing among pregnant women reached 99 percent, the coverage of HIV pregnant women who received antiviral drugs reached 95 percent; the coverage of infants delivered from HIV mothers who received anti-retroviral therapy (ARV) reached to

99 percent; and the incidence of HIV transmission from mother-to-child was still higher than 2 percent. In June 2016, Thailand received validation from WHO for having eliminated mother-to-child transmission of HIV and syphilis, becoming the first country in Asia and the Pacific region to ensure an AIDS-free generation (Department of Health, Ministry of Public Health, 2015).

19. Over the past five years, there has been noticeable progress in expanded coverage of prevention in the schools through a more systematic sex education. There have been improvements in youth health behavior in some locations where there have been intensive interventions on a continuous basis. Nevertheless, the scale of these improvements is yet too low to generate an impact that would be reflected in national sexually transmitted infections (STI) incidence or unplanned pregnancy among youth. Youth-friendly sexual health services have been expanded nationwide, but this has not been able to adequately meet the needs of youth. The current prevention system is still not effectively reaching the more vulnerable youth (Thai National Aids Committee, 2014).

Prevalence of Contraception and Family Planning

20. Teenage pregnancy in Thailand remains high due to the lack of information and sex education on reproductive health and unsafe sex behavior (Social Watch, 2014). According to the Thailand Public Health Statistics 2014, the adolescent birth rate was 47.9 per 1000 women aged 15-19 years.
21. The contraceptive prevalence rate in Thailand is 79.3 percent (Multi-Indicator Cluster Survey, 2012). The country uses modern methods of contraception, with oral contraceptives being the most popular and followed by female sterilization. Women tend to take more responsibility in family planning than men. It was found that about 71.9 percent of women aged 15-24 years used the condom (Reproductive Health Survey, 2009). According to CSO's report, (HIV & AIDS in Thailand, nd) the programs and health system in Thailand still lack a gender perspective, as women's health policies tend to focus on women's reproductive health and child care. The right to reproductive health is specifically mentioned in the National Health Act B.E. 2550 (2007). The National Reproductive Health Development Committee has been established as a mechanism to protect the right to reproductive health of Thai people and to draft national policies and strategies. The Committee launched the First National Policy and Strategy on Reproductive Health (2010-2014). As the Act for Prevention and Solution of the Adolescent Pregnancy Problem, B.E. 2559 (2016) was announced on 31 March 2016 and took effect in July 2016, this can be a good starting point to integrate gender perspective to tackle the problem.

Access to Education

22. Thailand has implemented an "education for all" policy. All children must receive 9-years compulsory education and are entitled to receive 12 years of basic education under the National Education Act B.E. 2542 (1999) and its amendment (No. 2) B.E. 2545 (2002). This

is reinforced by the 15-year free education programme for all, from kindergarten up to high school regardless of nationality (CEDAW/C/THA/6-7, para. 75).

23. Thailand achieved the MDG education targets on universal primary education and gender equality. Girls now outnumber boys at secondary and tertiary levels. Participation in tertiary education, nevertheless, reflects traditional attitudes in the selection of fields of study. Women tended to prefer health and welfare, humanities, art, social sciences, business administration, law and science whereas engineering and agriculture tend to attract more male students. Also, at the vocational education level, male students outnumbered female students, forming about three quarters of the overall students (CEDAW/C/THA/6-7, para. 79).
24. To promote lifelong learning, The Promotion of Non-Formal and Informal Education Act B.E. 2551 (2008) was passed. As of 2008, the number of females and males enrolled in non-formal education programs was relatively equal in 2008, there were 2,240,328 female students and 2,234,523 male students (CEDAW/C/THA/6-7, para. 81). However, in 2014, National Statistic on Education done by Ministry of Education, show that the number of enrolled female student increase to 3,087,101 compared to 2,677,329 male students.

Violence against Women

25. Violence against women is manifested in various forms, such as domestic violence and sexual harassment. One Stop Crisis Center (OSCC), which provides multidisciplinary assistance to victims, reported 6,951 children and women seeking assistance from 70 centers around the country in 2004, an average of 19 cases per day. The number of people seeking assistance increased to 23,499 in 602 centers, averaging 64 cases per day in 2009 and up to 25,744 cases, averaging 70.5 cases per day in 2010 (CEDAW/C/THA/6-7, para. 30). Forms of violence included physical violence (48.33%) , sexual violence (43.54%), and psychological violence (6.20%). Intimate partners and spouses were found to be the main perpetrators, accounting for around 70 percent of cases, while family members, including relatives, mother/father, and step-mother/father, account for 6.64 percent, 2.53 percent, and 1.69 percent, respectively (CEDAW/C/THA/6-7, para. 30).
26. The Protection of Victims of Domestic Violence Act B.E. 2550 (2007) aims to provide protection for persons from all forms of domestic violence on the basis of human rights and strengthening family institution. The Act emphasizes rehabilitation of victims and offenders and opting for behavioral change instead of taking punitive approaches in order to prevent repeat offences and to maintain relationships within families. The Act also provides for temporary measures to protect victims and requires the involvement of a government multidisciplinary team, the public and the media in enforcing the law and providing protection for victims at every stage of legal proceedings from filing a complaint to conducting court proceedings, mediation and victim-sensitive media reporting. Procedures for rehabilitation by a multidisciplinary team are set under the Act. Victims are also provided psychological care and protection against repeated acts of violence. In addition, the Act provides for the

application of temporary protection orders to protect victims living in violent situations during investigations or court proceedings (CEDAW/C/THA/6-7, paras. 33-34).

27. To ensure efficiency in practice and respect for the rights and dignity of victims, a coordination center has been set up, emphasizing the following: (1) public relations and dissemination of the Act, (2) introduction of relevant regulations, (3) training of relevant officers, particularly law enforcement officers, investigators and mediators, (4) establishment of an operation center for the prevention of domestic violence in 76 provinces, (5) development of data collection and reporting system using www.violence.in.th as a central database, and, (6) integration of efforts across agencies on the prevention, protection, rescue and rehabilitation (CEDAW/C/THA/6-7, para. 35).

28. In addition to this regional legal instrument, the Thai Government, through its Representatives to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), also played a leading role in developing the following milestone documents: the ASEAN Regional Plan of Action on the Elimination of Violence against Women and the ASEAN Regional Plan of Action on the Elimination of Violence against Children, both of which were adopted by the ASEAN Leaders at the 27th ASEAN Summit in Kuala Lumpur, Malaysia; and the ASEAN Guideline on a Non-Violent Approach to Nurture, Care and Development of Children in all Settings. Also the Campaign Spot Raising Awareness in ASEAN to Eliminate Violence against Women and Children has been produced throughout the 5-year work plan of ACWC.

Human Trafficking

29. Thailand is a source, transit, and destination country for human trafficking. Based on the data of the Immigration Bureau, the number of victims of human trafficking was 188 in 2006, 99 in 2007, 131 in 2008, 75 in 2009, and 70 in 2010. Human trafficking in Thailand is manifested in three (3) forms, namely, commercial sexual exploitation, forced labor, and forced beggary (CEDAW/C/THA/6-7, para. 42). In the 2016 Trafficking in Persons report, the country has been upgraded to Tier 2 Watch List. Prior to 2016, the United States of America's Department of State placed Thailand in the Tier 3. The government has sustained its anti-trafficking efforts, prohibiting all forms of trafficking and prescribing penalties ranging from four (4) to 15 years of imprisonment. The Thai law on anti-trafficking was amended in March 2015 to impose harsher penalties on human traffickers up to life imprisonment and a maximum fine of THB400,000 (USD 13,333) as well as protect whistleblowers (CEDAW/C/THA/6-7, para. 42). Recent examples were, inter alia, progress made from 2014 – 2015, including an increase in the number of traffickers convicted, more cases prosecuted, etc. Emphasis were placed on the expedited judicial process and harsher sentencing, for example, over 65 percent of convictions have resulted in jail sentences of over 5 years and 35 percent of convictions resulted in jail sentences of over 10 years.

Case Study 1

Gender Equality and Women's Rights in Myanmar- A Situational Analysis (2012-2015)²



Since 13 trafficked women met and founded Live Our Lives Group in 2007, the group has grown to around one hundred members by 2013. The LOL Group registered as a civil society organization with its aim to prevent and suppress trafficking in persons in accordance with the Anti-TIP Act 2008. It has a governing Committee composed of a president, a vice president, a coordinator, two treasurers, with two smaller committees in North-Eastern region, and two other committees in North and Central regions, respectively. The Foundation for Women is an advisory committee.

Between October 2013 and September 2015, LOL Group received USD 82,857 in grants to implement a project aimed at campaigning for 'safe migration for prevention of trafficking in persons' for 15,600 high school students in 71 schools, 71 districts in the provinces of Udon Thani, Nong Bua Lam Phu, Si Sa ket, and Ubon Ratchathani. The book, "Shattered Dreams," drama performances, and floor discussions were used to deliver the safe migration and anti-trafficking messages. The target audience were students, while teachers and local agencies were invited to observe (from Ministry of Social Development and Human Security, Ministry of Labor, Ministry of Foreign Affairs, universities, I/NGOs, local administration). The workshops aimed to increase participants' understanding and knowledge about trafficking in persons, migration, the situation of trafficking in persons and migration in their hometown, and the relevant agencies that can help detect and prevent trafficking. The students also understood the gender aspect of trafficking in persons and the important roles that both boys and girls can play in preventing or being aware of trafficking. After the workshops, local agencies also engaged in activities to raise awareness about safe migration and trafficking.

At the national level, LOL was invited by government agencies and NGOs to be included in anti-TIP advocacy activities. LOL also worked with groups and individuals in other countries in the region. Recently, the work of LOL has been recognized and honored with national awards. A member of LOL Group received the TIP Hero Award 2015 from the Prime Minister on the Anti-TIP Day on June 5, 2015. The LOL member was among the four women who were awarded the 2016 Women's Human Rights Defenders Honorary Certificate from the National Human Rights

² Excerpted from a case study drafted by Apiradee Thienthong for the ACWC Progress Report.

Commission of Thailand on March 7, 2016, one day before International Women's day.

The LOL Group has become a space for encouragement and empowerment for victims of trafficking. Together they are able to directly address their unforgotten pain and difficulties and build new lives, and transform themselves from 'victims' to 'an association of survivors' for the promotion of anti-human trafficking and forced migration. LOL's activities are an implicit way of healing every member's pain. At the same time, this association of women and girls offers members a way to express who they are while engaging in activities related to anti-human trafficking and other social issues.

30. As of 30 September 2015, there are 2,554,956 migrant workers in Thailand, categorized in two groups, as follows:

- 156,246 skilled migrant workers and
- 2,398,710 unskilled migrant workers from Myanmar, Laos and Cambodia.³

31. Based on the latest Thailand TIP report (2015), it is reported that the Thai government has been investigating 317 trafficking cases, compared to 280 cases in 2014, representing a 13 percent increase from last year. The number of suspects who have been arrested and charged is 547 compared to 412 in 2014, an increase of 33 percent. Some 720 trafficking victims have been identified, compared to 595 in 2014, an increase of 21 percent. Many women are victims of sexual exploitation.

32. The Anti-Human Trafficking in Persons Act B.E. 2551 (2008) provides for the establishment of two national committees: Anti-Trafficking in Persons Committee and Coordinating (ATP Committee) and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee). Training for law enforcement officers, relevant government officials, NGOs, and international organizations on the content of the said Act has also been conducted nationwide. During 2009-2011, 7,851 law enforcement officers and stakeholders participated in such training (CEDAW/C/THA/6-7, paras. 46-47).

33. The Cabinet approved a resolution on 11 May 2010 to adopt the National Policy, Strategies and Measures for the Prevention and Suppression of Human Trafficking of 2011-2016 (CEDAW/C/THA/6-7, para. 45). Recognizing that human trafficking is a transnational problem, requiring cooperation from source, transit, destination countries, and all stakeholders, international cooperation was established at two levels:

- *At the bilateral level*, Thailand has concluded a number of bilateral MOUs to combat trafficking in persons with other countries, including with Cambodia in 2003;2014, with the Lao PDR in 2005;2016, with Vietnam in 2008, and with Myanmar in 2009. The MOUs with other countries, namely Malaysia, United Arab Emirates, South Africa and China are also being developed.

³ From the Department of Employment, Office of Foreign Workers Administration

- *At the regional level*, the Government has strengthened cooperation against human trafficking through multilateral agreements among countries, namely the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT).

Political Participation and Decision-Making

34. Overall, women still have lower participation in politics than men in Thailand. Nevertheless, the number of women in national and local politics has been gradually increasing. At national level, women represented 16 percent of members in the Senate for the 2008-2013 terms, which increased from 10.5 percent in 2000. Meanwhile, the number of female Members of Parliament has improved slightly from 10.38 percent in 2005 to 14.74 percent in 2007. In addition, five women, representing 14.2 percent of the cabinet, were appointed as Minister and Deputy Minister in the 60th Cabinet (17 December 2008-May 2011). The posts were Minister of Information Technology and Communication, Minister of Commerce, Minister of Science and Technology, Minister of Education and Deputy Minister of Public Health. At the local level, women's participation in local administrative politics and local government positions remained stable, which was 9.08 percent in 2006 and 9.47 percent in 2010 (CEDAW/C/THA/6-7, para. 63).
35. As of 20 September 2010, of the existing 50 political parties, only three (3) were headed by women and had eight (8) women as party secretaries. Information on members of political parties submitted to the Election Commission did not contain any sex-disaggregated data. As for the allocation of party list candidates, of which a maximum 100 were allowed for each party, majority of parties had lower than 25 percent of female candidates; and female candidates were not listed on top of the lists (CEDAW/C/THA/6-7, para. 64).
36. At the central government administration, data during 2003-2010 showed that women holding executive positions slightly increased, from 20.94 percent in 2003 to 24.44 percent in 2010. At the regional level, the statistics from the Ministry of Interior show that among female administrators appointed in 2011, there were two provincial governors (2.63%) and eight deputy provincial governors (4.76%). In 2010, only 0.46 percent of deputy district officers and 24.96 percent of deputy district officers were women. The representation of women in executive positions in independent bodies under the Constitution had been more positive, increasing from 47.06 percent in 2006 to 55 percent in 2007. However, in 2010, women's representation in such positions dropped to 25 percent (CEDAW/C/THA/6-7, para. 66).
37. Meanwhile, the number of women holding high-ranking positions in the judiciary remained low. During the period, there were no women at the top level of the Office of the Attorney-General and fewer than 10 percent of judges in senior positions were female. In regard to high-ranking females in the Police Force, there were four women commissioners in 2009 (CEDAW/C/THA/6-7, para. 67).

Case Study 2

Model Prison: Ayutthaya Provincial Prison⁴

The United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders (the Bangkok Rules – which was under the strong royal patronage and leadership of HRH Princess Bajrakitiyabha), adopted by the United Nations General Assembly on December 21, 2010, is the first



international instrument which provides specific and detailed guidelines on responding to the gender-specific needs of women in the criminal justice system, as well as of children.

A set of indicators, developed by Penal Reform International (PRI) and TIJ in cooperation with DOC, was used for the assessment of prison management and its compliance with the UN Bangkok Rules.

The assessment has 154 indicators in 9 categories—improved prison regulations; admission; registration and allocation; hygiene and health care search; contact with the outside world; individual or group sentencing plan for rehabilitation; foreign prisoners; pregnant prisoner and prisoner with children; and, pre-release program.

Prisons in this project are selected on the basis of facility types and their outstanding programs and efforts that meet the requirements of the UN Bangkok Rules. In 2015, Ayutthaya Provincial Prison (medium-sized female wing in a male prison), Uthaitani (small-sized female wing in male prison) Provincial Prison and Chiang Mai Women Correctional institution were selected as UN Bangkok Rules Model Prison.

Ayuthaya Prison has a total of 531 female prisoners. Of these, 459 are convicted prisoners; 446 are for on drug offences; and, 85 are incarcerated for other offences; 72 await trial; 5 are pregnant; 5 are prisoners with children. There are 8 foreigners among the prisoners: 3 Cambodians, 3 Laotians, 1 from Myanmar and 1 Vietnamese.

According to the interview with a female prisoner who has computer and office administrative skills, she has been assigned to help in filing and preparing the documents, including the Bangkok Rules implementation. She said that, having been in the prison for four years, she has seen very tangible changes from the implementation of Bangkok Rules. She was pregnant when she came.

The pregnant female prisoners receive better care and treatment; they receive advice on their health and diet, and are monitored by a doctor regularly. They are also provided supplementary food and necessary maternity supplies. The prison has improved its landscape, planted more trees to make it clean and green environment that the prisoners feel less pressure and are encouraged for rehabilitation.

⁴ Excerpted from a case study drafted by ApiradeeThienthong for the ACWC Progress Report.



The prisoner officials are aware of the Bangkok Rules and the concept that female prisoners have gender-specific needs and that they will be treated with respect and dignity. While DOC already has policies on the treatment of women prisoners, TIJ provides guidance and provides small grants to facilitate implementation. They feel empowered that they are trained and invited for some study visits and learn and share experience with other prisons.

38. The Royal Thai government has taken a multi-disciplinary approach in gender equality promotion, with non-governmental agencies (NGOs), academics, and civil society playing an important role in efforts to eliminate discrimination against women and promote gender equality. There have been public-private partnerships in many initiatives, such as the partnership among OWAFD Friends of Women Foundation and *Sukhothai Thammathirat* Open University to develop community systems to prevent and address violence against women in communities and conduct research and studies on women's issues. In addition, women's organizations and networks have strengthened their partnerships, as illustrated by Women Networks Reshaping Thailand which was formed with the aim of increasing participation of women in various reform committees to ensure that a gender perspective is reflected in all processes and activities. Furthermore, a women's development committee has been established at the provincial, district and sub-district levels since 1995 to increase involvement of women in economic, social and political development of the country. Gender equality, and women's development projects and activities have been conducted with technical and financial support from the government (CEDAW/C/THA/6-7, para. 16).

39. GOs and NGOs have joined together to implement temporary special measures to redress the imbalanced ratio of male and female political participation, starting with local administration. The Association for the Promotion of the Status of Women under the Royal Patronage of Her Royal Highness Princess *Soamsawali* proposed the Draft Tambon Council and Tambon Administrative Organisation Act, requiring the membership ratio in the Tambon (district) Administrative Organisations to be 1:1 for women and men. Training and public education campaigns have been organized by the public sector to build up understanding of this affirmative action. Efforts have been made to push for similar quotas for political parties' candidates to run in elections. The proposal has remained under the consideration of political parties on practical implication (CEDAW/C/THA/6-7, para. 8).

Case Study 3 “Wanita”⁵

Partnership Project to Scale up Women Leadership and Market Development in the Deep South of Thailand

In the deep south of Thailand, where there have been 11,741 incidents causing 6,321 deaths and a further 11,408 injuries from the prolonged conflict since 2004, women are disproportionately affected by the violence. Over 3,000 women are widows and more than 8,000 children are orphans. The project results have shed light on women’s instrumental role in fostering peace through economic empowerment.

The project empowered women groups to become local community leaders and women entrepreneurs in their local communities; improved voices and participation of vulnerable groups of population in peace-building process; and, encouraged investment in the local economies in the conflict zones where the economy has been declining since the conflict started.

Oxfam and Unilever Foundation (Thailand) provided the funds and technical support. The government agency Deep South Coordination Center played a coordinating role and provided office space. There have been three key areas of intervention as follows:

Key area 1: Developing business plans as well as production and marketing plans for 39 women occupational groups directly and indirectly affected by the unrest (25 groups from the first two years of the project, 14 new groups in 2015). The total final beneficiaries number 217 members of women groups.

The project team has successfully established 15 new markets for the women groups to sell their products, from the initial plan of only four (4) new markets. At the conclusion of the project, 32 percent of the women reflected that their incomes increased significantly, and the other 64 percent slightly increased their income. Meanwhile, 74% of the women showed that they felt more confidence to run their businesses after they participated in the project’s incubation process.

Key area 2: Developing and promoting 12 potential occupational groups to become small and medium enterprises (SMEs) and mentors for other occupational groups in the region. The total final beneficiaries number 118 members of 12 high potential SME groups.

This is achieved through tailored advice and connection between the 12 high potential groups with a newly established Global Mentors Network by Oxfam in Thailand, which consists of a group of young professionals who possess a set of expertise and skills (such as product design, market development and communications) to help grow high potential women’s groups to become successful SMEs.

Key area 3: Creating a networking mechanism among local agencies working on promoting

⁵ Excerpted from a case study drafted by ApiradeeThienthong for the ACWC Progress Report.

and supporting women occupational groups in the three southernmost provinces in order to enhance resource distribution and the local women's access to resources. The total final beneficiaries number at least 15,000 local women who were reached the project's information.

These agencies and organizations still need to work together more closely and strategically in order to exchange information and push forward the development of women occupational groups in the same direction. Also the project aims to help marginalized women obtain access to information and resources by the newsletter, which help disseminate useful information for occupational group development.

There are many positive changes on women occupational groups whereby the groups are getting more established, well connected and accessible to a wider market by their improved leadership skills and market development opportunities. On April 1, 2016, the project has formally launched an online platform named "WANITA Social Enterprise" (www.wanita.in.th) to serve as a marketing platform to expand sales and reach out to urban consumers who wish to connect with and purchase from the local women's groups in the Deep South of Thailand. In addition, a Facebook page is launched with over 3,000 followers in order to communicate positive images and stories of hope and survival from the Deep South to the wider public (www.facebook.com/wanitase).

Access to Economic Opportunities

40. In 2010, the service sector has the largest proportion of employment with 41 percent, followed by the agricultural sector at 38 percent, and the production sector at 21 percent. Legislators, senior officials, and managers are at 3.1 percent of the employed population. Employed persons, categorized by gender and production sector, comprise of 50.9 percent women and 49.1 percent men (Labor Market Information, 2010:10).

41. Women are engaged in every sector, with the largest proportion employed in the agriculture sector. Moreover, employment service systems have been developed for every working-age citizen, covering specialty groups, including ex-convicts, students, persons with disabilities and elderly persons, equally and without gender and race discrimination. For job seekers in rural areas, Mobile Units are sent into the areas to provide employment services⁶.

42. Women still have low representation in decision-making positions of private organizations. According to the OWAFD and National Statistical Office, in 2007, only 21.65 percent of board positions of 218 companies listed on the Stock Exchange of Thailand were women. Of the 540,000 public companies registered with the Ministry of Commerce, 35.37 percent of board members were women (CEDAW/C/THA/6-7, para. 68).

43. In 2010, it was found that average working hours per week of women were 45.9 hours, compared to 47.1 hours of men. The lower average working hours of women was due to

⁶ From the Department of Employment, Employment Service System Development Division

time spent doing household responsibilities, which was six (6) hours per day for women and 3.5 hours per day for men. With regard to remuneration, Thailand has taken actions to ensure non-discriminatory practice. Though men earn higher wages/salaries, the gap has been narrowing. In 2010, for employees, the average salary gap between men and women was only THB200 (USD6) (CEDAW/C/THA/6-7, paras. 92-93).

44. The Labor Protection Act (No. 3) B.E.2551 (2008) has been enforced to ensure equal wages for both women and men in accordance with their skills and capabilities. Also, efforts have been made by encouraging workplaces to increase women's access to education and skills development to gain better wages (CEDAW/C/THA/6-7, para. 95). The Labor Protection Act, 1998 BE 2541, states that "[employers] shall treat male and female employees equally with regard to employment for work..." (Section 15). It also mentions the practice of equality when hiring and the forbidding of sexual harassment in the workplace. In the same law, it sets guidelines for maternity leave, holidays and policies for pregnant women.
45. However, despite women being active in the labor market, social norms dictate their gendered division of labor. Women focus on work related to social reproduction like domestic work, caregiver duties, or work that requires their expertise like textile manufacturing, whereas men are more often seen in construction work, security services, fishery and agriculture because they are perceived as strong and built for the heavy physical work.
46. Since 1999, approximately 150,000 migrant workers have travelled to work overseas; but the number has since decreased. In 2014, 119,529 migrant workers have travelled to work overseas, mostly within Asia, and the Middle East, Europe, and increasing in Africa and North America, respectively. Women increasingly, but with a small proportion, tend travel to work overseas (about 1% increase each year). The proportion of women who travel to work is 14-20 percent. Top destinations for overseas work are North America, Australia and Oceania, Europe and Asia, respectively.
47. The Government has systematized the deployment of Thai workers to work overseas since 1985, when the Employment and Job-Seeker Protection Act, B.E. 2528 (1985) was established. The deployment of Thai workers to work overseas can be done with the help of the Department of Employment, which is one of the five channels Thais can use to find employment overseas. Thai workers who travel to work overseas, either women or men, receive the same protection, i.e., wages received must not be less than the local minimum wage, or the wages must be as the Department of Employment has specified for countries without minimum wage, or the wages must be equivalent to the countries of destination's economies. In case of female domestic workers, the government provides protection by checking on the employers prior to providing employment permit. The government has prohibited Thai workers to travel to work in high-risk destinations such as the Middle East since 2001.

D. Recommendations on Ways Forward

48. Thailand has to sustain its advocacy for the State to adopt and implement temporary special
49. measures to increase the number of women in decision-making positions, in particular, to establish benchmarks and timetables, and consider the use of quotas to achieve them (CEDAW/C/THA/6-7, para. 30).
49. Address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. This would include implementing measures aimed at combating sex tourism in cooperation with tourists' countries of origin (CEDAW/C/THA/6-7, para. 28).
50. Encourage public and private sectors to formulate a health policy that covers all dimensions, especially gender perspective.

References

- (2006, February 3) *Concluding comments of the committee on the elimination of discrimination against women: Thailand*. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/5&Lang=En
- Asian Development Bank (n.d) Gender analysis (summary). *Country Partnership: Thailand 2013-2016*. Retrieved from <http://www.adb.org/sites/default/files/linked-documents/cps-tha-2013-2016-ga.pdf>
- Avert (2014) *HIV and AIDS in Thailand*. Retrieved from <http://www.avert.org/professionals/hiv-around-world/asia-pacific/thailand>
- CEDAW/C/THA/6-7. Sixth and Seventh Periodic Reports of State Parties due in Sixth and Seventh periodic reports of States parties due in 2010, Thailand, 29 May 2015. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTHA%2f6-7&Lang=en
- Department of Employment, Employment Service System Development Division
- Department of Employment, Office of Overseas Employment Administration
- Department of Health, Ministry of Public Health, 2015.
- Department of International Organizations-Ministry of Foreign Affairs –Human Rights (2011) *Thailand's policies and initiatives on the prevention of violence against women*. Retrieved from <http://www.mfa.go.th/humanrights/implementation-of-un-resolutions/68-thailands-policies-and-initiatives-on-prevention-of-violence-against-women->
- HIV and AIDS in Thailand in *Averting HIV and AIDS website*. Retrieved from <http://www.avert.org/hiv-aids-thailand.htm>
- <http://www.avert.org/hiv-aids-thailand.htm>
- <http://www.mis.moe.go.th/mis2015/images/content/statistic-books/statistics2557.pdf>.
- International Labor Organization (2013) *Thailand a labor market profile*. Retrieved from <http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/>

wcms_205099.pdf

Labor Market Information 2010, page 10,

Ministry of Foreign Affairs of the Kingdom of Thailand (2012, July 26) *Press release: Thailand withdraws its reservation to article 16 of the convention on the elimination of all forms of discrimination against women*. Retrieved from <http://mfa.go.th/main/en/media-center/14/25491-Thailand-withdraws-its-reservation-to-Article-16-o.html>

Prastarkul, P., Vapattanawong, P (2012) Thai population and health indicators taking the pulse of Thailand's populational health. *Thai Health 2012*. 12-13. Retrieved from http://www.hiso.or.th/hiso/picture/reportHealth/ThaiHealth2012/eng2012_4.pdf

Public Health Statistics, 2013.

Reproductive Health Survey, 2009

Rule of Law in Armed Conflicts Project (2015, June 8) *Thailand - International treaties adherence*. Retrieved from http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=218

Thai National Aids Committee (2014). *Thailand Ending AIDS, Thailand AIDS Response Progress Report*. Retrieved from http://www.unaids.org/sites/default/files/country/documents/THA_narrative_report_2014.pdf

Thailand's Gender Information Center (n.d) *Chief gender equality officer (CGEO) and gender focal points (GFP)*. Retrieved from http://www.gender.go.th/eng/chief/chief_gender.htm

The World Bank (2014, February 11) *Thailand Economic Monitor*. Retrieved from http://www.worldbank.org/content/dam/Worldbank/document/EAP/Thailand/thailand_economic_monitor_february_11_2014_english.pdf

The World Bank (2015) *Thailand overview*. Retrieved from <http://www.worldbank.org/en/country/thailand/overview>

UN Women (n.d.) *Overview of achievements and challenges in promoting gender equality and women's empowerment*. Retrieved from <http://www.un.org/womenwatch/daw/beijing15/>

responses/escap/Thailand.pdf

UN Women (n.d) Thailand. *UN Women Thailand Country Programme*. Retrieved from <http://www.unwomen-eseasia.org/docs/factsheets/06%20THAILAND%20factsheet.pdf>

UNDP (2012) *Reduce child mortality*. Retrieved from <http://www.th.undp.org/content/thailand/en/home/mdgoverview/overview/mdg4.html>

UNDP (2013) HDI values and rank changes in the 2013 human development report. *The Rise of the South: Human Progress in a Diverse World*. Retrieved from http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/THA.pdf

UNDP (2014). *Advancing Human Development Through the ASEAN Community*. Thailand Human Development Report 2014, Thailand.

UNDP (2015). Briefing note for countries on the 2015 Human Development Report . Thailand. Retrieved from: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/THA.pdf

UNDP, 2015. Human Development Report (HDR). Briefing Note for Countries on HDR. Thailand http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/THA.pdf

UNICEF (2012) Multi-Indicator Cluster Survey, 2012

UNICEF, 2014. *The Level & Trends in Child Mortality Report*. Retrieved from http://www.unicef.org/media/files/Levels_and_Trends_in_Child_Mortality_2014

UNICEF (2013, December 31) *Thailand –statistics*. Retrieved from http://www.unicef.org/infobycountry/Thailand_statistics.html

UNICEF (2014). *The Level & Trends in Child Mortality Report*. Retrieved from http://www.unicef.org/media/files/Levels_and_Trends_in_Child_Mortality_2014

UNICEF (n.d) *Thailand HIV/AIDS overview*. Retrieved from http://www.unicef.org/thailand/hiv_aids.html

UNICEF (n.d) *Thailand overview*. Retrieved from http://www.unicef.org/thailand/education_303.html

United Nations Department of Economic and Social Affairs (27 March 2015) in <http://statisticstimes.com/population/asian-countries-by-population.php>

United Nations Development Program(UNDP) (2015). Briefing note for countries on the 2015 Human Development Report. Thailand. Retrieved from: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/THA.pdf

United Nations Human Rights (2011, December 8) Report of the working group on the universal periodic review. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/172/64/PDF/G1117264.pdf?OpenElement>

United Nations Human Rights (2012, February 21) Committee on the rights of the child. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPSC%2fTHA%2fCO%2f1&Lang=en

United Nations Human Rights(2015)Ratification status by country or by treaty.Retrieved from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN

United Nations Human Rights- Office of the High Commissioners for Human Rights http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN

U.S. Department of State (2015) *2015 Trafficking in Persons Report*. Retrieved from <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243547.htm>

World Economic Forum (2014) Economies.Retrieved from <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=THA>

World Economic Forum (WEF) (2015). *The Global Gender Gap Report 2015*. Geneva: World Economic Forum. Retrieved from <http://www3.weforum.org/docs/GGGR2015/cover.pdf>

World Education News and Reviews (2014) *Education in Thailand*. Retrieved from <http://wenr.wes.org/2014/03/education-in-thailand/>

World Health Organization (2010) *Equity in maternal and child health in Thailand*. Retrieved from <http://www.who.int/bulletin/volumes/88/6/09-068791/en/>

World Health Organization (n.d) Thailand and family planning: An overview. Retrieved from

http://www.ewc-popcomm.org/pdf/8_Writing_a_Decision_Memo_and_Giving_a_Policy_Briefing/Family_planning_fact_sheet_Thailand.pdf



VIET NAM

A. General Country Profile

1. In 2015, The Viet Nameese population was about 91.7 million people, 46.44 million or 50.6 percent of whom were women¹. The rate of population growth is 1.06 percent; and total fertility rate (TFR) is 2.1 children per woman.
2. The period of 2010-2015 marked the significant efforts of Viet Nam to restore the economy, with a gross domestic product (GDP) growth rate from 5.25 percent (2012) to 6.68 percent (2015), (GSO, 2015) GDP per capita increased from USD1,200 in 2010 to USD2,200 in 2015. This was also the period that Viet Nam moved to the group of lower-middle income country. Also, during this period, Viet Nam increasingly integrated into the global economy, with participation in the negotiation and signing of a series of free trade agreements (FTA), bilateral and multilateral with Korea, Asian-Europe Economic Union, the European Union, Trans-Pacific Partnership (TPP), among others, and contributed to attracting foreign investment and exploitation of international market opportunities to continue to drive economy growth.
3. Along with economic development, Viet Nam also paid special attention to resources for social development and achieved remarkable achievements in social development. Poverty rate dropped significantly from 14.2 percent in 2010 to 5.4 percent 2015. Viet Nam is recognized as one of the leading countries in reducing poverty and fulfilling other Millennium Development Goals, such as universal primary education, gender equality promotion and women empowerment, as well as, achieving progress in health indicators such as decreasing maternal mortality rates and child mortality.
4. The average life expectancy of Viet Nam increased from 72.8 years old in 2009 to 73.2 years old in 2015. The average life expectancy of women is 4-5 years higher than men's. The Human Development Index (HDI) score of Viet Nam in 2008 was 0.733 (ranked 105/177 countries and territories); and 0.666 in 2014 (ranked 116/188 countries and territories) (UNDP, 2015).
5. However, Viet Nam still faces many difficulties due to slower growth, bad debt that still exists, and public debt that is increasing; hence, requiring strict management of expenditures. Poverty is still widespread in mountainous, remote and ethnic minority communities, where there is an attempt to impose requirements to promote the restructuring of agricultural modernization. On the other hand, the inequality of income and socio-economic development among the ethnic groups and geographical areas are significant, requiring Viet Nam to continue to focus on policies for inclusive growth and narrowing the gap in opportunities, such as developing the labor market, boosting labor productivity as well as improving access to services and health education. Besides, Viet Nam is one of five (5) developing coastal countries affected by climate change. The extreme weather events, sea level rising, drought, and other climate-related events impact on people's livelihood. These occurrences require Viet Nam to be more proactive to develop science and technology,

¹ Population and Family Planning, Ministry of Health, 2015

promote cooperation and international integration to cope with climate change.

B. Duty-Bearer's Accountability

Reinforcement of legal and policy framework on gender equality and women's empowerment

6. Gender equality goals were recognized in the Constitution of Viet Nam, since 1946, and were further amended and supplemented in 1959, 1980, and 1992. Laws were comprehensively revised in 2013, which aimed at further refining and developing the regulations to ensure gender equality and human rights in practice. The 2013 Constitution stipulates that "Male and female citizens are equal in all respects." The State has policies to ensure equal rights and opportunities and strictly prohibits gender discrimination (Clause 1 and Clause 3, Article 26). Accordingly, specialized laws, such as the Gender Equality Law (2006) and the Domestic Violence Law (2007), are being implemented quite effectively. At the same time, from 2010, more than 40 Laws and By-Laws documents, such as decrees, directives define the content of mainstreaming gender equality. Among the content are (1) identified issues relating to gender equality issues or issues of gender inequality, gender discrimination; (2) prescribed measures required to implement gender equality and to solve the problem of gender inequality, gender discrimination; predict the impacts of those provisions for men and women after they are issued; and (3) identified human and financial resources necessary for the implementation of measures ensure gender equality and to solve the problem of gender inequality, gender discrimination.
7. The National Strategy on Gender Equality (NSGE) period 2011-2020² approved by the Prime Minister is comprised of 7 goals and 22 specific targets in the fields of politics, economy, labor and employment, education and training, health, culture, information, family and enhancement of state management capacity on gender equality. With a view to supporting the implementation of the NSGE goals, the Prime Minister approved the National Program on Gender Equality (NPGE) period 2011-2015³ including the five component projects, namely, (1) awareness raising, behavior change on gender equality; (2) strengthening capacity and efficiency of state management on gender equality; (3) strengthening capacity of female National Assembly Deputies, female members of People's Councils at all levels, female managers, female leaders at all levels; female candidates to the National Assembly and People's Councils at all levels for the period 2016 - 2020, female employees under the category of human resource planning; (4) supporting the exercise of gender equality in the domains, sectors, regions, localities where gender inequality persists or there are high risks of gender inequality; and, (5) supporting the execution and examining the NSGE implementation. Meanwhile, this is the first time the Vietnamese government has committed to allocate VND955 billion for the NPGE implementation, of which 85 percent of the funding was sourced from the State budget and 15 percent was the mobilized fund.

² Decision 2351/QĐ-TTg dated on 24th December 2014

³ Decision No. 1241/QĐ-TTg dated on 22nd July 2014

8. Based on the results of the implementation in the period of 2011-2015, the national program for gender equality 2016-2020 was designed to reduce the gender gap and improve the status of women in some fields, sectors and local areas having high risk of gender inequality. Accordingly, Viet Nam has an Action Month for gender equality and prevention of gender-based violence from 15/11-15/12 annually. Ministries and local authorities have promulgated and implemented the Action Plan on Gender Equality for 2011-2015 and 2016-2020 according to their areas and sectors and localities.
9. In addition, the Prime Minister has enacted the Strategy on Vietnamese family development up to 2020 with a vision to 2030 (Decision 629/QĐ-TTg dated 29 May 2012), with the goal of building *“prosperous, progressive, happy Vietnamese families that are truly one’s sweet home or cozy nest, the healthy cells of the society and all families’ responsibility”* during the period of accelerating the country’s industrialization and modernization. Then, the National Action Programme on Domestic Violence Prevention and Control up to 2020 was approved with the goal of generating dramatic changes in raising awareness and enhancing responsibilities of all levels, sectors, families, communities and the entire society in domestic violence prevention and control; step-by-step preventing and decreasing the number of domestic violence cases on a national scale⁴.
10. Viet Nam also addresses gender-based violence (GBV) pursuant to the regulations of the Domestic Violence Law. A vast array of Viet Nam’s legal documents have incorporated anti-GBV provisions into other laws, such as the Civil Code, Civil Procedure Code, Penal Code, Criminal Procedure Code, and the Ordinance on Handling of Administrative Violations. Besides, Viet Nam’s Family Development Strategy up to 2020, with a vision to 2030, has required awareness raising on roles, positions and responsibilities of families and communities in properly exercising the advocates, guidelines, orientations, policies and laws on marriage and family, gender equality, domestic violence prevention and control, especially violence against women. Next, the National Action Program on Prevention of Domestic Violence by 2020 was approved to create significant changes in awareness and improve accountability at all levels and departments, families, communities and society in preventing and fight against domestic violence; gradually prevent and decrease the number of cases of domestic violence on a national scale⁵. The Law on the Prevention of and Combat against Human Trafficking (2011) provides measures to prevent and combat trafficking, support for reintegration of victims, deals with acts of human trafficking, among others. At the same time, the Government has issued the National Action Program 2011-2015 on the prevention of human trafficking.
11. Gender mainstreaming in the formulation of legal documents and policies on labor and employment has been conducted quite sufficiently to obtain the gender equality objective in the economic sector. The Labor Code (amended) became effective on 1 May 2013 stipulates a number of new provisions on female workers to enhance gender equality in hiring, using, training, working hours, rest periods, salaries, increased maternity leave to

⁴ Decision 215/QĐ-TTg dated on 6 February 2014

⁵ Decision 215 / QĐ-TTg approved on 6/02/2014

six months and other benefits. However, female workers can return to work after at least four months of maternity leave. Moreover, one of the priorities in the implementation of the NSGE period 2011-2020 and NPGE period 2011-2015 is to reduce the gender gaps in economy, labor and employment; increase the access of poor rural and ethnic minority women to economic resources and labor market.

12. One other important content is the land ownership of women. The Land Law 2013 and the amended Land Law, Housing Law, and Family Law all provide joint property ownership to both husband and wife, allow women to access bank loans; hence, ensure their welfare, empowerment and rights.
13. In addition, the legal framework to ensure women's right to health, education and culture continues to be progressively implemented.

Challenges and Plans

14. Although the Gender Equality Law (GEL) which is a framework law for women has been passed and implemented since 2007, it is encountering difficulties in the implementation of specific provisions.
15. The policy formulation on gender equality has yet to be informed and supported by evidence from scientific research. Gender disaggregated data is still inadequate which impedes the formulation, execution of policies and intervention programs to address gender needs. There has been a shortage of national comprehensive and periodical surveys on gender equality in such key domains as labor-employment, education and health care.

International Commitments

16. Viet Nam has acceded to/ratified many of the international conventions on human rights, including the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (see Table 1).

The national apparatus on gender equality and other related mechanisms

17. The Ministry of Labor, Invalids and Social Affairs of Viet Nam (MOLISA), established in 2008, is the lead agency in helping the Government in performing the function of managing gender equality programs on a nationwide. Ministries and ministerial-level agencies in coordination with MOLISA assist in managing gender equality programs within their respective ministries and sectors. People's Committees at all levels shall perform the decentralized function of state management on gender equality⁶.
18. Currently, MOLISA is the Standing agency of the National Committee for the Advancement of Women in Viet Nam (NCFAW) and the title of NCFAW Chair is assigned to the Minister of

⁶ Government Decree 70/2008/ND-CP dated 4 June 2008 detailing the implementation of the GEL

MOLISA. Members of the Committee is composed of 18 Vice Ministers and the equivalent leaders from various ministries, sectors and Central agencies. At the Central level, the system of Committee for the Advancement of Women (CAFW) has been established in 42 ministries, sectors, ministerial-level agencies and Government agencies, as well as, in the 63 provinces and cities directly under the Central Government. At the local level, CAFWs links and coordinates the activities for the advancement of women to gender equality work.

Table 1. UN Treaty Obligations of Viet Nam

Treaty Description	Treaty Name	Signature Date	Ratification (r), Accession (a), Succession (d) date
a. Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT	7-Nov-2013	5-Feb-2015
b. International Covenant on Civil and Political Rights	CCPR		24 Sep-1982
c. Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	29-Jul-1980	17-Feb-1982
d. International Convention on the Elimination of All Forms of Racial Discrimination	CERD		09 -Jun-1982 (a)
e. International Covenant on Economic, Social and Cultural Rights	CESCR		24 Sep-1982 (a)
f. Convention on the Rights of the Child	CRC	26-Jan-1990	28-Feb-1990
• Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC	8-Sep-2000	20-Dec-2001
• Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC	8-Sep-2000	20-Dec-2001
g. Convention on the Rights of Persons with Disabilities	CRPD	22-Oct-2007	5-Feb-2015

19. In addition, the Vietnamese group of female members of parliament (MP) established in May 2008 has been working to have practical and effective suggestions and comments on draft laws using a gender perspective and ensuring women's rights. The Women Entrepreneurs Council of the Viet Nam's Chamber of Commerce and Industry continues to support activities and protect the interests of women entrepreneurs, as well as, encourage women entrepreneurs to contribute positively to national socio-economic development.

20. The establishment and maintenance of the apparatus on gender equality and for the advancement of women have contributed to ensuring that human resources are equipped for the implementation of policy guidelines on the country's commitments to gender equality and women's rights. However, since the State management apparatus on gender equality is relatively new, personnel and resources are limited for program implementation. A number of local authorities have not really put a premium on gender mainstreaming; so, they have not yet appointed the staff who have sufficient knowledge and specialized skills in this field and have not created favorable conditions for activities on gender equality and advancement of women. The awareness of staff at all levels on gender equality is still low. Oversight on gender equality exercise in localities, especially in far and remote areas has not been done properly.

Policy dialogue mechanism on gender equality

21. With the aim of mobilizing the participation of stakeholders in order to promote gender equality, the Government of Viet Nam has always put a premium on strengthened cooperation on gender equality between Government agencies and NGOs as well as and other stakeholders in Viet Nam.
22. MOLISA, ministerial-level agencies, and People's Committees, at all levels, have coordinated and created favorable conditions for the Viet Nam Fatherland Front and its member organizations, of the same level, to take part in the implementation of state management activities on gender equality. Their involvement includes providing comments and feedback during the formulation, amendment and supplement to laws and policies on gender equality; communicating and mobilizing people to exercise gender equality; studying and proposing measures to promote gender equality, among others. Accordingly, 29 out of 63 provinces and cities have enacted the coordination regulations between the provincial People's Committees and the Viet Nam Women's Union to strengthen the participation of Women's Unions at all levels in the process of developing and perfecting local legal documents pertaining to women and gender equality⁷.
23. The socio-political organizations and NGOs have been doing their role in providing feedback, conducting communications and advocacy campaigns, and supervision to ensure effective exercise of gender equality. In particular, the Viet Nam Women's Union, the socio-political organization with more than 15 million members across the country, has increasingly asserted its role as the organization representing the legitimate rights and interests of women in Viet Nam, highlighted by the determination to incorporate women's concerns in the process of policy formulation and enforcement in an effort to protect women's rights and promote gender equality.
24. Furthermore, the Government of Viet Nam has always taken the initiative in coordinating with UN agencies to convene high-level policy dialogue forums on gender equality. The forum attracts more than 200 participants representing Government agencies, international organizations, NGOs and activists on human rights of women in Viet Nam in an effort to discuss and propose solutions to the difficulties/setbacks and challenges in promoting gender equality and women's empowerment in Viet Nam.
25. Moreover, the Gender Action Partnership (GAP) meetings with the participation of representatives from Government agencies, international organizations and civil society organizations in the field of gender equality have been periodically convened in a multi-dimensional and effective forum to avoid duplications and overlaps in implementation as well as learning of the initiatives and models to promote gender equality from stakeholders in Viet Nam.

⁷ Government Decree 56/2012/ND-CP dated 16 July 2012 specifying responsibilities ministries, sectors, People's Committees of all levels to ensure the participation of Women's Union at all levels in state management.

National budget invested in gender equality work

26. The Government has made great efforts throughout the years to incorporate gender issues in the budgetary process to ensure funding for the activities on gender equality and advancement of women. Pursuant to Article 24 of the GEL stipulating the financial sources for gender equality activities, the Ministry of Finance issued Circular 191/2009/TT-BTC that guides the management and use of funds for the activities on gender equality and women's advancement. This has been considered an effective legal tool to help ministries, sectors and localities annually allocate, plan and manage the funds for the implementation of gender equality and advancement of women. In addition, the fact that the GEL mandates gender equality mainstreaming in legal normative documents also contributes to stimulating the implementation of gender budgeting in Viet Nam in a more specific and efficient way than before.
27. The advocacy for gender budgeting was set forth in the NSGE period 2011-2020. Accordingly, the Ministry of Finance of Viet Nam (MOF) shall assume the leading role and coordinate with the Ministry of Planning and Investment (MPI), based on the capacity of annual state budget to allocate gender and development (GAD) fund after being approved; guide, inspect and supervise the use of funds specified in the State Budget Law and other pertinent statutory regulations.
28. At present, the State has arranged a separate annual budget for the activities of NCFAW, as well as, CFAWs within various Ministries and localities with the average amount of VND90 million/year. Since 2007, MOLISA has been allocated with the budget to carry out the tasks of state management on gender equality on a national scale. In addition to funds sourced from the state budget, the funding for the activities on gender equality and for the advancement of women has also been mobilized from development partners' funding sources.
29. Simultaneously, the NPGE period 2011 - 2015 implemented the aforementioned 5 component with a budget of VND 955 billion (approximately USD50 million). After 3-year implementation of this Programme, the Viet Nameese Government has allocated roughly 10.5 percent of the budget (about USD50 million) on a nationwide scale to implement the projects under this Program.
30. In addition, Viet Nam has been able to mobilize around USD13.8 million for GAD projects from development partners, bilateral and multilateral development agencies, over the last 3 years (from 2009 to present).

Monitoring Gender Equality

Viet Nam has made significant efforts in monitoring and evaluating the progress of implementing gender equality and empowerment of women in Viet Nam:

31. **National Gender Statistical Indicator System (GSIS).** On the basis of the national indicator system of Viet Nam, the national Gender Statistical Indicator System (GSIS), was approved and issued by the Prime Minister in October 2011. The GSIS is a synthesis of the statistical indicators to monitor and evaluate the status of gender development, the advancement of women and gender equality in the areas of socio-economic life
32. The GSIS contains the list of indicators, the major groups, reporting periods and task assignment. The indicator system consists of 105 indicators under 10 areas, namely, (1) population, labor and employment, (2) leadership and management, (3) education and training, (4) science and technology, (5) culture, information, (6) physical exercises and sports, (7) health, (8) family life, (9) sports and safety, and, (10) the synthesized indicator group. In addition, Viet Nam collected data on indicators related to violence against women, rural women, minority women based on data from the central population census of Viet Nam which are carried out every 10 years and the small-scale survey of the ministries of Viet Nam.
33. **Challenges and Future Plans.** Viet Nam currently has no national survey on gender equality that could inform the 8 fields stated in the Gender Equality Law. Therefore, the implementation of a National Survey on Gender Equality to update the statistical data system on these fields and with specific groups of women.

C. Claimholders' Benefits and Enjoyment of Rights

34. Viet Nam has made remarkable progress in the implementation of social rights (access to health, education), political rights and economic rights for women. As a result, Viet Nam has achieved encouraging index rankings in the UN. Gender Development Index (GDI) of Viet Nam, which increased from the low average level in 1995 (at the value of 0.537) to the high average level in 2009 (at the value of 0.723)⁸. In 2012, Viet Nam ranked the 3rd in the ASEAN region and the 47th out of the total 187 countries around the world in the index rankings on gender inequality⁹.
35. Viet Nam also ranks high in terms of the Gender Inequality Index (GII) with a value of 0.308, ranking it 60th out of 155 countries in the 2014 index. GIJ reflects gender-based inequalities in three dimensions, namely, reproductive health, empowerment, and economic activity, are scored in the variables as can be seen in Table 2 (UNDP, 2015).

Access to Health

36. **Maternal mortality rate (MMR).** In the past years and currently, Viet Nam has promoted maternal health care by standardizing care services and care systems for mothers and infants; improving emergency obstetric medical staff, especially in mountainous areas; and,

⁸ UN Human Development Report, in 2009.

⁹ 2012 UN Human Development Report.

training village midwives for specific areas. Thus, according to the United Nations, Viet Nam is one of nine (9) countries that has made progress in reducing maternal mortality. Maternal mortality ratio significantly reduced from 233/100,000 live births in 1990 to 58.3 / 100,000 live births in 2015 (Ministry of Planning & Investment, 2015).

Table 2. Gender Inequality Index, Viet Nam.

GII value	GII Rank	Maternal mortality ratio	Adolescent birth rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
					Female	Male	Female	Male
0.308	60	49	29.0	24.3	59.4	71.2	73.0	82.2

37. However, there are still discrepancies in MMRs among different regions and socio-economic groups. MMR of ethnic minority women is high (4 times higher compared to Kinh women) and about 70 percent of them give birth at home¹⁰. The very high MMRs in some economically disadvantaged regions with poor healthcare facilities and where most of the ethnic minorities are concentrated demand more attention for improving maternal health in these particular areas.

38. **Child mortality rate by sex.** Mortality rate of under 1 children decreased from 15.8 percent in 2010 to 14.73 percent in 2015. The under 5 mortality rate decreased from 23.8 percent in 2010 to 22.12 percent in 2015¹¹.

39. **Total fertility rate.** The average number of pregnancies of a Viet Nameese women of reproductive age is 2,1 in 2015¹².

40. **Adolescent birth rate.** The adolescent birth rate (ABR) is 45 cases per 1,000 women aged 15-19 years in 2014 (Ministry of Planning & Investment, 2015). The indicator is of interest as adolescent birth are usually coupled with early marriages, pre-marital sex, improper sexual and reproductive health counseling, and inadequate services for adolescents and youth, leading to concerns on reproductive health of women at this age.

41. There are significant gaps among different groups of adolescences. Rural areas still record a much higher ABR compared to the urban ones; though the gap was narrowed between 2011 and 2014. The northern midlands and mountainous areas stand out as areas with remarkably high adolescent birth rates, round three times the rate of other regions. This is likely due to the customs of early marriage in ethnic minority communities that predominantly reside in this region. Currently, Viet Nam is disseminating information to provide knowledge about reproductive health and contraception for youth and adolescents in and out of school.

¹⁰ Review on 20 years of implementation of the Beijing Action Platform in Viet Nam

¹¹ Ministry of Health in 2015

¹² Ministry of Health in 2015

42. According to data reported, there has been a downward trend in new cases of HIV/AIDS and related deaths in recent years. However, distribution by gender shows that the proportion of female HIV cases has been on a steady rise, from 13,7 percent in 2000 to 32,5 percent in 2013 (Ministry of Planning & Investment, 2015).
43. Among the three population groups with high HIV-transmission risk behaviors, there has been an overall steady decrease in HIV prevalence among intravenous drug users (IDU) from 2004; fluctuations in HIV prevalence among female sex workers (FSW), but overall a downward trend from 2002; and, an increase in HIV infection among men who have sex with men (MSM), especially in urban areas. Viet Nam has scaled up comprehensive harm-reduction programs, including the Needle and Syringe Program (NSP), the 100 percent Condom Use Program (CUP), and opiate substitution with methadone maintenance therapy (MMT), to reduce the transmission of HIV among those with high-risk behaviors. At the same time, Viet Nam has promoted education and communication (IEC) and antiretroviral (ARV) treatment services.

Challenges and Future Plans

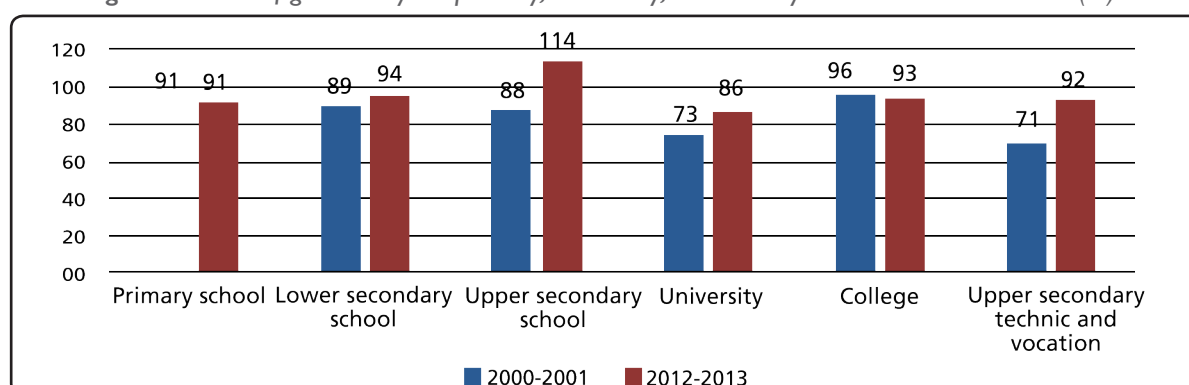
44. Sex ratio at birth in Viet Nam is at 113 boys to 100 girls in 2015. The big imbalance in sex ratio at birth is due to gender bias for sons, the easy access to technical services for early diagnosis of fetal sex and abortion services, in case of female fetus. This discriminatory practice is projected to result in shortfall in the labor force and the country's population in the future, and has a negative impact on women's health and equal opportunity in employment.
45. In the next period, Viet Nam will strengthen communication, education, and implementation of priority policies for women, enforcement of the prohibition of fetal sex selection (Gender Equality Law).

Access to Education

46. In the past years, Viet Nam has focused on the inclusion of gender equality into the curriculum of the national education system. Scholarships were provided for women and girls, especially in rural areas, ethnic minorities. Textbooks were reviewed and revised to eliminate gender-biased messages and images. It implemented gender mainstreaming into the policies of the education sector and developed sex-disaggregated data.
47. Viet Nam has eliminated gender inequality in education across all levels. In the 2000-2001 school year, the ratio of girls to boys was 91 percent at primary, 88.9 percent at lower secondary and 87.8 percent at upper secondary school. In the 2012-2013 school year, the ratio had increased to 91.3 percent, 94.3 percent, and 113.7 percent respectively. This is a significant improvement given the sex ratio at birth was 93 girls in 2000 and 88 girls in 2013 (per 100 boys) (GSO, 2014). More interestingly, higher levels of education witnessed a higher presence of females (upper secondary and university). In 2000-2001, there were 88

females to 100 male at upper secondary level, by 2012-2013, females outweighed males by 14 students (see Figure 1).

Figure 1. Ratio of girls to boys in primary, secondary, and tertiary education 2000 - 2013 (%)



Source: Education Statistics 2000 – 2012 (MOET, 2013)

48. Another useful indicator that is often used to evaluate gender equality in education is the literacy rate of adults (aged 15 and above). Table 2 shows that there was a substantial difference between the two sexes in 1989: 93 percent of male were literate as compared to 82.8 percent of female –a difference of more than 10 percentage points. This gap has been continuously narrowing. By 2014, 93 percent of females are literate while the rate for males was 96.4 percent.

Table 3. Literacy rates for population aged 15 and older (%)

	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total	93,6	93,8	93,6	94,0	93,7	94,2	94,7	94,8	94,7
<i>By gender</i>									
Male	96,0	96,2	96,1	96,1	95,9	96,5	96,6	96,6	96,4
Female	91,4	91,6	91,3	92,0	91,6	92,2	92,9	93,1	93,0

Source: GSO, VHLSS 2006-2014

49. Not only has female educational attainment improved, but women have also progressed and proved their crucial role in the teaching profession. Figure 2 compares the percentage of female teachers in the 2000-2001 school year versus 2012-2013. While females have been dominant at lower education levels over the years, at higher education levels, they accounted for only one third at the beginning of the period. By 2012 - 2013, the percentage of male and female lecturers at university, college, and vocational school were broadly similar.

50. **Challenges.** Women have fewer opportunities to access education than men, especially ethnic minority women and women in areas with economic difficulties. The existing large segregation between men and women in many fields of study in Viet Nam is impeding women’s opportunities to education and employment in the future.

Case Study 1

Chau Son Kindergarten

The Department of Labor, Invalids and Social Affairs of Ha Nam has implemented a project (a) to upgrade and renovate existing kindergarten in Chau Son Commune, Phu Ly City, Ha Nam Province in order to accommodate 600 children and facilitate working women's productivity for income generation, and (b) to advocate and improve community perception on childcare and development in common efforts to mainstream gender equality and related issues during meetings with their parents.

This project responds to the request of women union in the province to support the needs of workers, who are mostly women, in the industrial park in Ha Nam Province, Viet Nam. The provision of kindergarten is a support service to both women workers and their young children whose psycho-social growth will be nurtured while their parents are at work.

A kindergarten in Chau Son has been upgraded to accommodate 404 children from 6 months to 5 years old. The local community, especially 400 parents, of whom at least 90 percent mothers and 10 percent fathers of 400 kindergarten children, directly benefitted. This support service not only improved child welfare and also enabled working women with children to increase their income. Advocacy on gender issues has been carried out hence the knowledge/perception about gender equality in the commune has been significantly improved

The results of this project has been mentioned on annual report of Ha Nam Province in 2015. This project has been used as a new model in Viet Nam that is being replicated to other provinces in the country. It is one of the main components of the new National Programme on Gender Equality 2016-2020.



51. The differences between men and women regarding accessibility to training and technical expertise at work are still remarkable. The shortfall in providing training on occupational skills have only been partially addressed in recent years. The majority of training and refresher training programs for women are short-term courses and focus mostly on women's

traditional occupations, such as tailoring, hairdressing, and others. These jobs often offer low income, which has made women even more vulnerable than men in their opportunities to have access to the labor market.

52. The gender gap in the field of education and training has been more evident in some specific groups, for example, people with disabilities. If the literacy ratio between women and men aged 15-24 was 1, that ratio would be 0.8 for youth with disabilities and 0.6 for youth with severe disabilities¹³. This has indicated that, while the country has basically attained significant progress on gender equality and empowerment of women, far greater efforts are tremendously vital to support and encourage vulnerable groups such as the disability group.
53. Learning materials and textbooks at all levels of education still contain gender stereotypes that can generate gender bias in behaviours of school boys and girls.
54. The resources dedicated for gender mainstreaming in learning programs is still limited, thus affecting the promotion of gender equality in education sector.
55. *Future Plan*. Viet Nam will facilitate better access to educational opportunities and capacity building for ethnic women and girls in remote areas as well as invest resources for gender mainstreaming.

Violence against women

56. A 2010 National Study on Domestic Violence against Women in Viet Nam¹⁴ provided national data and became an important basis for the formulation of policies on prevention of domestic violence against women. The Institute on Family and Gender, with support from UN Women, conducted a survey on economic losses due to domestic violence against women in 2012
57. In the last few years, marriage and family counseling support services addressing domestic violence against women have been gradually strengthened. Many support system models are maintained and expanded, attracting the participation of women, especially modeling clubs such as 'building happy family club', 'family without social evils club', 'intergenerational self-help club', and others. The new models that emerged, such as marriage centers, peace house, hotline, among others, initially meet the needs of women and help victims to receive physical and mental support, legal and employment assistance and better access to social services.

Challenges

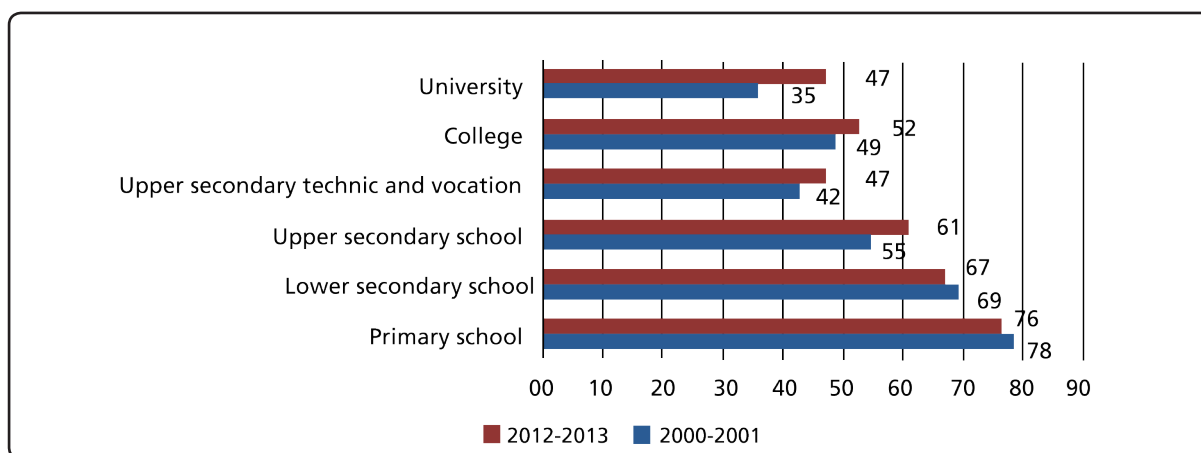
58. Violence against women is still a severe issue at present. According to the results of the

¹³ Survey of UNFPA in Viet Nam 2013.

¹⁴ Conducted in 2010 by the General Statistics Office and the World Health Organization in Viet Nam in the framework of the Joint Programme on Gender Equality between the UN and the Viet Nam government

national survey on domestic violence against women in 2010, 27 percent of the women respondents had experienced at least one form of violence during 12 months prior to the survey; and, 87 percent of the interviewed female victims of domestic violence reported that they had never sought support from official services or competent authorities. Even if they did, the violence normally got serious. Among married women, 58 percent reported suffering at least one type of domestic violence by their husband in their lifetime (physical, sexual violence, economic or emotional abuse). The MICS survey 2014 (UNICEF) found that by 2014, up to 28.2 percent of women believe that it is acceptable for husbands to hit their wives in various circumstances¹⁵. This suggests that gender stereotypes in this regard are still very serious and the implementation of laws and policies on prevention and control of violence against women is still limited. People, including many women, regard violence against them as normal behavior. At the same time, a number of local authorities and social organizations have not resolutely determined to combat these behavior because spousal conflicts and violence are considered family affairs in which they as outsiders should not be involved.

Figure 2. Percentage of female teachers at different school levels (%)



Source: Education Statistics 2000 – 2012 (MOET, 2013)

59. The guarantee of the right to inviolability of the human body has been confirmed in the Constitution of Viet Nam. However, Viet Nam has not yet had any separate law specifying and guiding the measures to sanction acts as well as behavioral manifestations of gender-based violence. Detailed provisions on the specific manifestations of gender-based violence to clearly identify acts of violation is also limited (such as the definition of sexual harassment, trafficking in women and children). The main challenge in implementing the policies on gender-based violence prevention and control is the lack of scientific data on the scope, scale and forms of manifestations of gender-based violence national coordination, absence of mechanism for gender-based violence prevention and control, the funding constraint, the intervention models have been primarily at the pilot level and without follow-up provisions for replication.

¹⁵ This result includes all women aged 15-49 say that a husband beating his wife for at least one of the following reasonable circumstances: (1) the wife away from home without inform to her husband, (2) the wife neglect their children, (3) the wife argue her husband, (4) the wife refuse to have sex with her husband, (5) the wife cook bad.

Case Study 2

Women's Political Participation

During the past few years, there has been continuous decrease in Viet Nam's ranking in global rate of women's political participation. In such context, efforts have been made by the Government to improve the situation by approving the 5-year programme to promote women's participation in politics. The Ministry of Labor, Invalids and Social Affairs (MOLISA), in collaboration with the Ministry of Investment and Planning, Ministry of Home Affairs, Ministry of Finance, Ministry of Public Information and Communication and the Viet Nam Women's Union, implemented of the following strategies from 2011 to 2015 with the corresponding results:

Policies enabled

- The Ministry of Home Affairs has issued various policies in order to give favorable chance for female official's selection in leadership positions and promotion.
- The Prime Minister issued Decree No 108/2014/ND-CP dated 20 November 2014 on streamlining the number of staff, but does not apply for female staff, who is pregnant, on maternity leave, having child under 3 years old, or just returning from training leave.
- The Prime Minister officially requested all ministries and government ministerial bodies to appoint a female deputy minister in addition to normal leader quota.
- Several ministries have specific policies in favour of their female staff. (Ministry of Agriculture and Rural Development issued a Directive that percentage of female leaders should not be less than 15%).
- Ministry of Home Affairs issued policy to increase salary before normal term for outstanding staff, especially for female officials.



Capacity Development

- Sixteen (16) training workshops were organized for more than 650 General Assembly deputies and Provincial People's Councils leaders on gender equality and related issues. This type of training has been expanded in many other provinces in the country in an effort to provide knowledge on gender issues to their officials.
- Forum for female leaders and a network of more than 1000 persons have provided opportunity for women's exchange views and experiences on gender equality and their development.
- Advocacy documents have contributed for enhancement of female official's knowledge and increase number of female leaders/officials in the government's administration.

Despite the fact that the project has been quite successful, there persist deeply-seated issues that need to be continuously addressed:

- Lack of resources, especially funding;
- Lack of sustainability, if the cultural values and practices of gender stereotype and low valuation of reproductive at home are not addressed; and,
- Stereotypes of gender and social responsibilities between men and women.

This type of project should be expanded to cover all over the country. That needs more attention and contribution from the government, civil society and international donors. A new proposal for next five-year program 2016-2020 has been prepared and waiting for final approval by the Prime Minister. Thanks to the success of the implementation, this programme will be extended to 2021.

60. *Future Plans.* In the next period, Viet Nam will continue to implement the legal framework on the prevention of violence against women, raising awareness on gender-based violence to vulnerable sectors and developing models of anti-VAWC protection and service delivery.

Political Rights and Participation

61. Representation of Women in Viet Nam’s National Assembly in the current term (2011-2016) stands at 24.4 percent, an impressive number compared with the average rate of 19 percent for Asian countries and a global average of 21 percent.¹⁶ In contrast with the declining trend in representation at the National Assembly, there was a slight increase in women’s representation at lower levels. Specifically, the percentage of women deputies went up from 21.57 percent in the 1999-2004 term to 25.17 percent in the current term at provincial level. At commune level, this figure also rose from 16.61 percent to 21.71 percent.

Table 4. Deputies in People’s Councils by Terms: % of female

	Term 1999-2004	Term 2004-2011	Term 2011-2016
Provincial Level	21,57	23,88	25,17
Distric Level	20,99	23,01	24,62
Commune Level	16,61	19,53	21,71

Source: Ministry of Home Affairs’ administration Report

62. Number of men and women in the executive, national and sub-national levels/local government. In the last five (5) years from 2011 to 2015, the participation of women in leadership and management has improved in both the quantity and quality.

63. For nearly two decades, Viet Nam always has female vice president. Currently, there are two women in the Politburo, in particular, and, for the first time, Viet Nam has a female National Assembly Chairperson. The rate of female participation in the Politburo reached

¹⁶ According to the International Parliament Union dated 01.01.2015, <http://www.ipu.org/wmn-e/world.htm>

12.5 percent in 2013 (an increase of 6% compared to 2011). From 2013 to 2015, three female deputy ministers and one female provincial secretary were appointed; in the police area, the first time there were two female Lieutenant Generals; the Defense Department has also appointed one Lieutenant General.

64. For the title of Department Head, and equivalent in the Central and local agencies, the proportion of representation is as follows¹⁷:
- a. In 2013, 15 out of 30 ministries, ministerial-level agencies and government agencies had female representation in the key leadership positions, accounting for 50 percent¹⁸ (up by 10 percent as compared to 2011); 25 out of 63 provinces and cities directly under the Central level had the female representation in the positions of Presidents, Vice Presidents of the People's Committees, accounting for 39.7 percent.
 - b. Nevertheless, in politics, the proportion of female leaders at all levels is small, and more so at the higher levels. By December 2014, the percentage of People's Committee chaired by women was 1.6 percent at provincial level, 3.6 percent at district level, and 3.2 percent at commune level. In business, women account for only one quarter of the total owner/director positions in enterprises nationally¹⁹. In agriculture, only 8.64 percent farm owners are women²⁰.

Challenges

65. The ratio of female representation in the management and leadership positions in general and the percentage of female participation in the elected bodies in particular has been low as compared to the female labor force and not commensurate with the potential of women. The proportion of women's representation in leadership and management in some fields and localities tends to go down and is unstable. The percentage of female heads in the sectors and localities are quite modest, only 9.1 percent for the representation in the Minister level (two out of 22 Ministers).
66. The ranking of Viet Nam in the proportion of female National Assembly deputies has decreased compared to the previous period. Despite 24.4 percent of female participation in the National Assembly, the proportion of female members in full charge only makes up 17 percent, which limits their representation in the important decisions made by the National Assembly. The number of women included in the list of the candidates to the National Assembly is still small. During the last two legislatures, only 30 percent of the candidates were women, so the proportion of elected women would be lower.
67. The burden of housework and the prejudices on leadership and management capacity of women have contributed to causing obstacles to women's participation in the political field.

¹⁷ 2013 Summary Report of the National Committee for the Advancement of Women in Viet Nam

¹⁸ In 2013, the Prime Minister appointed 01 Female Deputy Director of Viet Nam Television

¹⁹ According to the Enterprise Survey of the GSO, 2013

²⁰ According to the Census of Agriculture, Rural Affairs and Fisheries of the GSO, 2014

68. The regulation on women’s retirement, which is 5-years earlier than men, implies assumptions regarding women’s capacity of engaging in management and leadership work and has consequences in the regulations on training, refresher training, appointment of staff.

Economics Rights

69. *Labor force participation rate of men and women and Employment rate for men and women.* Viet Nam has promoted job creation and skills enhancement for female workers through campaigns, such as the women’s club model, loan organization model, women-love-science model, model of women in linkage with businesses, model on tuition fee remission for female pupils from poor households, among others. Additionally, the loans allocated by local channels as well as other organizations and unions also contributed to job creation for a great number of women (the number of women accessing loans annually accounts for 50 percent of the total number of borrowers from this fund). Particularly, the newly enacted policies recently have facilitated the formation of the loan projects for female sex workers, a form of support which only few nations in the world could implement.

Table 5. Employment to population ratio (%), by Sex, GSO 2008 - 2014

	2008	2009	2010	2011	2012	2013	2014
Total	72,6	74,2	74,6	75,5	75,4	76,0	76,1
Male	--	79,3	79,4	80,3	80,0	80,4	80,5
Female	--	69,4	70,2	70,9	71,1	71,8	71,9

70. The employment to population ratio is higher for males than female with the difference hovering around 9-10 percentage points.

71. The proportion of female business owners stood at more than 20 percent onwards. Some localities hit the proportion of female business owners from 25 percent to above 30 percent, such as Ba Ria-Vung Tau, Binh Dinh, Cao Bang, Da Nang, HCMC, Khanh Hoa, Kon Tum, Soc Trang, Thua Thien Hue, and Tien Giang. In 2013, the new vocational training enrollment rate amounted to more than 1.92 million people, of whom women accounted for 42 percent.

72. Among various types of employment, self-employed and contributing family workers are classified as the most vulnerable types of employment. This group of workers is more likely to have inadequate or a total lack of social protection and safety nets as well as other work benefits and other rights. In general, Viet Nam still has a relatively high proportion of vulnerable workers, which accounts for more than 60 percent of total employment in recent years. Troublingly, the proportion of vulnerable employment has seen a slight increase of 0.9 percentage point over the period 2009-2014.

73. With reference to gender, there is a positive sign that female workers enjoy increasing access to decent work - as the proportion of vulnerable female workers has been decreasing

overtime. But equally, the corresponding rate for male workers has increased at a faster rate within the same period. This phenomenon might partly result from the fact that male workers join the workforce at a higher rate than their female counterparts, so the rate of vulnerable male workers is actually higher than female workers’.

74. As regards employment and unemployment rates across all sectors—formal and informal economy, agriculture, industry, and services, Table 3.51.

Table 6. Proportion of self-employed and contributing family workers in total employment (%), by Sex

	2009	2010	2011	2012	2013	2014
Total	61,8	63,2	62,4	62,5	62,6	62,7
Male	53,9	56,6	55,9	56,3	56,6	56,6
Female	70,4	70,3	69,4	69,1	69,0	68,2

Source: GSO2009-2014

75. Even though the gap between male and female workers has been narrowed, females remain more disadvantaged over their male counterparts in non-farm sector. Female income is still lower than that of males even with the same level of qualification because women usually take up lower-level positions. For example, in quarter 4 of 2014, the ratio of male to female wages was 111.1 percent for workers with no qualifications and 120 percent for workers with university or higher education²¹. Additionally, more women are engaged in informal and vulnerable jobs. Figure 3.4 clearly demonstrates that vulnerable employment types (self-employed/own-account and unpaid family workers) are dominated by women.

Challenges

76. Women are facing the increasing threat of being marginalized from the official economy, or having less job options due to their higher representation in vulnerable jobs than men. The wage gap between men and women tends to be widened given the context of Viet Nam’s economy, which is suffering from the downturn of the global economy.
77. Gender inequality still persists in the labor market. The ratio of female workers’ moving out of the agriculture is lower than that of male workers; hence, the ratio of female to male workers in agriculture, forestry and fishery in 2012 dropped by 1.7 percent as compared with 2011, while the reduction rate in male workers was 2.4 percent. In industries and services, women have tended to occupy minor sectors and occupations. Women account for a larger proportion in the informal sector of the labor market, especially the self-employment sector, the unpaid household work as well as other unstable forms of labor. Consequently, they earn lower income, are less protected by law and have less direct access to direct social protection.

²¹ Calculating from the Survey of Labor and Employment of the GSO, Q4, 2014

Case Study 3

Viet Nam Land Access (LAW) Program

Preliminary studies showed that the proportion of women who were granted the land use rights is less than men, and is lower in rural areas than in urban areas. Specifically, the percentage of the titling of land use rights certificates is 44 percent for the husband, 22 percent for spouses, 19.7 percent wife, 7.4 percent other person, and 6.9 percent of parents. The percentage of women or spouse who hold land use right certificate in their name increased only when the land is inherited from their parents, the land is granted to spouses, or their land was purchased after they got marriage. Similarly, equal opportunity to own property tend to be more popular among immigrant groups with higher education and income and those women who participation of women in legal advocacy meetings²². Another study also showed that women want to be granted land use and the right to get livelihood security for their old age, even if they receive the support from their children²³.

The Vietnam Land Access for Women (LAW) Program aims to increase the efficacy of land rights for farmers, in particular women. The Vietnam LAW Program utilizes a two-phase approach that aims to increase farmer awareness of land rights, facilitate farmers' ability to access these rights, collect evidence on those barriers farmers face in accessing or upholding land rights, and strengthen the capacity of local civil society organizations and mass organizations to advocate for gender equitable land reform. Central to this activity was the identification and subsequent training of 60 community volunteers, including 35 women and 25 men, for gender equality advocacy in Hung Yen and Long An Provinces. The training's focus is to increase farmers' awareness of and access to land rights. These trained community volunteers, many of whom are active in civil society and mass organizations, will conduct awareness raising activities on land rights and provide legal aid and mediation to those experiencing land-related conflict and collect information on the current limitations for gender equitable access to land use rights certificates (LURCs).

The information that the community volunteers collect, particularly those pertaining to the gendered roadblocks/bottlenecks encountered in acquiring LURCs and the types of land-related problems faced by women and men, will contribute to the development of recommendations for better integration of gender into existing land law and policy. Together, ICRW and ISDS will train communal authorities on property rights and gender, and work with select local partners to develop and implement advocacy activities, which will form the core of Phase 2, and will then focus on strengthening advocacy efforts to integrate gender into the content and implementation of existing laws and policy frameworks. These advocacy activities will culminate in a formal presentation by local communal authorities to the Ministry for Natural Resources and Environment on approaches that can support the integration of gender into existing laws and policies.

Among the progress and results to date are the following:

²² Review 20 years of implementation of the Beijing Action Platform in Viet Nam

²³ Research funded by the World Bank

- a. A total of 57 community volunteers for gender equality advocacy (CVGEAs), including 33 women (58 per cent) have been trained and worked for the project;
- b. A total 1,728 men and women who identified themselves as spouses in 864 households were surveyed;
- c. CVGEAs across 4 communes carried out 2,438 counselling sessions for 1,502 clients, including 591 men and 911 women from April 15, 2015 to September 30, 2015. Three hundred and fifty seven cases received counselling on land issues, 688 cases were resolved with the support of the CVGEAs, and 627 of these cases were resolved in favour of CVGEAs' clients;
- d. Several communication materials about the project were developed and disseminated in the beginning of 2015; and,
- e. The 200-page toolkits were completed including 5 modules on Rights and Gender; Land Law and Gender; Property Rights and Gender; Inheritance Laws and Gender; and Monitoring Skills for the Community Rights Workers.

LAW Program's advocacy network operates at the commune and provincial levels and becomes a member of the Land Alliance Network –LANDA. The program is a successful collaboration of the Institute for Social Development Studies (ISDS), the International Centre for Research on Women (ICRW); and United States Agency for International Development (USAID) from July 1, 2014– September 30, 2016.

78. The percentage of women with disabilities participating in the labor force is about 10 percent less than the rate of female labor force participation in general, and the difference of men and women with disabilities in labor force participation is 7 percent.

Table 7. Share of women in wage employment in non-agriculture sector (%)

	2009	2010	2011	2012	2013	2014
Whole country	39,9	40,5	40,5	41,2	41,8	42,2
Urban - Rural	53,9	56,6	55,9	56,3	56,6	56,6
Urban	43,2	43,6	43,9	44,5	44,9	44,4
Rural	37,0	37,7	37,2	38,1	38,9	40,2
Urban	43,2	43,6	43,9	44,5	44,9	44,4
Northern midlands and Mountain areas	40,6	40,5	39,2	39,8	41,0	40,9
Red River Delta	40,9	40,0	39,8	41,1	41,5	43,0
North Central and Central Coastal areas	37,9	37,4	37,1	38,4	37,6	38,6
Central Highlands	39,4	40,9	42,0	41,6	42,6	42,0
South East	43,7	44,8	44,7	45,4	46,5	45,4
Mekong River Delta	33,9	37,0	38,6	38,0	39,5	40,3

Source: Annual Labor Force and Employment Survey, GSO, 2014

79. The percentage of employed female workers increased less than men in the period 2002-2012, an average of 2.4 percent per year versus 2.8 percent per year for men, leading to the reduced proportion of employed female workers in total number of jobs from 48.6 percent in 2002 to 48.3 percent in 2012.
80. The State has implemented various policies to support housing for the vulnerable social groups including the poor, families of ethnic minority households and households in remote areas. However, the migrant women working in the informal sector still live in temporary, unsafe accommodation with a shortage of basic services.
81. Female workers make up about one third of the total number of contractual overseas workers. Many of them are doing the jobs with low wages, and are not protected by the labor law in the host country. The women working as domestic workers and caregivers of sick people encounter dangers. These women are also affected by strict and harsh limitations on pregnancy and childbirth during their contractual period of working overseas²⁴
82. *Future Plan*. In the near future, Viet Nam will continue with the State's advocacy and policies on economic growth in parallel with social equity, stability and sustainable development of the country. Additionally, it will promulgate and implement policies and measures related to economic development towards increasing employment opportunities, narrowing the income gap between men and women and ensuring safe working and living conditions for female workers.

D. Recommendations

Reinforce the legal system on gender equality

83. Reinforce gender mainstreaming into legal documents and policies; review the gender discriminatory contents in the existing laws and policies; accordingly, propose amendments and supplements to policies to be consistent and in line with the regulation on gender mainstreaming into the formulation of legal normative documents.
84. Further apply principles of BPFA, CEDAW to development of policies and legal documents in a practical way, consistent with each sector, locality and various groups in the society, different regions and areas.

Consolidate the organizational structure and enhancing the capacity of the staff working on gender equality and advancement of women

85. Continue to strengthen the organizational structure and enhance capacity of the staff, and partners working on gender equality and the advancement of women at all levels in

²⁴ MOLISA in 2013

accordance with current regulations as well as actual conditions of each locality and unit, ensuring sufficient allocation of staff working on gender equality at all levels.

86. Organize training courses on gender analysis and mainstreaming of gender equality issues for the legal officers and other staff working on policy formulation and drafting.
87. Build a team of professionally qualified staff that are responsible and capable of implementing gender equality activities. Continue to provide basic and specialized refresher training, strengthen capacity for the staff and collaborators working on gender equality and the advancement of women from the central to local and grassroots levels.
88. Enhance the efficiency of inter-sectoral coordination in the implementation of the GEL, especially the functional ministries and sectors related to the exercise of gender equality in the 8 fields defined in the GEL, which are politics, economy, health, labor, education and training, science and technology, culture, information, physical exercises, sports, health and family. Monitor the accountability of various agencies in implementing laws and policies on gender equality.
89. Promote and disseminate the BPPA, CEDAW, and SDGs in Viet Nam. Management staff at all levels from central to grassroots levels must have correct and sufficient understanding of gender knowledge as well as legislation on gender equality to apply in the process of performing their tasks. It is necessary to use multiple forms and diverse measures to raise gender equality awareness of people, staff and civil servants. The modes of communications should be diversified and are also directed towards men and managing officers at all levels to help change gender stereotypes in a sustainable way.
90. Mobilize the NGOs' participation in advocacy, awareness-raising activities on gender equality and women's human rights. Maintaining and developing a team of collaborators and communicators, especially at the grassroots level, to strengthen effective communication on gender equality.

Organize and develop gender responsive social services delivery models

91. Evaluate and sum up the activities of social service delivery models, on which basis the social services to promote gender equality will be replicated. Special attention should be paid to the continuing implementation and consolidation of the models on gender-based violence prevention and control, counselling services for girl child, model on development of friendly environment for children, especially girl children.
92. Strengthen the role and contribution of NGOs, international organizations in shaping the new service models on gender equality.

Enhance the mechanism to promote women's participation in politics

93. Strengthen gender-responsive leadership and direction of authorities at all levels: Enhance leadership knowledge and skills in human resource planning, appointment and deployment of female staff in line with a tight and thorough roadmap from the grassroots level. Prioritize the appointment of female leaders in the sectors and domains with extensive participation of female workers. Special attention should be put for capacity development of female staff for appropriate human resources planning and appointment.
94. Implement measures so as to transform social norms on roles of men and women towards shared responsibilities in child care and housework. Develop policies and family support services that promote the increasing men's share in domestic work and enabling women to engage in paid work in the public sphere.
95. There should be appropriate mechanisms to ensure greater women's participation in politics in a more substantive and efficient manner. First of all, basic training and advanced training should be strengthened for female staff in a flexible mechanism that is friendly to their multiple roles at home and at work.
96. Amend the regulations on working ages in conformity with the spirit of CEDAW. Specific guidance should be provided to the implementing or host agencies in arranging, appointing key female staff of various agencies, provinces and cities under Central control in preparing personnel for the elections of National Assembly deputies, members of People's Councils at all levels for the tenure 2016 - 2021 under authorized powers.
97. Increase the oversight over the exercise of gender equality from the central to grassroots levels.

Establish and maintain a sex-disaggregated database system

98. Sustain the work on gender statistics on the basis of combining the periodic reporting system from the grassroots level through the surveys/censuses.
99. Promote the gender analysis of secondary data from the existing databases.
100. Strengthen the regular exchanges between producers and users of data to timely capture of data needs, as well as, the ability to provide gender statistics in Viet Nam, avoiding overlapped data collection in a number of areas, which may lead to both redundancy and discrepancy of data, as well as waste of resources.
101. Develop a databank of gender statistics in accordance with standardized statistical methods of statistical areas; ensure comparability over time and space, between Viet Nam and other countries in the region and internationally.
102. Increase the publication of periodic gender statistics to inform policy making on gender in

a timely and effective manner.

103. Continuing to refine statistical methodology; further exchanging, learning and studying about research implementation, data collection, analysis of topics such as gender-based violence, violence against women, violence against children, time use survey, etc., to address the gaps in gender statistics in the official statistical system in Viet Nam, as well as, to meet the needs of international comparison.
104. Strengthen international cooperation on gender equality and advancement of women.
105. Maintain and develop bilateral and multilateral relations on gender equality in order to exchange experiences and promote learning model of gender equality and the advancement of women.
106. Mobilize technical assistance and international experts to complement national and local gender experts in order to effectively implement gender equality and advancement of women in Viet Nam.

References

CEDAW. List of issues and questions in relation to the combined seventh and eighth periodic reports of Viet Nam*, 14 November 2014.

Census of Agriculture, Rural Affairs and Fisheries of the GSO, 2014

Concluding observations on the combined seventh and eighth periodic reports of Viet Nam. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VNM/7-8&Lang=en

Decision 2351/QD-TTg dated on 24th December 2014

Decision No. 1241/QD-TTg dated on 22nd July 2014

Enterprise Survey of the GSO, 2013

GSO (2015). Socio-economic situation in 2015.

Government Decree 56/2012/ND-CP dated 16 July 2012

Government Decree 70/2008/ND-CP dated 4 June 2008 detailing the implementation of the Gender Equality Law.

Ministry of Planning and Investment (September 2015). Country Report. 15 Years Achieving the Viet Nam Millennium Development Goals.

National Review of 20-Year Implementation of the Beijing Platform for Action (BFFA) in Viet Nam and the Outcomes of the 23rd Special Session of the General Assembly, October 2014. Retrieved from http://www.unescapsdd.org/files/images/Beijing20_national_review_VietNam.pdf

National Strategy on Gender Equality 2011-2020

Population and Family Planning, Ministry of Health, 2015

Summary Report of the National Committee for the Advancement of Women in Viet Nam (2013)

Survey of UNFPA in Viet Nam 2013.

UNDP, 2015. Briefing Note for Countries on the 2015 Human Development Report. Viet Nam.

CHAPTER 4:

Claiming Women's Rights: Political, Economic and Socio-cultural Rights

Overall, “women have become more empowered as economic development has proceeded. But there is still a significant gap between women and men in terms of political representation. Women are also less likely to be able to harness their full earnings capacity as they have less access than men to paid employment outside the household” (UNDP, 2015). At the global level, “(T)he emerging picture is highly complex... *Much worthwhile progress had been achieved, but the successes have not led to deep-rooted and irreversible change*” (UNESCO-CSW, 2015). In the same vein, after two decades of progress, United Nations Secretary-General Ban Ki-moon warned that such progress had been “unacceptably slow” in achieving gender equality since the historic adoption of the Beijing Declaration and Platform for Action in 1995¹.

Following a rights based framework, chapter 4 looks into how far gender equality in the social, political and economic arena has been achieved in the region. Tracking the progress of gender equality promotion was done by using the ASEAN regional studies, the ASEAN Statistical Yearbook, and the country reports in chapter 3. The thrust of the analysis is to determine whether or not ASEAN women are able to fulfill their rights and what makes it difficult to do so. The discussions are woven around core indicators for which data are readily available for analysis. Details of each country's situation are contained in the country reports.

This section reviews the current situation of women's rights from the viewpoint of the women as rights holders and that of the duty bearers whose main function is to make it possible and easy for the women to realize their rights. The duty bearers' accountability includes policy and practical measures to foster the fulfilment of rights such as harmonizing domestic laws with CEDAW, setting up institutional mechanisms for the effective implementation of CEDAW in their respective countries, including monitoring mechanism. The duty bearers include the government, the private sector, and non-government/civil society organizations. In line with the three pillars of the ASEAN Community, women's rights have been clustered into three, namely, social, political, and economic rights. Progress on these rights were assessed using the core indicators as the criteria.

Relevant data on socio-economic development are found in the 2014 ASEAN Statistical Yearbook that was published in 2015. It is a yearly publication produced by the ASEAN Statistical Committee (ASSC) comprising national statistical offices of ASEAN Member States². The 2014

¹ Opening speech at the 59th meeting of the Commission on the Status of Women.

² From ASEAN Statistical Publications. Retrieved from <http://www.asean.org/resource/statistics/statistical-publications/>

ASEAN Statistical Yearbook has been obtained from the ASEAN Secretariat. Other sources used include the ASEAN Health Profile³; The ASEAN State of Education Report 2013, Regional Report on Nutrition Security in ASEAN (volume 2, 2016). Meanwhile, the narrative regional assessment of ASEAN Member States' MDG achievements and the study on the projected gender impact of ASEAN Economic Community that was produced in late 2015 provided important insights to the progress review.

I. PROGRESS ON WOMEN'S SOCIAL RIGHTS

Women's social rights are stated in the articles of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), namely, *Article 6, Exploitation of Prostitution, Article 10, Education, Article 12, Health and Article 16, Marriage and Family*. This section describes progress relative to CEDAW Articles 10 and 12, for which there are data at the country level. Article 10 of CEDAW urges countries to ensure that women have the same opportunities as men in all aspects of education and training. Article 26 of the 1948 Universal Declaration of Human Rights had already stated that "everyone has the right to education." The xxx Convention on the Rights of the Child further stressed that all children have the right to education. In Article 7 of the Dakar Framework for Action (2000), participants in the World Education Forum committed to several concrete education goals including ensuring that by 2015 all children, particularly girls, have access to and complete, free and compulsory primary education of good quality; achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women; and eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality. The UN's Millennium Development Goal (MDG) 2 focused on universal primary education - for girls and boys alike to complete a full course of primary schooling (articles 28 and 29). The specific target for MDG 3 reflects the commitments in both the the Beijing Platform for Action (BPfA) and *Education for All* to eliminate gender disparity in primary and secondary education.

In addition, the *Education for All Global Initiative* reinforces CEDAW provisions for equal opportunities for education for women and men. The Beijing Platform for Action elaborates this gender equality goals as follows:

- Ensure equal access to education
- Eradicate illiteracy among women
- Improve women's access to vocational training, science, technology, and continuing education
- Develop non-discriminatory education and training
- Allocate sufficient resources for and monitor the implementation of educational reform
- Promote lifelong education and training for girls and women

³ From ASEAN Health Profile. Retrieved from [http://www.asean.org/storage/images/2015/february/asean_publications_2014/9.%20September%202014%20-%20ASEAN%20Health%20Profile%20-%20Regional%20Priorities%20and%20Programme%20\(2011-2015\)%20Updated%20Edition.pdf](http://www.asean.org/storage/images/2015/february/asean_publications_2014/9.%20September%202014%20-%20ASEAN%20Health%20Profile%20-%20Regional%20Priorities%20and%20Programme%20(2011-2015)%20Updated%20Edition.pdf)

CEDAW Article 12 on Health provides for equal entitlement of men and women to health care with special emphasis on reproductive health services. However, it must be stressed that the right to health also includes the right of all persons, free of coercion, discrimination and violence, to the highest attainable standard of health in relation to sexuality and reproduction, including access to sexual and reproductive health services; to decide if, how many, and when to have children, and to have the information and means to do so (which includes the right to safe, legal and accessible abortion services); to seek, receive, and impart information in relation to sexuality and have sexuality education; to choose a partner; to decide to be sexually active or not; to have consensual sexual relations and consensual marriage; and to pursue a satisfying, safe and pleasurable sexual life.

The core indicators of progress on social rights are shown in Table 1 below. Progress in the advancement of women’s social rights was assessed in terms of these core indicators to the extent that data is available. For some indicators, data is sparse such as HIV/AIDS prevalence disaggregated by sex.

Table 1. Suggested Core Regional Indicators of Women’s Social Rights

Access to health	<ul style="list-style-type: none"> • maternal mortality rate • child mortality rate by sex • data on violence against women • total fertility rate • HIV/AIDS by sex
Access to education	<ul style="list-style-type: none"> • Sex-disaggregated participation, cohort survival, dropout and completion and achievement rates at elementary, secondary and tertiary levels • Literacy and functional literacy rates by sex • Technical and vocational graduates by sex • % of women in adult and non-formal education
Environmental sustainability & disaster risk reduction	<ul style="list-style-type: none"> • Policies and laws on environment, climate change and disaster risk reduction • Data on disasters and calamities [sex-disaggregated data]
Peace and security	<ul style="list-style-type: none"> • trafficking of women and children • Data and issues in evacuation centers

Women’s social rights in the ASEAN Member States (AMS) have significantly improved in the last five years. Data show that there has been greater access to education, an increase in life expectancy and an improvement in maternal mortality rates (MMR). As a result, the Human Development Index (HDI) shows that most AMS are ranked “medium” in progress, with the exception of Singapore and Brunei Darussalam, which are at the “high” end (UNDP Human Development Report, 2015).

An exemplar in the region is Singapore and it can claim that “(T)he average Singaporean woman in 2014 is healthy and has ready access to world-class health care. She is educated,

having at least 10 years of world-class education, has equal opportunity and access to local and global jobs, is largely equally paid for the same job and is encouraged to move up to the very top of the career ladder. She has access to affordable childcare and has clean and safe living and working conditions. In marriage and in divorce, her rights and those of her children are protected under Singapore's Constitution" (Liang-lin, 2014).

ASEAN Member States have significantly reduced health risks facing their populations, especially for children and women. Poorer countries have seen significant progress due to targeted prevention programs like vaccination. Nonetheless, the target of reducing child mortality by two thirds has not been reached in most countries. And, in spite of increased attention given to prenatal care and safe deliveries, progress on reducing health risks to pregnant women is uneven and has even been reversed in a few countries. However, in countries severely affected by epidemics like HIV/AIDS, infection rates have been reduced (ASEAN MDG Report 2013).

Some countries in ASEAN have had to combat high mortality and exposure to ill health among children and women, and the region suffered from the onslaught and rapid spread of HIV/AIDS in the late 1980s. In 1990, nearly one out of five live-born children died before reaching the age of five in Lao PDR; while one out of ten boys and girls under five died in Cambodia and Myanmar. Pregnant women were at high risk with an estimated 12 mothers out of a thousand dying in connection with childbirth (ASEAN MDG Report 2013).

Overall, these different health risks have been reduced, especially in those countries where, twenty-five years ago, the population was most exposed. As a result, the gap between countries in terms of health outcomes has been reduced, although differences persist between poorer and richer ASEAN economies (ASEAN MDG Report 2013).

Maternal Mortality in the ASEAN Member States

Maternal health refers to the health of women during pregnancy, childbirth, and the postpartum period. While motherhood is often a positive and fulfilling experience, for too many women it is associated with suffering, ill-health and even death. The major direct causes of maternal morbidity and mortality include hemorrhage, infection, high blood pressure, unsafe abortion, and obstructed labor (WHO, 2013).

According to national estimates, maternal mortality ratios have fallen significantly in Lao PDR, Cambodia and Viet Nam. However, changes in Indonesia and the Philippines are a cause of concern, as maternal mortality ratios have increased. A majority of women give birth in the presence of skilled health staff, except in Lao PDR; and the share has increased everywhere, including the Philippines and Indonesia. However, the latter two countries also display large inequalities in access to health services across provinces and regions (UNICEF Indonesia, 2012). Although women are less likely than before to have children under the age of 20, adolescent pregnancies, which are a significant risk factor for child and maternal health, remain high (ASEAN MDG Assessment Report, 2015:24, paragraph 24).

Five countries – Cambodia, Indonesia, Lao PDR, Myanmar, and the Philippines – still have high maternal mortality ratios and adolescent birth rates compared with most middle-income countries globally. Among other things, the contraceptive needs of adolescent groups – not always a culturally accepted area of discussion – are often left out of the agenda (ASEAN MDG Report 2013:24).

Myanmar, Indonesia, Cambodia, and the Philippines have as much as 110 to 200 women who die during pregnancy or childbirth. Myanmar had the highest observed maternal mortality rate in the ASEAN region, with 200 deaths per 1000 live births in 2014. In Myanmar, the maternal mortality rate has significantly reduced in the past 15 years from 580 in 1990 to 200 in 2013. However, the reduction remains short of the 150 target and is among the highest in the region. (See Myanmar Country Report).

In fact, many countries in the ASEAN region were unable to achieve the Millennium Development Goals 4 and 5. The Philippines, for example, did not meet its MDG target of reducing maternal mortality from 94 to 52 per 100,000 live births by 2015. Access to contraception is limited, and “natural”, unreliable family planning methods, including withdrawal, are publicly encouraged over other methods (Henley, 2015). Similarly, in Indonesia, 190 women lose their lives (see Table 1/Table 4 of the 2015 HDR). The Indonesian government admitted in 2010 that it would not achieve its MDG target of reducing maternal mortality to 102 deaths per 100,000 live births by 2015. In Indonesia, access to sexual and reproductive health services is severely restricted in law and practice. Many contraceptive procedures or treatments require a husband’s permission, which denies access for unmarried women and girls’ altogether, and restricts it for married ones.

Child mortality

“Whereas the target of reducing child mortality by two-thirds has not been reached in most countries, those countries with higher initial mortality rates for infants and children – Lao PDR, Cambodia, Myanmar – have reduced the gap significantly. Among other things, this progress is related to efforts to reduce exposure to diseases like diphtheria and measles. For example, Lao PDR and Cambodia increased the share of children receiving immunization for DPT to 90 percent from under 20 and 40 percent, respectively” (ASEAN MDG Report, 2015:24).

Nonetheless, there is significant room for progress. One out of 20 boys in Myanmar and Lao PDR still do not survive until their fifth birthday, a level just below those of Sub-Saharan African countries and far from those in more developed countries and regions. More generally, large multi-country outbreaks of infectious diseases (e.g., measles, diphtheria, etc.) reflect inadequate coverage and coordination at all levels in most countries (ASEAN MDG Report, 2015).

Measures toward improving reproductive health have paid off in many countries but in other countries the health risks involved with child birth remain high and have actually worsened (ASEAN MDG Report, 2015:24).

Fertility Rates

Total fertility rates were high for the Philippines, Lao PDR and Cambodia at 3.1, 3.2. and 2.9 births per woman respectively as reported in the 2015 UNDP/HDR, also in the 2013 ASEAN Statistical Yearbook. The Philippines has been struggling with its population growth largely due to Church opposition to contraception and the lack of contraceptives especially in rural communities.

In Cambodia, there have been improvements in the delivery of key reproductive, maternal, new born and child health interventions for women and children, such as increased government spending allocations to health and the development and expansion of three health care financing schemes (see Cambodia Country Report, para 33). In Thailand, the Act for Prevention and Solution of the Adolescent Pregnancy Problem, B.E. 2559 (2016), which was announced on 31 March 2016 and took effect in July 2016⁴, can be a good starting point to integrate gender perspective to tackle the problem. (See Thailand Country Report) In Myanmar, total fertility rate is 2.2 per woman as of 2015. However, it is alarming that adolescent birth rate is 17 in 2006 (Myanmar Country Report, 2015).

In Lao PDR, 42 percent of married women use a modern method of family planning, but overall, 1 in 5 married women have an unmet need for contraception (either limiting family size or birth spacing). Some women give birth at very young ages still with four percent of women aged 25-49 giving birth by the age of 15, and, overall, 19 percent gave birth by age 18. Two in five women (39 percent) give birth by the age of 20, while the median age at first birth was unchanged at about 21 years. (See Lao Country Report).

HIV Prevalence

Thailand, Cambodia, Myanmar, Viet Nam and Indonesia have HIV prevalence ranging from 0.5 to 1.1 persons of adult age 15-24 years (UNDP HDR, 2015). However, disaggregation of data by sex is not available for all countries.

These countries are taking important and concrete measures to curtail the prevalence of HIV/AIDS. For example, Thailand has taken practical measures to reduce the incidence of HIV transmission from mother to children. (See Thailand country report) In June 2016, Thailand received validation from WHO for having eliminated mother-to-child transmission of HIV and syphilis, becoming the first country in the Asia and Pacific region to ensure an AIDS-free generation. Young people are one of the most vulnerable to infection because of the high rates of unsafe sexual activity as indicated by the low rates of condom use among the youth (20-30 percent). One reason for this is the absence of a strong campaign against HIV/AIDs as in the 1990s when there was a massive public information campaign on this pandemic. Other vulnerable sectors who are rapidly being infected are men having sex with men (MSM), female prostitutes, drug users, minorities and migrants who do not have access to information or have low quality services for HIV care.

⁴ Department of Health, Ministry of Public Health, 2015.

Similarly, there were significant gains in HIV/AIDS prevention and control in Vietnam but numerous challenges still exist. The rate of HIV infection through sexual transmission also rose, up to 45.3 percent during the first 6 months of 2013. HIV positive people's accessibility to intervention programs was still limited. The number of qualified HIV treatment centers was lower than 50 percent. Moreover, while there was a reduction of the new infections, the ratio of HIV infected women rose among the newly detected cases (31%) (UNESCAP, 2014:12).

In Cambodia, HIV/AIDS prevalence has decreased from 1.7 percent in 1998 to 0.6 percent in 2015. In 2015, there were 70,400 people living with HIV/AIDS, of whom 54 percent are females. About 80 percent of women living with HIV have access to antiretroviral drugs (ARVs). Over 70 percent of women and girls infected or affected by HIV/AIDS have received support kits, such as shelter, education, medical care and businesses to generate income, etc. About 90 percent of in-school youth have received knowledge of HIV/AIDS, sexual health and reproductive health⁵. (See Cambodia country report).

While other countries in ASEAN have managed to reduce the number of HIV AIDS, the Philippines has recently recorded increasing numbers of cases. According to the Department of Health's Epidemiology Bureau, the number of individuals with HIV newly diagnosed per day rose to 22 in 2015 from just 1 in 2008, 4 in 2010, nine in 2012 and 17 in 2014. In July 2015 there were 682 cases registered which is 17 percent more more than the same month recorded the previous year.

Education

Gender parity in education in the AMS is close to being achieved except for Cambodia, Lao and Myanmar (CLM). Gender parity in literacy rates and primary completion rates are reaching equality. But adult literacy rates and female literacy rates are comparatively low. On the other hand, it is noteworthy that in Singapore, female literacy rate is higher than the male literacy rate. However, the CLMV countries "will need to raise their secondary completion rates so that students can transition into vocational, technical and university opportunities" (Aring, 2015:19).

The ASEAN group as a whole is progressing as shown in the country reports (refer to chapter 3). Almost all children finish primary education in Malaysia, Indonesia, Singapore, Vietnam, and Brunei Darussalam. This has paid off in high levels of literacy and numeracy, and top ratings for Vietnam and Singapore in international assessments of student competencies. Some specific groups, especially children from lower socio-economic backgrounds, still remain at a disadvantage, especially at post-primary levels of education. But girls and women have equal access to education compared to boys and men in most countries; female literacy rates are also high.

Viet Nam has eliminated gender inequality in education across all levels⁶. Likewise, the

⁵ 2013 Reply to CEDAW, page 13.

⁶ Vietnam Country Report, 2015:14, para 15.2. also in BPFA20_Nation Review_Viet Nam, page 67.

Philippines has entirely closed the gender gap in education with more females than males at primary, secondary, and tertiary levels. It is the only country in Asia to have closed the gender gap on both education and health in 2014 and it is one of only eight countries in the world to have done so (WEF, 2014: 94-377). Still, there is scope for increasing the levels of participation in secondary and tertiary education in the AMS, especially in those countries with less than 50 percent participation rates.

Technical and vocational education

“An examination of TVET enrolment rates... reflects that, with the exception of Cambodia, the Lao People’s Democratic Republic and Viet Nam, *female enrolment lags behind that of males in ASEAN. This disparity is especially high in Indonesia, Malaysia and Thailand, urging the improvement of the transition from school to work for women and other vulnerable groups be made a priority*” (Aring, 2015:19). This finding raises concern about the preparedness of ASEAN women to take advantage of employment and productive opportunities in the region.

Projected trade scenarios in the ASEAN and their impact on employment by 2025 have been made by the ILO and ADB. “Although it is unclear which scenario will prevail, it is highly likely that the *AEC countries will shift their current proportion of low- and middle-skilled labor to higher-skilled labor as they implement the ASEAN Qualifications Reference Framework and thereby improve the transparency and performance of their education and training systems to respond to emerging skill needs.*” “ASEAN’s shift towards higher value-added industries calls for academic excellence in science, technology, engineering and mathematics, and fostering diverse career paths for young women and men. Workers need to be equipped with skills for present and future jobs and have the capacity to adapt to the requirements of fast changing technology. Education and training systems need to improve access and quality. Vocational and core skills should also be promoted, particularly those relevant to fast growing sectors” (ADB/ILO, 2014:103).

“In many cases, upper-secondary education and TVET programs have not adequately prepared both young women and men for a smooth school-to work transition. Typically, females do not have avenues in secondary education and technical training that are free of sex-based discrimination and stereotyping. This, in turn, hinders their decent work prospects and, at a national level, the development of a future workforce capable of maximizing its full productive potential” (ILO. Labor & Social Trends, 2008; Monika Aring, ILO,2015:29).

The “new world of work puts a high premium on workers with skills and qualifications in science and technology; historically such workers are less likely to be women. Women are vastly underrepresented in these subjects at the secondary and tertiary education levels and in the overall technical workforce. Countries looking to spur innovation will thus need to boost female participation in technology-oriented education and jobs. With globalization and technological change, Singapore recognizes that workforce development is essential for every worker to remain relevant. The Singapore Workforce Development Agency, a statutory board under the Ministry of Manpower, encourages individuals (regardless of gender) and employers to engage

in continuing education and training, and provides funding support for individuals to undergo training. A national Continuing Education and Training (CET) infrastructure was developed to equip adult workers with the relevant skills and competencies. In particular, the Singapore Workforce Skills Qualifications (WSQ), is a national credentialing system that trains, develops, assesses and recognizes individuals for competencies that companies are looking for. There are now 24 different WSQ frameworks, covering various industries”⁷.

While the ASEAN Economic Integration a Joint Statement of the Southeast Asia Women Caucus (2012) expressed their concern: “We, the representatives of various women organizations, groups, affiliations from the ASEAN region are concerned about the impact of the ASEAN Economic Community (AEC) 2015 integration plan and the ASEAN Community blueprints on Women. ...We have deep concerns that the three blueprints have been formulated in isolation of one another and have not taken into consideration the collective impact they will have over the ASEAN community, in particular, women.”

Marriage and Family

Article 16 affirms and is consistent with CEDAW’s call for equality of power and status of men and women, specifically within the family unit. If women are indeed equal with men in value and dignity, it follows that within the institution of marriage, they share rights and responsibilities as two autonomous individuals—equitably. This equality of rights and responsibilities is applicable in the entry, term, and termination of marriage:

Entitlement to own land and property

(See also section on access to land under Economic Rights)

Globally, most Asian countries have ratified international commitments including the CEDAW 1979, articles 14, 15 and 16, which call for ensuring equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform and land resettlement schemes, and the Beijing Declaration and Platform for Action, 1995.

National laws are mostly in conformity with CEDAW, but the enforcement is weak. By law women are entitled to own land and property but often this is not respected. Further, women’s ownership gets further diluted when she marries a foreign national. Also, there are evidences that ownership of assets becomes even more difficult for women in conflict and post-conflict situations. “(D)isplaced women are more prone to challenges that hinder their ability to secure housing, land, and property rights. Six main challenges that impact vulnerable and displaced women in fragile and transitioning areas are: social, cultural, and family norms; customary justice; formal justice systems; documentation; head of household policies; and sexual violence. Thus, programs that offer legal aid support for displaced and female-headed households must also consider the special vulnerabilities women face in securing and maintaining land ownership. While efforts are increasing to ensure female-headed households are considered

⁷ Comments from Singapore ACWC representative. First Draft Progress Report (Oct 2015), February 2016.

when securing land rights, the discussion around heads of households can also be limiting for displaced women. The policy to make land policies gender-neutral can consequently exclude displaced women who are married or on their own" (Williams, 2014).

"In South East Asia the gap in landownership is not as stark as South Asia" (FAO, 2011). For example, even in Myanmar, a developing AMS, most women enjoy equal rights in inheritance laws (land and property), equal marital property rights in case of divorce, and a nationality law with respect to marriage to foreign nationals (UNCT Myanmar, 2011:25).

"Despite almost equal ownership rights in China, Vietnam and South-east Asia, women don't own much agricultural land in practice"... For instance, while Philippine laws support gender equality in property rights, in practice, men are considered to be the major property owners. There is some evidence that propertied parents leave lands to sons but ensure the future of daughters by investing in their education (Quisumbing 1990). This enables men to gain access to higher, collateralized loans as it keeps women's access to credit limited to smaller loans. Moreover, although women are allowed by law to enter into contract without their spouse's signed agreement, many financial institutions continue to require the male partners' signature on contracts. In other parts of the country, too, customary laws prevail that traditionally discriminate against women and girls as indicated in Article 15 (Philippine CEDAW Report, 2004:35).

In the case of Indonesia, marriage to a foreign national can put women's property ownership at risk. In general foreigners are not allowed to own property in Indonesia. When a woman marries a foreigner, she herself is considered a foreigner. As such, she is not entitled to own property. Thus, awareness of the Marriage Law is essential for Indonesian women who marry foreigners to retain their land rights. Indonesian women who marry foreigners need to have sufficient understanding of the 1974 Marriage Law, the 1958 Citizenship Law and the 1960 Agrarian Law to enable them to retain their right to own freehold property.

Article 35 of the 1974 Marriage Law clearly states that a person can retain all assets obtained prior to marriage or assets inherited during marriage, unless the couple makes a prenuptial agreement. The definition of assets here covers land and property. While articles 29 and 36 of the Marriage Law require Indonesians who marry foreigners to make prenuptial agreements in order to buy and own property if they wish to do so after they marry.

The National Land Agency (BPN), however, uses the old Dutch citizenship law, which stipulates that Indonesian women who marry foreigners are automatically considered foreigners. This principle is then applied to the 1960 Agrarian Law, which stipulates that foreigners are not allowed to own freehold property and may only be granted leasehold title. This may explain why some Indonesian women who marry foreigners sell their land to the BPN out of fear that they will lose it or have their ownership status reduced to a 70-year leasehold title, which has to be renewed every 25 years (Partogi, 2015). The corrupt legal system made it even easier to exploit women who were ignorant about their rights. Some developers are of the view that to allow Indonesian women to retain their right to own property after they marry foreigners, "they need

to be aware of their rights as well as the regulations stipulated by the three abovementioned laws, because these are the roots of the problem. ... Furthermore, we need to keep an eye on the implementation of the three laws," (Partogi, 2015). The state, however, does have a crucial role to play in enabling a fair and just environment for women to claim their rights (Rao, 2011).

Realizing that property rights for women is a strategic concern, the ACWC has included in its work plan 2012-2016 a study that would analyze the situation of women's rights to land and property in the AMS. Two components that will be covered comprehensively are the provision of rights in the existing laws, and prohibitions and obstacles arising from the customary laws. The study will compile best practices and strategies of ASEAN Member States to address women's deprivation in their entitlements, such as access to capital and productive resources, as well as access to and ownership of land. The study findings are expected to guide ASEAN Member States in strengthening their poverty alleviation programs for women and children. Poverty eradication strategies should address the multidimensional nature of poverty which includes low income and other factors, such as women's autonomy, dignity and self-confidence.

After the ACWC regional meetings, follow-up actions were envisioned, namely (a) a regional consultation workshop on the current situations in ASEAN Member States concerning women's economic rights; (b) for each ASEAN Member State to be invited to draw on its legal and academic experts to provide its overall views of the issue at the regional consultation workshop; (c) a literature study of research on women's economic rights to land and property in the ASEAN region; (d) a regional workshop for mapping and exchange views on the strategies and best practices to ensure women's rights and access to land and property in ASEAN Member States; and, (e) the publication of the study result which includes policy recommendations for strengthening women's economic rights to land and property in the region (ASEAN Secretariat, 2013).

Access to Justice and Social Protection

Access to justice for women must be present in de jure as well as de facto . It means that laws and policies protecting women from violence are existing complimented by and medical support etc). To make these interventions more effective competent and gender sensitive professionals providing both legal and non-legal aid (medical, psycho-social) conciliators, local/village officials, the police, prosecutors, and judges and court personnel must have a clear understanding of the issue of violence against women. To the extent possible, free and affordable legal assistance which should be readily available and accessible especially to poor and marginalized women who often cannot afford costly legal procedures (WLB & UN Women, 2010).

Women's rights to social protection and social justice have been a continuing concern of ASEAN during the last three decades. The ASEAN vision for social welfare and protection is to 'enhance the wellbeing and livelihoods of the people of ASEAN through alleviating poverty, ensuring social welfare and protection, building a safe, secure and drug free environment, enhancing disaster resilience and addressing health development concerns' (ASEAN, 2009, p.6). The seven social welfare and protection elements are: (i) poverty alleviation, (ii) social safety nets and

protection from negative impacts of integration and globalization, (iii) enhancing food security and safety, (iv) access to healthcare and promotion of healthy lifestyles, (v) improved capability towards controlling communicable diseases, (vi) a drug-free ASEAN, and (vii) building disaster-resilient nations and safer communities (ASEAN, 2013, p.12). The notion of productive ageing is consistent with the above ASEAN vision. Productive ageing can be defined as focusing on public policies and private behaviour to enable individuals to have a good quality of life in old age (Asher, 2014).

Ending Violence against Women (VAW)

Women's groups in the AMS have been advocating for the elimination of violence against women. According to the UN Women, VAW is widespread in various forms across the ASEAN region, occurring at all levels – in the family, the community, the society, cross-regionally and transnationally. It takes physical, psychological and economic forms, from domestic violence, trafficking, rape and sexual assault, to sexual harassment, forced/child marriage, bride kidnapping, bride price, son preference, sex-selective abortions, and other forms.

Domestic violence (DV) is one of the most common but under-reported forms of violence in the ASEAN region. Even in a developed, i.e., high HDI country like Singapore, it is estimated that about seven in ten new family violence cases were related to spousal abuse. Also, spouses seeking help for abuse are doing so within the first five years of marriage compared to between seven and ten years a decade ago. While the figures did not point to an increase in the prevalence of spousal abuse, they suggest that there is now greater public awareness on this issue (Chia, 2013).

Governments have highlighted progress in moving against VAW, such as the introduction of legislation, strengthening law enforcement capacity, establishment of government entities tasked to address this specific issue, and awareness-raising in communities. Notwithstanding such measures, between 25 and 70 percent of women and girls aged 15 to 49 years face violence at the hands of an intimate partner, with severe consequences for women and their families, and of significant economic and social cost to countries (Akhtar, 2015).

“The ASEAN region has seen significant progress to address VAW in recent years, through concerted policy action at both regional and national level. However, many gaps are also apparent” (Akhtar, 2015). Most AMS have enacted dedicated national laws on VAW and/or domestic violence, while some have developed National Action Plans to support the implementation of laws and policies. Services for women and girls who have experienced violence, provided by government and/or civil society actors, include shelters, hotlines, One Stop Crisis Centers, and dedicated women's and children's desks in police stations that are available in several countries. Many countries have also implemented awareness-raising campaigns to reduce acceptance for VAW. The anti-VAW efforts of ACWC has culminated in the formulation and adoption of the ASEAN Convention on Trafficking that was signed by the leaders of the ASEAN member states in November 2015.

A Human Rights Resource Center (HRRRC) compilation of CRC and CEDAW Committee Reports and Universal Periodic Reviews identifies violence against women as a serious concern in all ten ASEAN countries⁸ Progress across the region has been uneven; some forms of VAW, such as marital rape and other forms of sexual violence such as sexual harassment were sometimes not covered in current legislations. Other areas that still require further attention include data gaps on the extent and impact of VAW; limited financial and human resources to support the enforcement of laws and the delivery of support services; and the pervasiveness of discriminatory gender norms that condone VAW. This was the conclusion of a 2012 Baseline Study by the Human Rights Resource Centre in Indonesia⁹.

In 2004, AMS came together to produce the Declaration on the Elimination of Violence against Women in ASEAN as a common platform to address the issue of violence against women. This was followed in 2013 by the Declaration on the Elimination of Violence against Women and Violence Against Children, under the auspices of the ASEAN Commission on the Promotion and Protection of Women and Children's Rights. This document reaffirmed the commitment of ASEAN towards eliminating VAW.

During its first seven years of existence, ACWC's major contribution in the furtherance of women's rights lie in the regional actions to eliminate violence against women in collaboration with the ACW. The 2012-2016 ACWC Work Plan has identified the elimination violence against women (EVAW) and elimination violence against children (EVAC) as their thematic priority areas. The Plan was adopted at the 5th ACWC Meeting held in July 2012 in Jakarta, Indonesia (ASEAN Regional Plan of Action as of 19/4/15).

Strengthening regional efforts to address VAW was a priority in the ACWC and ACW respective work plans. To that end, at their first joint meeting in Yangon on 15 October 2014, ACWC and ACW agreed to jointly develop a regional plan of action to implement the Declaration on EVAW and EVAC in ASEAN. This ASEAN Regional Plan of Action on Elimination of Violence against Women (ASEAN RPA on EVAW) carries this commitment further by translating the Declaration on the Elimination of Violence against Women and Children in ASEAN into concrete actions to guide regional and national implementation of this Declaration. Additionally, AMS have made a number of other commitments related to EVAW, women's empowerment and gender equality, including the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004), the ASEAN Socio-Cultural Community (ASCC) Plan of Action (2004), and the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2013).

Ending Exploitation of Women: Trafficking and Prostitution

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the "recruitment, transportation, transfer, harboring or receipt

⁸ This section is derived from a 2012 baseline study on VAW in the ASEAN. Human Resource Rights Center. "Violence, Exploitation, and Abuse and Discrimination in Migration Affecting Women and Children in ASEAN: A Baseline Study. Synthesis Report 2012.

⁹ file:///Users/lion/Documents/ASEAN/c9a24e28082503f604c88052eabd141c.pdf (in the ASEAN RPA on EVAW (Regional Plan of Action for EVAW) First Draft 19/4/2015)

of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

CEDAW Article 6 obliges states parties to “take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.” Trafficking in Persons (TIP) is a form of modern slavery and is a transnational crime. The International Labor Organisation estimates that trafficking generates approximately USD32 billion per year in global revenues¹⁰.

“The trends in Asia show that most trafficking is internally within Southeast Asia and that 3 out of 1,000 people are victims of trafficking. The global average is only 2 out of 1,000 people. Besides the poor, Internally Displaced People (highest number in the world) are an extremely vulnerable group” (Barbara Schalcher, IOM Austria, 2013). Some 40 percent of the victims detected between 2010 and 2012 were trafficked for forced labor. The report also notes that most victims are trafficked close to home, within the region or even in their country of origin (UNODC, 2014).

Southeast Asia is both a source and a destination for people who are trafficked for commercial sexual exploitation and the prostitution of minors. In the AMS developing economies like Cambodia, Lao PDR and Myanmar, prostitution has been on the rise in the wake of tourism promotion as a strategy for economic development.

There are substantial economic dividends gained through trafficking. For example, the ILO reported that the sex tourism contributed as much as USD27 billion to Thailand’s GDP in the mid-1990s (Palet, 2016). In the same vein a 2014 ILO research indicates that the illegal profits were in excess of USD150 billion, making human trafficking one of the largest criminal industries in the world (Buang, 2015).

Trafficking also spawns health problems. UNICEF states that some 37 percent of the victims trafficked for sexual exploitation in Cambodia are children. The US State Department, however, reports that some children engage in prostitution without third party involvement. They are driven by the need to survive.

At national level, the AMS have passed anti-trafficking legislations and formulated action plans for fight trafficking (see country reports in chapter 3). For example, the Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation establishes the law against kidnapping persons for labor or sexual exploitation. In 2011, Vietnam passed its Law on the Prevention of and Combat against Human Trafficking that provides measures to prevent and combat trafficking, support for reintegration of victims, deals with acts of human trafficking,

¹⁰ ILO, 2014

etc. At the same time, the Government has issued the National Action Program 2011-2015 on the prevention of human trafficking. In Singapore, the government established an inter-agency task force against human trafficking and launched the National Plan of Action (NPA) 2012-2015 in March 2012. The NPA served as a roadmap to guide the taskforce in building its capabilities to deal with TIP in Singapore and centered around the “4 Ps” strategy of: Prevention, Prosecution, Protection and Partnership.

The ASEAN Convention Against Trafficking in Persons (ACTIP) is the first regionally binding instrument that aims to prevent and combat trafficking in persons, especially women and children, and ensure just and effective punishment of traffickers; protect and assist victims of trafficking in persons with full respect for their human rights; and promote cooperation in the fight against trafficking in persons among the ASEAN member states. ACTIP was signed by the ASEAN Leaders at the 27th ASEAN Summit in November 2015 and it showcases the AMS commitment in addressing human trafficking as a regional problem and its resolve to find the most effective regional solution to combat it.

Cambodia, Singapore and Thailand and more recently, the Philippines have ratified the ASEAN Convention Against Trafficking in Persons (ACTIP) while other ASEAN countries are undergoing their own national process of ratification. ACTIP will take effect in 30 days after the sixth ASEAN member state deposits the instrument of ratification (Interaksyon, 2016). Trafficking in persons requires a global effort by all countries - whether source, transit, or destination - to break the vicious cycle of human trafficking. Singapore works closely with international partners such as Interpol, UNODC, and Group of Friends against TIP, to tackle the issue at the global level. It underscored its strong commitment to cooperate with regional partners to jointly tackle trafficking in persons by being one of the first ASEAN member states to ratify the ACTIP. On 24 July 2016, Thailand deposited the Instrument of Ratification for the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), the third ASEAN Member State to become Party to the Convention, after Cambodia and Singapore respectively. The ratification of the Convention affirms Thailand’s continued commitment to combating human trafficking and is consistent with the Government’s policy which declares fighting human trafficking as part of the national agenda. It also underscores the Government’s commitment to cooperate with ASEAN Member States to jointly combat this crime.

Exploitation, Violence and Abuse in the Context of Migration

All ASEAN Member States have enacted laws and have adopted programs to protect women and children from violence, exploitation, and abuse and discrimination in the context of migration. There is considerable variation in national legal frameworks; the extent of implementation, monitoring, and data collection also vary widely.

Since the Ninth ACWC Meeting in October 2014, two activities have been completed¹¹

¹¹ The Tenth Meeting of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) was convened on 25-27 February 2015 at the ASEAN Secretariat in Jakarta, Indonesia. The review of the implementation of the ACWC Work Plan 2012-2016 was followed by the discussion of the development of the Work Plan for 2016-2020. <http://www.asean.org/news/asean-secretariat-news/item/>

- the ASEAN Regional Conference of Senior Officials on Strengthening the Protection and Empowerment of Women Migrant Workers was convened by the Philippines on 13-14 November 2014 in Manila - a joint undertaking of ACWC and the ASEAN Committee on Women (ACW) with the support of the International Labour Organization (ILO) (ASEAN Secretariat, 2016).

International, regional bodies and national governments have articulated the need to strengthen international collaboration, review of existing commitments and policies, improve mechanisms and address inefficiencies, target the root causes, and develop systems for collecting and analyzing up-to-date disaggregated data (GFMD, CEDAW GR 25).

Developing indicators for the purpose of creating and maintaining databases that will provide comprehensive, accurate, updated, and disaggregated information; defining forms, root causes, and impact of violence, exploitation, and abuse and discrimination in migration in countries where such information were found to be inadequate has also been identified as an urgent task. While awaiting an ASEAN legal instrument that will strengthen commitments to protect migrant workers governments and non-state actors can improve collaboration and cooperation so as to facilitate sharing of information and best practices in protecting migrants in all circumstances particularly in crisis situations.

2. PROGRESS ON WOMEN'S POLITICAL RIGHTS

Women's political rights are articulated in CEDAW, namely, Articles 7 on Political and Public Life; Article 8 on International Representation; Article 9 on Nationality and Citizenship, and Article 15 on Law. In this report, Articles 8, 9 and 15 were not tackled. Instead attention was given to national women's machineries and gender related legislations. Article 7 provides that "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

At the Fourth Women's International Conference in Beijing in 1995, held by the UN, it was noted that the representation of women was low in almost all government organs, especially ministries and other executive bodies. The same situation was found even in countries with more advanced democratic systems (Rahayu & Ikayanti, 2014:10).

"(W)omen's representation is a political necessity for several reasons, (1) because voters comprise both men and women; (2) women experience life differently than men and face

different issues, which results in different perspectives on political issues; (3) beyond being merely a democratic formality, women's representation is important for redefining political priorities and formulating discussions and decision-making that protect women's interests...The voices of women members during the decision making process in parliament greatly contribute to the redefinition of political priorities, and introduce gender-related issues in the political discussion. Moreover, women in parliament bring new perspectives to the discussion of political issues, shaping an agenda that accommodates women's interests. Participation in politics and women's representation is the right of every woman (Rahayu & Ikayanti, 2014:9-10).

Core indicators of political participation and decision making include the following:

- The number and percent of men and women in national and sub-national levels of governance at the executive, legislative and judicial branches;
- Number of men and women in local government positions
- Type and number of decision making bodies with representatives from the women's social movement/NGOs;
- National women's machinery, GAD policies, plan and budget; and,
- Access to justice and mechanisms for women's human rights.

In this report, the discussion is based on the number of women in parliament for which there are available data. Women's share in parliament is a measure of empowerment and it is one of the factors in the Gender Inequality Index (UNDP), a "composite measure of gender inequality using three dimensions: reproductive health, empowerment and the labor market."

Some countries are coming close to the target of 30 percent women in parliament such as Singapore, Lao PDR and Viet Nam based on the 2013 data of the ASEAN Statistical Yearbook. Note however, that Brunei, a monarchy, has never had a parliament. On the whole, the AMS fall short of the global target of 30 percent of seats in parliament to be occupied by women.

In Lao PDR, women's public representation at the national level had a big leap from 9 percent in the 1992 national assembly to 25 percent (33 out of 132 seats) in the 7th National Assembly (since 2011). Women legislators are now organized into the Women's Caucus and have formulated and implemented a gender strategy and action plan to ensure that its secretariat applies gender equity into all its legislative work. They have been conducting gender training for the other members of the National Assembly. (See Lao Country Profile) Most recently in Myanmar, (T)he number of women MPs has more than doubled. Many of these MPs have strong ties to the country's growing women's rights movement, raising new hopes for laws and policies that promote gender equality (IWDA, 2016).

The landmark election in November 2015 resulted in a landslide victory by Aung San Suu Kyi's pro-democracy party, the National League for Democracy. The new-look parliament includes 64 women in elected seats across the upper and lower houses. This equates to 13 percent of elected seats (up from 6.2%). According to the Constitution, 25 percent of seats are reserved for the military. When the military MPs (who are almost entirely male) are included, women

hold approximately 9.7 percent of seats – up from 4.4 percent” (IWDA, 2016).

Noteworthy is that during the past nearly two decades, Vietnam has always had female Vice Presidents. During the period 2011-2015, there are two women in the Politburo (representing 12.5 percent in 2013, an increase of 6 percent compared with 2011) and one woman participating in the Secretariat of the Central Communist Party of Vietnam. The number of female National Assembly deputies and members of People’s Councils at all levels accounted for about one-fourth (¼) out of the total number for both males and females. During the period 2007-2011, the percentage of female National Assembly deputies was 25.8 percent, for the period 2011-2016, this percentage decreased to 24.4 percent; but, Vietnam is among the top five (5) developing countries in Asia having the highest representation of female National Assembly deputies (UNESCAP, 2014:6).

The 2016 elections in the Philippines ushered an interesting period where two women were elected as senators and a transgender won the sub-national or local elections. Also, one of the vice-presidential candidates is a woman but her election is still being contested by one of her opponents at the time of writing (May 2016). In the present Congress (2013), women occupy 6 of the 24 senatorial seats (25%) and about the same percentage (25.64%) of the congressional seats (CEDAW/C/PHL/7-8, para. 121-122). In the Philippine Congress, a party list organization of women, Gabriela Women’s Party, has been successful in staying in Congress in the past four election periods. Gabriela has been pushing for gender responsive laws, including the bill on divorce (CEDAW/C/PHL/7-8, para.122).

Generally, there is uneven progress in the political participation of women in the ASEAN Member States based on the core indicator - women seats in parliament.

“Among ASEAN Member States, only one country – Indonesia – has temporary special Measures to improve the representation of women (Election Law Quota). The Indonesian 2008 electoral law states that ‘at least 1 in every 3 candidates on political party lists for House of Representatives should be women’¹²”.

The UN Women reported that globally, only 22 percent of all national parliamentarians were female as of August 2015; a slow increase from 11.3 percent in 1995. Also, there are 37 States in which women account for less than 10 percent of parliamentarians in single or lower houses, including 6 chambers with no women at all. In August 2015, the Nordic countries topped in the proportion of women parliamentarians at 41.1 percent while Asia only had 18.4 percent. The achievement in the number of women in parliament is the result of the long and difficult struggle undertaken by the women’s movement in Southeast Asia. But women’s seats in parliament provides only a partial picture of women’s participation in decision making.

Political empowerment (WEF, 2014:5) refers to the equitable representation of women in decision-making structures, both formal and informal, and their voice in the formulation of

¹² UN Women/AIPA. Concept Note on the Regional Meeting on Women in Leadership and Decision making, 2014:2)

policies affecting their societies¹³. “The absence of women from structures of governance inevitably means that national, regional and local priorities, i.e., how resources are allocated, are typically defined without meaningful input from women, whose life experience gives them a different awareness of the community’s needs, concerns and interests from that of men.

Other measures of political empowerment could be the ratio of females at ministerial level and the number of years of having a female head of state as was done by the World Economic Forum. Progress on political participation can be discerned from women’s participation in executive, judicial bodies and government institutions outside parliament and development processes and mechanisms. For example, in Indonesia, the development planning mechanism through which people’s aspirations are channeled is called Musyawarah Perencanaan Pembangunan (collaborative development planning - Musrempang). However, the vague concept of representation also hinders women’s representation in the development mechanism (Ruth Indiah Rahayu & Adistilkayanti, 2014:12-14)¹⁴.

The UNDP reported in 2010 on women’s participation in local government and it sheds light on the dynamics of women’s political participation. Also, UNDP published its report on Gender Equality in Public Administration which has a section on women in local governments. In both reports, however, not all the AMS were able to provide the required data. The need for subnational data is essential for a full understanding of women’s political participation. Further, women’s involvement in the executive and judicial branches of government as well as their status in the private sector boards add to the understanding of women’s leadership.

Women in Public Administration

The civil service is an important pillar of Singaporean governance, known for its corruption free administrative system. As of 31 December 2014, women made up 56.7 percent of the civil service. 26.1 percent of the Permanent Secretaries and 28.1 percent of the Deputy Secretaries were women. A Permanent Secretary is the highest position held by a civil servant in a Government ministry, followed by the Deputy Secretary position. Women occupied 24 out of 101 seats (23.8%) in the Singapore Parliament as of June 2016 up from 22 out of 94 seats (23.4%) in 2009. These percentages exceed the Inter-Parliamentary Union’s world average of 22.6 percent (IPU, 2015) in January 2016 () and 18.8 percent¹⁵ in 2009. In 2013, Mdm Halimah Yacob was appointed as the first woman Speaker of Parliament in Singapore. As of June 2016, there were six women political office-holders. Out of the five mayors in Singapore, two are women.

In Thailand, at the central government administration, data during 2003-2010 showed that women holding executive positions had slightly increased, from 20.94 percent in 2003 to 24.44 percent in 2010(See Thailand Country Profile).

¹³ The Inter-Parliamentary Union reports a world average of only 15.6% in combined houses of parliament. The statistics by region range from 6.8% in the Arab States to 18.6% in the Americas, and 39.7% in the Nordic states. In WEF, GGR, 2014:)23

¹⁴ Ruth IndiahRahayu&Adistilkayanti.The Success and the Barriers to Women’s Representation in Southeast Asia Between State Policies, Political Parties and Women’s Movement, USAID 2014.

¹⁵ Both houses combined as at 31 December 2009.

In Indonesia, out of the 34 cabinet positions, 8 are women, including the country's first female foreign minister Retno Marsudi (Roberts, 2014). Other cabinet positions with women ministers include Ministry of Human Development and Culture, Ministry of Social Welfare, Ministry of Maritime Affairs and Fisheries, Ministry of Health, Ministry of Forestry and the Environment, Ministry of Women Empowerment and Child Protection, and Ministry of State Enterprises.

In Cambodia, as of 2013, there was one female deputy prime minister (10%), three female ministers (10.7%), 38 (20.45%) female secretaries of state and 48 (17.60%) female under-secretaries of state. Further, since 2007, the Ministry of Civil Service issued a guideline to all line ministries and institutions to select 20 percent to 50 percent women during the annual recruitment of new officials. In addition, the Government has issued a Royal Decree on revision of retirement age of female civil servants, raising women's retirement age to 60 years, and on a voluntary basis. As a result of this sound policy, the number of women civil servants has increased from 34 percent in 2012 to 39 percent in 2015. (See Cambodia Country profile).

Progress in women's career development in various legal, political, financial and managerial professions has been recorded in Brunei Darussalam. The highest posts attained include Ambassador-at-Large and the Attorney-General with ministerial rank, Members of the Legislative Council, Permanent Secretaries, Auditor-General, Solicitor-General, Accountant-General, Judicial Commissioner, Judge in the civil High Court, Ambassador and as Chief Executive Officers in both the public and private sectors including banks. One of the four universities in Brunei Darussalam are currently headed by women. Women also serve in Islamic institutes of higher education and as Prosecutors both in the Shariah courts and Civil courts. Some 53.1 percent of women make up the civil service and 18.4 percent of positions in Division I and above are held by women. There are 20 ministers and deputy ministers within the Government, including three (3) posts of ministerial rank namely the Ambassador-at-Large, the Attorney General and the State Mufti. Two or 10 percent of these posts are currently held by women. Meanwhile, the State Legislative Council consists of 36 members and two or 6 percent of these members are women. In addition, 15 percent of Permanent Secretaries or CEOs of Government Ministries, 26 percent of Deputy Permanent Secretaries and 19 percent of Heads of Overseas Missions are women. (See Brunei Country profile).

In Lao PDR, other key political bodies have yet to show improvements in women's representation and leadership at central party and local government levels where women's representation is lowest at 9 percent. In the middle-level positions of ministers, deputy ministers and director general and equivalent positions, women's share slightly go up to 14 to 18 percent. In 2012, of the total 156,527 civil servants, 68,107 or 43.5 percent were women but majority are rank and file positions and do not wield power but their contribution to the bureaucracy is still significant despite their low salary. Likewise, in Malaysia, the number of women Cabinet ministers has never exceeded three since independence. At present, there are only two female Cabinet ministers out of 29 ministers: Law Minister Nancy Shukri and Women, Family and Community Development Minister Datuk Rohani Abdul Karim (Shukry, 2015 and Anwar, 2011).

Women in Decision Making at the Sub-national Levels

At the subnational level, ASEAN women are inching their way in local governance. In Indonesia, based on the 2009 data at the local level, there was only one woman out of 33 elected governors; only one woman elected as deputy governor; only 10 women regents/mayors (2.27%) out of the 440 districts/municipalities; and only 12 women vice regents/mayors (2.27%) out of 402 posts of vice regent/mayor (UNDP, 2010).

In Thailand, at the regional level, the statistics from the Ministry of Interior shows that female administrators appointed in 2011 were two provincial governors (2.63%) and eight deputy provincial governors (4.76%). In 2010, only 0.46 percent of deputy district officers and 24.96 percent of deputy district officers were women. The representation of women in executive positions in independent bodies under the Constitution had been more positive, increasing from 47.06 percent in 2006 to 55 percent in 2007. However, in 2010, women's representation in such positions dropped to 25 percent (CEDAW/C/THA/6-7, para. 66).

In Cambodia, between 2003 and 2015, there were no female governors in the capital or at the province level against the CMDG target set at 10 percent. The proportion of female deputy governors in the provincial level is 17 percent in 2014, exceeding the target. The proportion of female Capital/Provincial councilors is 13.23 percent (52 women among 393), an increase from 10 percent (38 women among 374) in 2009; and female representation in the city, district and khan councils increased from 12.23 percent in 2009 to 13.85 percent in 2014. In Cambodia, the proportion of female members of Commune/Sangkats increased from 15.1 percent in 2007 to 17.78 percent in 2012. However, it is less than the stipulated target of 25 percent.

In Viet Nam, from 2013 to 2015, three female deputy ministers and one female provincial secretary were appointed. In 2013, 15 out of 30 ministries, ministerial-level agencies and government agencies had female representation in the key leadership positions, accounting for 50 percent¹⁶ (up by 10% as compared to 2011); 25 out of 63 provinces and cities directly under the Central level had the female representation in the positions of Presidents, Vice Presidents of the People's Committees, accounting for 39.7 percent. In the police area, the first time there were two female Lieutenant Generals; the Defense Department has also appointed one Lieutenant General¹⁷.

Women in the Judiciary

Women's involvement in the judiciary remains uneven. At one extreme is the Philippines where a woman is the Chief Justice of the Supreme Court. Significantly, the highest posts in the judiciary, the Supreme Court, the Ombudsman and the Department of Justice were occupied by women. (The Secretary of the DOJ has since ran for election in May 2016 and won as a senator).

¹⁶ In 2013, the Prime Minister appointed 01 Female Deputy Director of Viet Nam Television

¹⁷ 2013 Summary Report of the National Committee for the Advancement of Women in Viet Nam

In Singapore, women comprised 25 percent of Judges in the Supreme Court¹⁸, 43.8 percent, 44.8 percent and 69.2 percent of Judicial Officers¹⁹ in the State Courts, the Supreme Court, and the Family Justice Courts (FJC)²⁰ respectively as of end December 2015. In Cambodia, in 2013, female judges comprised 13.9 percent, a slight increase from 13.2 percent in 2010. 10.2 percent of prosecutors are women, with 15 women of a total 147 prosecutors, representing an increase of 8 percentage points since 2010. There is no female representation among Presidents of the courts. There are only four women, or 14.8 percent, of a total 27 members of the Bar Council (7th mandate 2012-2015). In three years, the proportion of female lawyers slightly decreased, from 18 percent or 98 women of a total 551 in 2010, to 17.6 percent or 126 women of a total 716 in 2013.

On the other hand, in Thailand, the number of women holding high-ranking positions in the judiciary remained low. During the period, there were no women at the top level of the Office of the Attorney-General and there was less than 10 percent of female judges in senior positions. In regard to the high-ranking female police, there were four women commissioners in 2009 (CEDAW/C/THA/6-7, para. 67).

This uneven involvement is also shown in the Islamic states of Brunei, Indonesia and Malaysia. In Brunei, women serve as Prosecutors both in the Shariah courts and Civil courts. 51 percent of women make up the civil service and 29.45 percent of positions in Division I and above are held by women. It was only in 1989 when Indonesia fully accommodated female judges in the religious courts; but, the courts are still male-dominated. In the 2011 report of the Directorate of Religious Court, the percentage of female judges is only around 15 percent. In the first-instance and appellate courts, there were only 507 females out of 3,687 (Nurlaelawati and Salim, 2013; see Indonesia Country Profile). Although two female judges were appointed to Islamic courts in Malaysia in 2010, there were limitations on the cases that they can handle. For instance, they could not preside on cases on marriage and divorce (WAO, 2012) (CEDAW/C/THA/6-7, para. 67).

Women in the Private Sector

In Southeast Asia, 35 percent of senior executive positions are held by women in the private sector according to a Grant and Thornton study. This trend is attributed to the availability of and easy access to child care, abundance of domestic staff and support from male members of extended families are believed to contribute to women's higher participation at senior levels. This pattern is true in Indonesia, the Philippines and Thailand, where 41 percent, 40 percent and 38 percent of women (surveyed), respectively, take advantage of the free childcare provided by extended families. Also, the birth rate in Southeast Asia has roughly halved since 1980, with more Southeast Asian women than men in higher education. New career opportunities for Southeast Asian women are also stimulated by urbanization and a tendency to have children at later ages. Given these societal shifts in Asia, it is likely that the proportions of women in senior

¹⁸ 5 out of a total of 22.

¹⁹ Judicial Officers in the State Courts concurrently hold the appointments of District Judge and/or Magistrate, Coroner, Registrar/Deputy Registrar.

²⁰ The Family Justice Courts was set up in October 2014.

positions will continue to rise.²¹ For example, the percentage of women directorships on boards of companies listed on the Singapore Exchange was 8.3 percent in 2013 increasing to 9.5% in 2015. In August 2014, Singapore set up a Diversity Action Committee to increase the proportion of women represented on the boards of companies listed on the Singapore Exchange. Using a multi-stakeholder approach, the Committee has introduced various initiatives such as raising the awareness on the business case for having more women on boards and encouraging board chairs to look beyond the usual pool of male-dominated candidates. (See Singapore Country Profile).

In Malaysia, women's participation in the private sector as directors and CEO's is low, with only 6.1 percent and 7.0 percent respectively, among the largest 100 companies in 2008 (JICA, 2012). Though there is quite an increase in terms of women's representation in the Boards of Directors of Government Investment Companies (GIC) from 14 percent in 2012 to 15.2 percent in January 2014. (See Malaysia Country Profile).

The Philippines is the second-best country (just after Norway) on the ability of women to rise to positions of enterprise leadership indicator, and the country with the highest percentage of firms with female participation in ownership (69%) (GGR, 2014:27).

Women in Civil Society

In the ASEAN region, civil society has performed and continue to perform significant roles in advancing women's rights. A continuing task is the preparation of the NGO Alternative Report on CEDAW. For example, in Vietnam, an erstwhile Socialist state, three NGOs' networks in Viet Nam: GENCOMNET (Gender and Community Development Network), DOVIPNET (Domestic Violence Prevention Network) and NEW (Network for Empowerment of Women), and their partners in the civil society submitted a shadow report to CEDAW for the reporting cycle VII and VIII of Viet Nam, 2015. Six working groups of 21 NGOs were consulted in a workshop with participants from 41 institutions including NGOs, governmental and international agencies, research institutes, academic institutions, and media. Among their recommendations are the review and strengthening of the existing monitoring mechanism for gender equality through increasing the space for the participation of civil society organizations²².

There are vibrant civil society movements in some AMS such as Cambodia, Indonesia, Philippines, and Thailand. The Cambodian NGO Committee on CEDAW (NGO-CEDAW) is a coalition of 72 local organizations working to advance the condition of women in Cambodia. NGO-CEDAW focuses on the implementation of CEDAW in Cambodia. Its work also includes research, advocacy, awareness raising and capacity building, and information exchange between its members. Gender and Development for Cambodia (GADC) advocates for gender-sensitive

²¹ Caroline Lim is a client partner based in Hong Kong and head of legal, compliance and regulatory & corporate governance in Asia-Pacific for Pedersen & Partners. Beryl Chu is a client partner based in the firm's Shanghai office. <http://www.scmp.com/business/companies/article/1790231/more-asian-women-reaching-executive-ranks-thanks-societal-shifts>

²² Based from the NGO Report of Vietnam prepared by GENCOMNET (Gender & Community Development Network), DOVIPNET (Domestic Violence Prevention Network) & NEW (Network for Empowerment of Women)

projects and programs, national laws and policy formulation in Cambodia.

For example, in Indonesia with encouragement from civil society organizations and the MoWECP, some laws have been made more gender sensitive and advance the protection of women's rights, such as Population Growth and Family Development Law No. 52/2009, which specifies that demographic data should be disaggregated by gender and that poverty should be eradicated among female-headed households; Elimination of Domestic Violence Law No. 23/2004, which strengthens efforts to eliminate domestic violence and requires provision of services to victims; Citizen Administration Law No. 23/2006, which adopts a nondiscriminatory principle in serving citizens; Political Party Law No. 2/2008 and General Election Law No. 10/2008, which requires the nomination of at least 30 percent women candidates for national, provincial, and district/ city level parliaments; Human Trafficking Law No. 21/2007, which focuses on countering and criminalizing trafficking in persons; the adoption of Law No. 2/2011, on political parties, in which provision is made for quotas for women in political party structures at the national and regional levels, and Law No. 8/2012, on general elections, in which provision is made for a 30 percent quota for women candidates on the electoral lists of political parties for the general elections of regional legislative bodies; the issuance of the Ministerial Regulation No. 1/2010, on a minimum service standard on integrated service for women and children victims of violence; and the issuance of the Financial Ministerial Regulation No. 93/2011, on gender-responsive budgeting to support gender mainstreaming and equality in the national development and the adoption of the National Action Plan on Human Rights 2011-2014 promulgated by Presidential Regulation No. 23/2011. It further notes with appreciation the establishment of the task force on migrant workers and the efforts of the Government to prepare the bill on gender equality. (See Indonesia Country Profile).

In the Philippines, civil society participation is institutionalized in and guaranteed by the 1987 Constitution. Women's groups, in particular, have seen an exponential growth since the election of President Corazon Aquino in 1986; during which time, the National Commission on the Role of Filipino Women (NCRFW) was opened for the participation by NGOs to sit in its Board of Commissioners. There are hundreds of women's groups which are quite diverse in terms of objectives, nature and scope. Some are organized around thematic areas – violence against women, reproductive health, education etc. Others are development focused, addressing poverty issues, environmental degradation, and governance issues. At every level (national, regional and local), women's groups are united in their objective of empowering women, advancing gender equality, and promoting women's human rights. PILIPINA, GABRIELA, KALAYAAN, Women's Studies Association of the Philippines, WAND, National Council of Women of the Philippines, Coalition Against Trafficking in Women–Asia Pacific are some of the more prominent women's organizations that have been active in fighting for women's rights in legislation, policy and programs of government. NGOs insist on maintaining its independence from government even while they maintain cordial and cooperative relations with the Philippine Commission on Women (formerly NCRFW, the national machinery for women in the Philippines) and other government agencies.

Member states vary in the democratic space given to civil society for them to effectively

pursue advocacy and political reform. For example, at one end is Lao PDR where civil society organizations, locally referred to as non-profit associations (NPA), are highly regulated under the Prime Minister's Decree No. 013/PM, 2010 on international NGOs (INGOs). Since opening for registration in 2009, 147 associations and 10 foundations had officially registered.

At the other end is the Royal Thai government which has adopted a multi-disciplinary approach in gender equality promotion and have accorded roles to the non-governmental agencies (NGOs), the academe and civil society in eliminating discrimination against women and promoting gender equality. Gender equality and women development projects and activities have been conducted with technical and financial support from the government (CEDAW/C/THA/6-7, para. 16). GOs and NGOs have joined efforts to implement temporary special measures to redress the imbalance of male and female ratio in political participation, starting with the local administration. The Association for the Promotion of the Status of Women under the Royal Patronage of HRH Princess Soamsawali proposed the Draft Tambon Council and Tambon Administrative Organisation Act, requiring the membership ratio in the Tambon (district) Administrative Organisations to be 1:1 for women and men. Training and public education campaigns have been organized by the public sector to build up understanding of this affirmative action. Efforts have been made to push for similar quotas for political parties' candidates to run in elections. The proposal has remained under consideration of political parties (CEDAW/C/THA/6-7, para. 28).

Also, there have been public-private partnerships such as the partnership among OWAFD Friends of Women Foundation and *Sukhothai Thammathirat* Open University to develop community systems to prevent and address violence against women in communities and conduct research and studies on women issues. In addition, women organizations and networks have strengthened their partnerships, as illustrated by Women Networks Reshaping Thailand that was formed to increase participation of women in various reform committees. Furthermore, a women development committee has been established at the provincial, district and sub-district levels since 1995 to increase involvement of women in economic, social and political development of the country.

3. PROGRESS IN WOMEN'S ECONOMIC RIGHTS

Women's economic rights are contained in three articles of CEDAW, namely: Article 11 on Employment, Article 13 on Economic and Social Benefits and Article 14 on Rural Women. It is also embodied in other human rights instruments such as the International Economic, Social and Cultural Rights (IECSR), and the ILO Conventions and Recommendations and Decent Work Agenda.

Eliminating poverty in the ASEAN region one of the main objectives for promoting women's economic rights. Women comprise half of the population that bear the brunt of poverty at the household level. There is a sizeable number of the poor in most of the ASEAN countries and the target was to halve the poverty incidence by 2015, in accordance with the Millennium Development Goals.

"There were around 80 million people in ASEAN who were still poor in the late 2000s, excluding Myanmar. There are no comparable data and estimates for Myanmar. Nonetheless, the poverty incidence of Myanmar using official poverty line is about 29 percent in 2010, or about 17.5 million people. Thus, there were still at least 41 around 100 million people in ASEAN who were poor in the late 2000s. In addition to the 100 million or so poor based on the 1.25 \$ PPP per capita per day, there were about 121 million people (excluding Myanmar) in the late 2000s who were marginally non-poor as their per capita income is below the 2.00 \$ PPP per capita per day which is sometimes used as the more stringent poverty line. This means about two-quarters of the ASEAN population were still either poor or marginally non-poor in the late 2000s. This is clearly still the dominant key challenge facing ASEAN now and beyond 2015 -- *that of eliminating the number of the poor and ultimately even the marginally non-poor*" (Intal, et al, 2014:1-52).

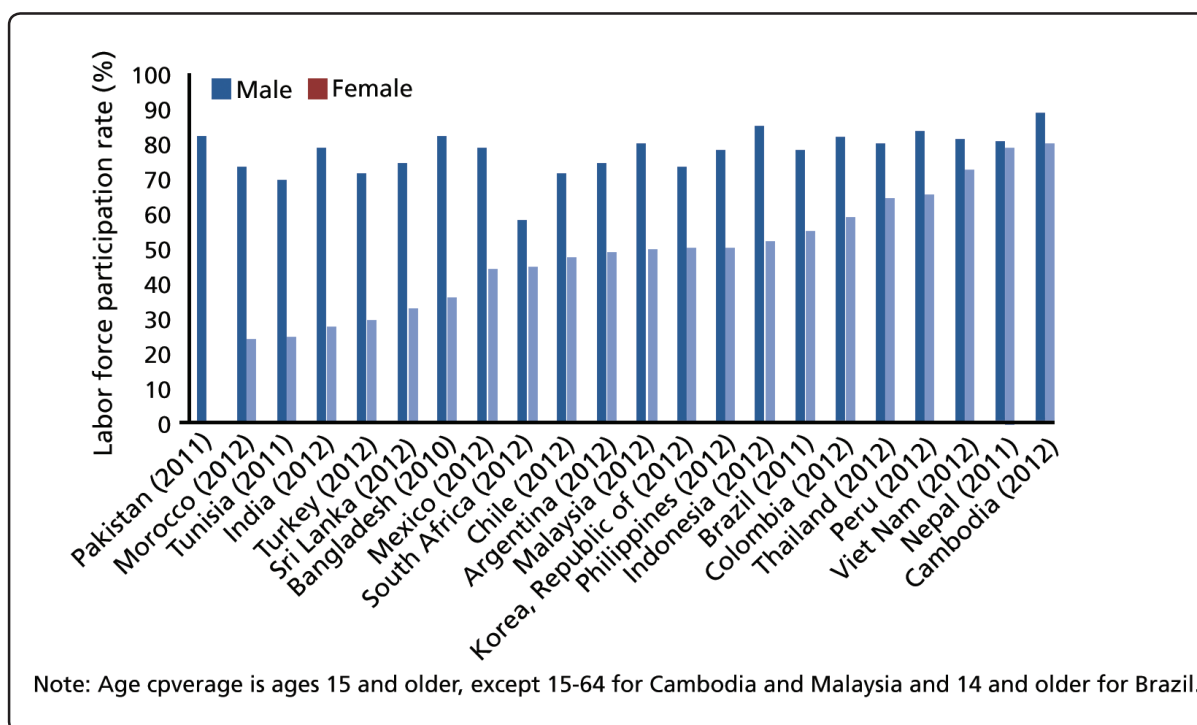
Progress in women's economic rights is usually seen in her work in formal employment such as in factories, offices or in other paid or salaried work. It must be noted that women work at home, at the community and at a designated workplace. In developing countries, majority of the work force especially women are not engaged in wage work but work in the informal economy. For example, care giving is considered as work though many women perform it as part of her household duties, that is usually unpaid. "Work undertaken for the care of others has contributed not only to accelerating and protecting human development for present generations (for example, through care for children, older people and people with disabilities), but also in creating human capabilities. Care work can be paid or unpaid and includes household activities such as cooking, cleaning and collecting water and fuel wood as well as tending to children, older people and the sick. When care work is paid, it is often referred to as domestic work. The International Labor Organization estimates that there are at least 53 million paid adult domestic workers worldwide, 83 percent of them women (UNDP HDR 2015: 57). "Between 1995 and 2010 the share of domestic workers in total employment rose from nearly 6 to 8 percent in Latin America and the Caribbean; it also rose in the Middle East and in Asia and the Pacific. This work is critical for present and future human development" (UNDP HDR 2015: 57).

Core indicators for access to economic opportunities are labor force participation rates, employment rates for men and women, employment and unemployment rates across all sectors: women in the formal and informal economy, women in agriculture, industry and services, average daily pay for men and women across all economic sectors, proportion of land titles awarded by sex and percent of women beneficiaries of financial and non-financial business services.

Sex-disaggregated data on indicators of economic rights leave much to be desired. No less than the MDG Report of 2015 has recognized the need to enhance statistical capacity in the region: “ASEAN could take on the role of complementing the broader monitoring frameworks with such disaggregated indicators, putting more emphasis on distinctions between rural and urban, poor and non-poor regions or populations groups and gender in a diverse set of social and environmental indicators. Such efforts should be closely coordinated with institutions like the ADB and the UN system, in particular ESCAP.” Chapter 3 of the ASEAN Statistical Yearbook, of 2014 (published in July 2015) has sex-disaggregated data on labor and employment, particularly on labor force participation rates, employment and unemployment rates. There is lack of data for vulnerable employment in Brunei Darussalam. (BCR)

Labor force participation rates, employment and unemployment rates disaggregated by sex for 2013 is contained in the ASEAN Statistical Yearbook 2014. LFPR are shown in Figure 1 below.

Figure 1. Labor Force Participation Rate: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Viet Nam²³



²³ ILO Key Indicators of the Labor Market, 8th Edition. Online at: http://www.ilo.org/empelm/what/WCMS_11440/lang-en/index.htm; Bangladesh Labor Survey. Online at: <http://www.sid.gov.bd/wp-content/uploads/2013/01/Key-Findings-of-Labour-Force-Survey-2010.pdf>; Pakistan Labour Force Survey. Online at: http://www.pbs.gov.pk/sites/default/files/Labour%20Force/publications/Pakistan_Employment_2012.pdf; Nepal Living Standards Survey. Online at: <http://cbs.gov.np/nada/index.php/catalog/37>; Sri Lanka Labour Force Survey. Online at: http://www.statistics.gov.lk/samplesurvey/Labour%20Force%20survey_Annual%20Report_2012-final.pdf

In addition, recent studies that analyze women's work participation in the context of ASEAN integration provide systematic information on the progress in women's economic rights.

Women's workforce participation and employment

There are consistently less female than male participants in the ASEAN labor market. "Between 2010-2013 the labor force participation rates (LFPR) remained steady at slightly more than 70 percent. However the rate for women was around 59 percent, while that for men was about 82 percent" in the region (ADB & ILO, 2014:8). In 2013, women's labor force participation rates were consistently lower than that of the males. Female LFPR ranged from a low 49.85 percent in the Philippines to a high of 77.8 percent in Cambodia. LFPR within the 50 percent range were found for women in the Philippines, Indonesia, Malaysia and Myanmar. This implies that there is a lot of untapped human potential of the female population in these countries.

"Across all AMS the average LFPR gender gap is 19 percent and it is narrowest for Lao (approximately 3%) and widest for Indonesia (33 %). In Singapore and Brunei, In Singapore and Brunei, though narrowing marginally, the LFPR gender gap remains significant at 17.3 percent and 20 percent respectively. In Vietnam, Malaysia, Thailand and the Philippines, the male-female LFPR rate has remained parallel showing persistent gaps in their participation. In Indonesia the gap appears to have widened over time starting in early 2000s" (Jha & Shri Saxena, 2015:37).

The informal economy in ASEAN member states accounts for around 60 percent of total employment. In Indonesia, the Philippines, Cambodia, Lao PDR informal employment is rife. For example, the Indonesian labor force was estimated at 69.2 percent or 125.3 million people in February 2014. An estimate of 46 percent of those employed was in the formal economy and 53.6 percent in the informal economy.

Of those in the informal economy, 57.9 percent were women while 50.9 percent were men. "There have been efforts to support women to access job opportunities in the formal economy, such as gender quotas in parliament and flexible working hours, however, further efforts are needed to bridge the gender gap, particularly regarding discrimination, job quality in sectors dominated by women and provisions that allow for maternity leave" (ILO, 2014:3). (See the Indonesia country report).

"Nine out of 10 women with non-agriculture jobs work in the informal sector in Indonesia. This leaves many women vulnerable, as the informal sector typically lacks the oversight, protections, and regulations offered to formal sector workers. Even when women are employed in the formal sector, they are often in smaller-scale and less profitable areas" (Rodriguez, 2015).

The more developed AMS have more women in formal employment. The Singapore labor force statistics in 2014 show that the employment rate for women is at one of its highest levels - 76 percent for the prime working ages of 25 to 54 years old.

Women dominate vulnerable employment in the ASEAN where there is a significantly higher proportion of vulnerable employment in ASEAN. In 7 out of 10 AMS for which there are available data, the share of women vulnerably employed exceeds that of men. For example, the share of vulnerable employment in Lao PDR is very high. Own-account workers and unpaid family workers – defined by the ILO as “vulnerable employment” – constitute 84 percent of total employment. The remaining 16 percent are employers and paid employees. The country’s high levels of vulnerable employment are due to the predominance of the agriculture and fishery sector, and the services sector (shop and market sales workers, and elementary occupations). These data show that while men and women are almost equally engaged in the labor force, women are at the losing end of wage and income inequality earning the equivalent of only 72 percent of what men earn (MDG Report, 2013: 18).

Vulnerable employment in ASEAN may be explained by difficulties in transitioning from informal to formal employment. In Indonesia, Philippines and Viet Nam, approximately seven in ten non-agricultural workers are informally employed and lack basic social or legal protection and employment benefits” (ADB/ILO, 2014:12).

One category of female labor participation is unpaid family work as contributing family workers who perform domestic chores, caregiving functions and other reproductive tasks. Women’s unpaid or undervalued work as family labor in their homes, around the farm and in the markets are imbedded but invisible in the rural economy. In the Philippines, not all employed women and men were paid; in fact, a considerable number were unpaid family workers. In October 2010, unpaid family workers in own family-operated farm or business were estimated at 4.3 million. Of the total figures, 2.4 million (56.7%) were women while only 1.8 million (43.3%) were men. The share of women in wage employment in the non-agriculture sector was placed at 41.9 percent in 2009 and 41.8 percent in 2011. This hardly shows any change from the 1991 data, which is placed only at 40.6 percent (Rodriguez, 2015).

In some countries in ASEAN, women are able to work by hiring domestic workers from Myanmar, the Philippines, Laos, Cambodia and Indonesia to perform reproductive work such as caring for children and the elderly, cleaning the house, cooking and other tasks .

Many women are micro-entrepreneurs engaged in tiny livelihood and income earning activities; in reality, these are *nano* enterprises. Women could be independent entrepreneurs or subcontractors of bigger firms and multinational establishments. Further, women engage in multiple income earning activities to meet their needs. For instance, there were 514,278 establishments in Cambodia as of March 2014, an increase of 11 percent from 463,363 establishments in 2011. Sixty (60) percent of them were managed and run by women. The survey also found the operational size of the establishments in Cambodia has been expanded with the increased number of establishments with more employees, compared to the last four years. Although the number of women in business has increased in the last five years, most of them are in the form of small business only. Low education and low incomes are the main challenges for the promotion of women entrepreneurs. A recent initiative at the regional is the launch of the ASEAN brand GREAT WOMEN as a platform to help women entrepreneurs to

upgrade their products through cooperative and collaborative

Employment rates of women and men

ASEAN women may be at a disadvantage in securing decent jobs; they may be mostly found in vulnerable employment which refers to own-account and contributing family workers, less formal arrangements, inadequate working conditions and social protection. According to the most recent data, 58.8 percent of ASEAN workers (179 million) were in vulnerable employment, compared to 48.0 percent of the world's workers (ADB & ILO, 2014:12). Cambodia illustrates this phenomenon well. The majority of Cambodia's population is engaged in the agriculture sector. Women represent over 50 percent of the agricultural workforce and are particularly vulnerable to the economic inefficiencies of the farm and have limited off-farm livelihood opportunities. Additionally, the agriculture sector is highly vulnerable to climate change, and natural resource degradation is exacerbating rural poverty (USAID, 2014:1).

A major factor is the lack of decent work opportunities, a shared concern of the underdeveloped ASEAN Member States.

Migration as a channel for employment

Migration for work is an alternative to the lack of job opportunities in many AMS but it is fraught with social issues. Internal and cross-border migration has rapidly increased in recent years (CEDAW/C/VNM/CO/7-8, para. 30). Internal migrant workers, including women and girls, may face barriers in accessing basic social services. Migrant women and girls, especially women domestic workers, may be subject to a high risk of sexual and labor exploitation. Women and girls migrating abroad are often victimized by fraudulent recruitment agencies and brokers for international marriage. Migrant women, who are employed in domestic work and are victims of exploitation and violence, find it extremely difficult to file complaints and access justice because domestic work is not recognized in all but one country in Southeast Asia.

In the ASEAN region, the less developed states like Cambodia, Lao PDR, Myanmar, and even medium HDI countries like Indonesia, Philippines, have been increasingly high levels of labor migration. Statistics from the past years (2004-2011) consistently show an increasing trend in the number of Filipinos working abroad. According to the World Migration Report 2010, there are around 8.7 million Filipinos in 239 host countries. In 2011 alone, a total of 1,687,831 overseas Filipino workers was deployed abroad, which is an increase of 15 percent from that in 2010 (IOM – World Migration Report 2010). The 2011 Survey on Overseas Filipinos (SOF) conducted by the Philippine Statistical Authority-National Statistics Office (NSO) estimated a total of 2.2 million overseas Filipinos which increased from the previous year's estimate of 2.0 million OFWs. Of the 2.2 million OFWs in 2011, female OFWs were estimated at 1.03 million (47.8%) or an increase of 5.8 percent from the 975 thousand estimated female OFWs in 2010. Male OFWs accounted for 52.2 percent or around 1.13 million of the total OFWs in 2011, an increase of 5.4 percent from the estimated 1.07 million male OFWs in 2010. Female OFWs in 2011 were generally younger than males. Around 63.1 percent female OFWs were

15 to 34 years old while only 48.5 percent male OFWs are of the same age group. There was a slight decrease of younger female OFWs because in 2010, an estimated 64.5 percent of the total female OFWs belonged to the 15 to 34 years old group. In 2015, there were 2.4 million Overseas Filipino work. Of these, 51.1 percent are female migrants and 48.9 percent were male overseas Filipino workers. The largest proportion of women migrants were from ages 25-29 (Philippine Statistics Authority, May, 2016).

“Gender gap in wages is also stark in the ASEAN region. On average, women in Cambodia and Singapore, for instance, earn about one-quarter less than men” (ADB & ILO, 2014:8). The same trend was observed in Lao PDR where men and women have nearly equal opportunity in labor force participation, women earn 25 percent less than men. (See Lao Country Report).

Progress in narrowing the wage gap is noted in Singapore, Thailand and Brunei. The latter has the lowest gender wage gap in the region at 1 percent in 2014, according to the ILO. (Jha & Shri Saxena, 2015:46) According to Singapore’s report to the Universal Periodic Review in 2011, in 2009, the median gross monthly income of full-time employed females was 92.0 percent that of males, up from 84.4 percent in 1999. Women also make up an increasing proportion amongst employers in Singapore – 24.4 percent in 2009, up from 16.8 percent in 1999.” Though Thai men still earn higher wages/salaries, the gap has been narrowing and slightly different. In 2010, for employees, the average salary gap between men and women was only THB200 (USD 6) (CEDAW/C/THA/6-7, paras. 92-93).

Approximately 92 million workers or 30.3 percent of all workers in ASEAN live on USD2 per day. The global rate is 26.7 percent of total employment (ADB & ILO, 2014:12). Many women work in the informal sector for many reasons, such as lack of education or lack of opportunity to enter the formal sector. Also, informal sector work is more flexible and not binding and fits better with the situation of women who are still attached to stereotypical and traditional gender roles. But, work in the informal sector is more insecure because there is no guarantee of sustainable work and other protection. A lot of women in the informal sector work as domestic workers vulnerable to exploitation and violence. In addition, wages were lower than those in the formal sector, and working hours were often longer.

Education also plays an important role in the kind of employment women ended up with. One study in Indonesia noted that “compared with having a junior secondary education, having a college education increases the probability of working in a regular job by 25.6 percent and having a senior secondary education increases it by 10.3 percent. Women with at most a primary school education were less likely to be regularly employed” (IZA World of Labor, 2014:8). This is also similar to the earlier ILO finding (2013:44) that education attainment is correlated with gender wage differentials - “the proportion of unemployment for individuals with higher education is higher for women than for men.”

Analysts attribute the persistent gender gaps in poor economic participation in the AMS to *gender differences in human capital, discrimination in institutions and traditional social norms*. These three factors exist in varying degrees in the AMS and prevent women from equal access

to opportunities. Women tend to spend fewer years in school than men except in Brunei, Myanmar and the Philippines where the gender gap in education is now nil. However, LFPRs by educational level show that a large percentage of the highly educated women remain unemployed (Jha and Saxena, 2015:67).

Furthermore, the ILO research (2013) identified several barriers to the transition of women to the formal labor market, namely, patriarchy, gender stereotypes, biological factors, education, religion and culture, politics, marriage and divorce.

Gender Equality in Employment

AMS have endeavored to foster gender equality in employment through policy measures such as those in Brunei, Malaysia and Myanmar. For example, the government of Brunei has introduced new legislation, policies and regulations to promote gender equity in employment in the last five years such as: Employment Order 2009, to replace the former Labor Act, which seeks to protect women in the workplace by providing maternity benefits for pregnant woman; the Work Place Safety and Health Order 2009; the Maternity Leave Regulation 2011 which stipulates 105 days of paid maternity leave for all women employees. For women civil servants, this is an increase from the previous 56 days paid maternity leave. In the civil service, regulation have been amended in relation to term of employment for non-graduate married women personnel from month-to-month basis to permanent basis, based on the same term as graduate women as well as men. This ensures job security for women and their entitlement to various remuneration and benefits in the civil service such as leave passage allowances and education allowances (UNESCAP, 2014:5). Out of 46 600 civil servants in Brunei Darussalam, 23,400 were females and 23, 200 were males. Women outnumbered men by 200 employees (Brunei Times, 2011).

The Government of Malaysia has improved maternity leave facility for civil servants by increasing the number of fully paid maternity leave benefits from 60 to 90 days (UPR Malaysia Report, 2013). Likewise, Myanmar enacted the Minimum Wage Law in 2013 that entitled male and female workers (both male and female) the fields of commerce, production and service, agriculture and livestock breeding to be paid minimum wages as stipulated by the law in order to enjoy the same rights and salaries in respect of similar work (Sec 10).

In Viet Nam, the Labor Code amendments of 2013 stipulated a number of new provisions on female workers in an effort to enhance gender equality in hiring, using, training, working hours, rest periods, salaries and other benefits; coupled with the increased maternal leaves to 6 months (UNESCAP, 2014:25). Also, the government of Viet Nam launched a series of programs creating job opportunities and promoting the employability of women have been implemented.

The amended social insurance law adopted in November 2014 introduced paternity leave for the first time and which must be obtained within 30 days from child birth. There still are different retirement ages for women and men—women must retire at 55 while men are allowed to retire at the age of 60.

Still, there are discriminatory practices against women by employers based on maternity and pregnancy in Viet Nam. There is a list of 38 types of jobs such as installing oil rigs at sea or drilling wells that prohibit all women from doing. In addition, employers are prohibited from hiring pregnant women or women with children under 12 months of age for another 39 types of jobs²⁴.

Access to land

In some AMS, women tend to be disadvantaged in acquiring land and assets by a lack of information relating to the customary attitude that perceives men as the head of household with exclusive rights to control and manage all of the family's property. In most countries, women officially have equal rights in respect of other non-land assets; but, in practice, women generally have less power to make spending, employment and family related decisions than men (Jha and Saxena, 2015: 67). For example, Article 35 of the 1974 Indonesian Marriage Law recognizes the concept of joint ownership of property of husband and wife, however, there is a strong tendency to register the land to the name of the husband. In Java alone, majority of land titles are under the husbands' names. In the Philippines, majority of peasant families are landless and work in predominantly foreign-owned agricultural plantations, where they earn a basic pay of around PHP148 , with women farmworkers getting, on the average, PHP125 or 15 percent lower than basic pay (UPCWS, 2015). Women's lack of individual ownership rights is reflected in their disproportionately small possession of land instruments like only 33 percent of Certificates of Land Ownership Agreements and 14 percent of Emancipation Patents are held by women²⁵ (Refer to country reports of Lao, Philippines and Vietnam).

CONCLUSION

The past decade has seen some success in claiming women's rights, particularly in closing the gender gap in education and health, as well as, putting in place policy measures to curtail violence against women and human trafficking.

There have been considerable advances in applying the UN Treaty on the Elimination of All Forms of Discrimination Against Women to the development of pro-gender equality laws and policies across the region. For instance, the outlawing of domestic violence, sexual harassment, rape, and human trafficking has recently been undertaken in many ASEAN countries. There is progress in the work to reduce maternal mortality and provide for social protection and access to justice for women, especially those involved in migration.

As a result of the ASEAN integration processes, the key challenge is to prepare the ASEAN workforce to make them competitive in the evolving regional labor market. Developing knowledge institutions and calibrating them against the backdrop of the regionalism and

²⁴ Circular No 26/2013-TT

²⁵ Philippine Statistical Agency, 2014.

integration would not only push for a more competitive human resource but a more innovative and technologically advanced ASEAN society (Macaranas, 2014)²⁶.

Women's presence in parliamentary bodies have shown dividends, as in the cases of Indonesia and the Philippines. In Indonesia, after the quota system for women in Parliament was implemented in the 2004 election, which effectively applied a quota policy for women in the electoral system, elected women members of Parliament (MPs) pushed for the passing of the Domestic Violence Law (**Kekerasan Dalam Rumah Tangga** - KDRT) on 14 September 2004. The KDRT bill was proposed by the women's movement, supported by the National Commission on Violence Against Women (*Komnas Perempuan*) and the Minister for Women's Empowerment (Munir 2005). Nearing the 2009 election, women MPs, who are members of the Parliamentary Caucus, and the above groups, were able to include provisions that underline political affirmation into the Political Party Law and Election Law.

In the Philippines, the Reproductive Health Bill was finally passed during the government of President Benigno Aquino III in December 2012. It took 14 years of advocacy to pass the law. The persistence of women, who stood for reproductive health, in political parties, in Parliament, as well as, the active lobbying of the women's movement eventually succeeded in pushing the reproductive health issue as a priority in Parliament. The Reproductive Health Law ensures that poor women have access to modern, healthy contraception devices; and, that sex education (from the perspective of reproductive health) is to be taught at schools.

It is worth noting that the movement toward gender equality is not a linear process; countries could back slide in the course of time, unless they consciously sustain their successful efforts. "The way for ASEAN countries is to stay competitive and on track with their development goals to promote gender equity. This is especially so for equality in education. It has been proven that increased female literacy has resulted in better maternal health, reduced malnutrition in children and increased economic development, especially at local levels" (NTS, 2015). Indonesia, Singapore, and the Philippines have followed this path; examples that newly developing members can emulate. This was the same strategy that Lee Kuan Yew and his team pursued and created the skilled labor force that stands as the backbone of Singapore's social cohesiveness and economic strength (NTS, 2015). Gender gaps can be found in all spheres suggesting that more efforts are required to achieve the desired targets for gender equality.

Five countries (Cambodia, Indonesia, Lao PDR, Myanmar and the Philippines) still have high maternal mortality ratios and adolescent birth rates compared with most middle-income countries globally. Among other things, the contraceptive needs of adolescent groups – not always a culturally accepted area of discussion – are often left out of the agenda.

In political participation, gaps were noted in Malaysia and Lao PDR. In Lao PDR, key political bodies have yet to show improvements in women's representation and leadership, such as at central party and local government levels where women's representation is lowest at 9 percent.

²⁶ Prof. Federico M. Macaranas, Ph.D., Presentation to the Sisters of St. Paul of Chartres, Philippine Institute of Sports Complex, Pasig City, Philippines, May 8, 2014. <http://asean.aim.edu/research/presentations/asean-2015-challenges-and-opportunities-for-educators/>

Similarly, the gender gap report for 2015 on Thailand's political participation show that glaring gaps persist in the political participation of women. "Women are much less likely to access gainful employment outside of the household. Those who are employed are also more likely to be in vulnerable employment, with worse job conditions including lower wages and with little or no recourse to social protection systems or basic safety nets. ... Again specific groups are particularly at risk – including women belonging to migrant groups, ethnic minorities, and refugees - and remain outside the realm of policy focus" (MDG Report, October 2015:34).

Obstacles for advancing women's rights are many and diverse, ranging from discriminatory attitudes towards women in public positions to persistent gender inequities in literacy rate and education, in health care, and in economic empowerment and in women's burden of care and unpaid work. Violence against women in various forms, as well as, trafficking in women and children also remain widespread. Also, measuring progress on women's economic rights is limited by the fact that most government data and international development reports only capture the contribution of women in the formal economy. Official data on women's informal economic activities is sparse. The depth and influence of each obstacle vary within and between the AMS countries.

All told, progress in fulfilling women's rights is uneven, adding to complexities in the ASEAN region"²⁷.

Endnotes

Rights: A woman is entitled to an equitable division of joint property upon divorce

Responsibilities: A spouse may be financially obligated to support his/her wife/husband and children after the termination of the marriage.

-Spouses share equal **rights** and **responsibilities to their children** in the termination of their marriage:

Rights: In the event of a divorce, either spouse should only take legal action to have child custody removed from the other spouse on the objective grounds of the children's best interests, in line with the principle that "the interests of the child/children shall be paramount".

Responsibilities: A spouse may be financially obligated to support his/her wife/husband and children after the termination of the marriage.

²⁷ (UN Women Concept Note, Regional Meeting on Women in Leadership and Decision making, 2014:2. <http://www2.unwomen.org/~media/field%20office%20eseasia/docs/publications/2014/9/regional%20meeting%20on%20promoting%20womens%20leadership%20and%20political%20participant.ashx?v=1&d=20141202T120318>

References

- ADB (2014 June). *Giving Women Voice in Local Governance Structures*. Retrieved from http://delog.org/web/wp-content/uploads/2015/09/ADB-Experiences_Giving-Women-Voice-in-Local-Governane-Structures-2014.pdf
- ADB and ILO (2014). *ASEAN Community 2015: Managing Integration for Better Jobs and Shared Prosperity*. Thailand: ILO and ADB. Retrieved from <https://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf>
- Akhtar, S. (2015 March 12). Gender Equality & Women's Empowerment: Asia-Pacific Progress and Challenges. *Delivered for the 59th Session of the Commission on the Status of Women in New York via video link from Sendai, Japan*. Retrieved from <http://www.unescap.org/speeches/gender-equality-womens-empowerment-asia-pacific-progress-and-challenges>
- An Act for Prevention and Solution of the Adolescent Pregnancy Problem, B.E. 2559 (2016). Retrieved from http://rh.anamai.moph.go.th/ewt_dl_link.php?nid=51
- Aring, M. (2015). *ASEAN Economic Community 2015: Enhancing Competitiveness and Employability Through Skill Development*. Bangkok: ILO. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_344796.pdf
- ASEAN Parliamentarians for Human Rights (APHR) (2015 April). *The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action*. Report by APHR. Retrieved from <http://reliefweb.int/sites/reliefweb.int/files/resources/The-Rohingya-Crisis-and-the-Risk-of-Atrocities-in-Myanmar-An-ASEAN-Challenge-and-Call-to-Action.pdf>
- ASEAN Secretariat (2013). *ASEAN State of Education Report 2013*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asean.org/storage/images/resources/2014/Oct/ASEAN%20State%20of%20Education%20Report%202013.pdf>
- ASEAN Secretariat (2013 July 5). ACWC Expert Meeting to Develop a Study Framework on Economic Rights of Women to Land and Property in ASEAN Countries in *ASEAN Secretariat News*. Retrieved from <http://asean.org/acwc-expert-meeting-to-develop-a-study-framework-on-economic-rights-of-women-to-land-and-property-in-asean-countries/>

ASEAN Secretariat (2016 February 22). Press release of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). in *ASEAN Secretariat News*. Retrieved from <http://asean.org/press-release-of-the-asean-commission-on-the-promotion-and-protection-of-the-rights-of-women-and-children-acwc-2/>

Brunei Times (2011 January 6). More Women in Civil Service in *Brunei Times Online*. Retrieved from <http://www.bt.com.bn/news-national/2011/01/06/more-women-civil-service>

Buang, S. (2015 November 26). Tackling the Scourge of human trafficking rings. in *New Straits Times*. Retrieved from <http://www.nst.com.my/news/2015/11/113864/tackling-scourge-human-trafficking-rings>

Center for Non-Traditional Security (NTS) Studies (2015 April). Women in Southeast Asia: From Equality to Development in *NTS Bulletin*. S. Rajaratnam School of International Studies. Retrieved from <https://www.rsis.edu.sg/wp-content/uploads/2015/04/NTS-Bulletin-April-20151.pdf>

Chia, A. (2013). More help for those facing domestic violence in *Today Online*. Retrieved from <http://www.todayonline.com/singapore/more-help-those-facing-domestic-violence>

EU-Asia Dialogue (2013 June 13). Conference Report: Human Trafficking Challenges to Europe and Asia. in *EU-Asia Dialogue Conference*. Retrieved from http://www.kas.de/wf/doc/kas_36074-1522-1-30.pdf?131115110518

GENCOMNET, DOVIPNET, NEW (2015 June). *Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in Vietnam, 2007-2015*. Retrieved from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/VNM/INT_CEDAW_NGO_VNM_20849_E.pdf

Henley, M. (2015 February 27). Philippines struggle to lower maternal mortality in *SciDevNet Website*. Retrieved from <http://www.scidev.net/asia-pacific/health/opinion/philippines-struggles-to-lower-maternal-mortality.html>

Hutt, D. (2015 January 27). Asean should definitely intervene in human right in *Southeast Asia Globe Current Affairs*. Retrieved from <http://sea-globe.com/asean-human-rights-southeast->

asia-globe/

Jha, S. and Shri Saxena, A. (2015 November). *Projected Gender Impact of ASEAN Economic Community*. FES, UN Women, ASEAN, Australian Aid. Retrieved from http://www.asean.org/storage/images/2015/November/27th-summit/ASCC_documents/Projected%20Gender%20Impact%20of%20the%20ASEAN%20Economic%20Community.pdf

ILO (2014). *Profits and Poverty: The Economics of Forced Labor*. Geneva: International Labour Organization. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf

Intal, Jr. P., Fukunaga, F., Kimura, P. Han, P. Dee, D. Narjoko (2014). *ASEAN and AEC: Progress and Challenges in ASEAN Rising: ASEAN and AEC Beyond 2015*. Jakarta: ERIA.

IWDA (2016 February 1). Women MPS Doubled in Myanmar's New Look Parliament. in *International Women's Development Agency website*. Retrieved from <https://www.iwda.org.au/women-mps-doubled-in-myanmars-new-look-parliament/>

Initiatives for International Dialogue (IID) (2015 April 27). Uphold women's political participation, ASEAN governments urged. in *Human Security and Peace Building Press Releases*. Retrieved from <http://www.iidnet.org/uphold-womens-political-participation-asean-governments-urged/>

Inter-Parliamentary Union (IPU) (2015). *Women in Parliament in 2015: the year in review*. Retrieved from <http://www.ipu.org/pdf/publications/WIP2015-e.pdf>

InterAksyon.com (2016 January 26). Cambodia, Singapore ratify ASEAN Convention Against Trafficking in Persons. in *Interaksyon*. Retrieved from <http://www.nst.com.my/news/2015/11/113864/tackling-scourge-human-trafficking-rings>

Liang-Lin, T. (2014 March 11). Let us not take gender equality for granted in *The StraitsTimes*. Retrieved from <http://www.straitstimes.com/singapore/let-us-not-take-gender-equality-for-granted>

Osoimehin, Bessel, and Pearce (2017 March 31). All Things Being Equal. in *Asia and the Pacific Policy Society (APPS) Policy Forum*. Retrieved from <https://www.policyforum.net/all-things->

equal/

Palet, L. (2016 January 6). This is the new sex tourism destination. in *Fast Forward*. Retrieved from <http://www.ozy.com/fast-forward/this-is-the-new-sex-tourism-destination/61036>

Partogi, S. (2015 September 12). Implications of mixed marriage for Indonesian women's property ownership. in *The Jakarta Post*. Retrieved from <http://www.thejakartapost.com/news/2015/09/12/implications-mixed-marriage-indonesian-women-s-property-ownership.html>

Philippine CEDAW Report (2004). *Combined fifth and sixth periodic reports of state parties*. Retrieved from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/459/70/PDF/N0445970.pdf?OpenElement>

Rodriguez, B. (2015 April 29). Women's Labor Rights: The Road Ahead in *In Asia Weekly Insights and Analysis*. The Asia Foundation. Retrieved from <http://asiafoundation.org/2015/04/29/womens-labor-rights-the-road-ahead/>

UN Economic and Social Council - Commission on the Status of Women (2015 March 9). As Women Thrive, So Will We All, Says Secretary-General as Women's Commission Opens Session, Pointing to Unacceptably Slow Progress Since Beijing during the *Fifty-ninth Session, 2nd Meeting*. Retrieved from <http://www.un.org/press/en/2015/wom2021.doc.htm>

UNDP (2015). *Report of the ASEAN Regional Assessment of MDG Achievement and Post 2015 Development Priorities*. Jakarta: ASEAN Secretariat. Retrieved from <http://www.asia-pacific.undp.org/content/rbap/en/home/library/mdg/asean-regional-assessment-of-mdg-achievement.html>

UNESCAP (2014 October). *National Review of 20-Year Implementation of the Beijing Platform for Action (BPFA) in Vietnam and the Outcomes of the 23rd Special Session of the General Assembly*. Retrieved from http://www.unescapsdd.org/files/images/Beijing20_national_review_VietNam.pdf

UNICEF & ASEAN (2016). *Regional Report on Nutrition Security in ASEAN Volume 2*. Jakarta: ASEAN Secretariat. Retrieved from https://www.unicef.org/eapro/Regional_Report_on_

Nutrition_Security_in_ASEAN_(Volume_2).pdf

United Nations Country Team in Myanmar (2011). *Achieving the Millennium Development Goals in Myanmar*. Retrieved from <http://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Myanmar/Thematic-Analysis-2011-for-Myanmar.pdf>

UNODC (2014). Global Report on *Trafficking in Persons*. Vienna: United Nations Office on Drugs and Crime. Retrieved from https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

UN Women (2014). Regional Meeting on Promoting Women's Leadership and Political Participation in ASEAN. in *UN Women News*. Retrieved from <http://asiapacific.unwomen.org/en/news-and-events/events/2014/10/regional-meeting-on-promoting-women-s-leadership>

UP CWS (2015). Women and the Economy in *BPFA+20 NGO Report*. Quezon City: UP Center for Women Studies.

Williams, C. (2014 September 10). Emerging Trends in Property Rights for Vulnerable Populations in Asia in *In Asia Weekly Insights and Analysis*. Retrieved from <http://asiafoundation.org/2014/09/10/emerging-trends-in-property-rights-for-vulnerable-populations-in-asia/>

WLB and UN Women (2010). *Understanding Women's Access to Justice: A Briefer on Women's Access to Justice*. Retrieved from <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/WomensLegalAndHumanRightsBureau.pdf>

World Bank (2013 September 19). Myanmar: Gender Equality and Development in *The World Bank Feature Story*. Retrieved from <http://www.worldbank.org/en/news/feature/2013/09/19/Myanmar-Gender-Equality-and-Development>

World Economic Forum (WEF) (2014). *Country Profiles*. Geneva: World Economic Forum. Retrieved from <http://reports.weforum.org/global-competitiveness-report-2014-2015/wp-content/blogs.dir/54/mp/files/pages/files/wef-ceprofiles-globalcompetitivenessreport-2014-15.pdf>

World Health Organization (2013). *Maternal Health*. Retrieved from http://www.who.int/topics/maternal_health/en/

Yusran, R. (2014). *Violence, exploitation, and abuse and discrimination in migration affecting women and children in ASEAN: A Baseline Study*. Retrieved from <https://cil.nus.edu.sg/wp-content/uploads/2013/04/RanytaYusran-HRRC-Women-and-Children-Baseline-Study-Indonesia.pdf>

CHAPTER 5: Challenges and Ways Forward

I. ISSUES PERTAINING TO WOMEN AS RIGHTS HOLDERS

As can be seen from the reports and analyses of the AMS, journey towards women's empowerment and gender equality has been quite challenging. There are persistent gender gaps in social development despite significant strides in health and education outcomes, reduction in infant mortality rate and marked increase in youth literacy rate, particularly in Cambodia, Laos, Myanmar and Vietnam. For women to benefit from the current ASEAN economic integration project, more concrete, systematic and deliberate policies to achieve women's empowerment and gender equality need to be enhanced and accelerated.

Are ASEAN women ready to take on the economic and job opportunities requiring high-level skills in a regionally integrated labor market? This is a question that all AMS must address. "Employers report significant gaps in both technical and soft skills. The overwhelming majority of reports on skill gaps in all ASEAN countries suggest that the lack of soft skills, such as time management, problem solving, creative thinking and interpersonal communication, is a critical void in the skills of the region's workforce. A lack of English language proficiency and computer-related or other technical skills also present challenges to employers, many of whom report difficulty finding suitable candidates" (ILO-ADB, 2014:22)¹. The same study took a closer look at tertiary education, which is usually seen as the jumping point from school to work. A college degree is often assumed to be a passport to employment; in reality, this assumption does not hold.

For example, in the Philippines, there is a chronic mismatch between the skills demanded and the supply provided. "Studies show that the largest groups of unemployed or underemployed in

¹ The latest information from UNESCO (various years) on tertiary science degrees in the region, show proportions of science degrees out of all tertiary degrees received ILO/ADB (2014:31-32).

1. In Brunei Darussalam, 11.3 per cent of students received tertiary science degrees in 2011 (10 per cent of female degrees and 13.7 per cent male of male degrees). There were no available data for Singapore. However, according to Singapore's 2012 Graduate Employment Survey, more than 85 per cent of graduates in the sciences were employed full time, with the exception of one or two specific occupations (MOE, 2012).

2. In the ASEAN-4 countries, in Malaysia, 10.8 per cent of students graduated with science degrees in 2010 (10.3 per cent of female degrees and 11.5 per cent of male degrees). In Indonesia, 5.5 per cent of students graduated with science degrees in 2009; gender disaggregated data was not available. There were no available data for the Philippines or Thailand.

3. In the CLMV countries, the highest is Myanmar, with 32.3 per cent of students earning science degrees in 2011 (33.2 per cent of female degrees and 30.6 per cent of male degrees). Next is Cambodia (2008), at 9.4 per cent (3.8 per cent of female degrees and 11.5 per cent of male degrees). Finally, the Lao People's Democratic Republic (2011), at 3.3 per cent (3.2 per cent of female degrees and 3.5 per cent of male degrees). Data for Viet Nam were not found.

the Philippines today, despite the massive economic growth, are college graduates” (Bernabe, 2013). “Many firms face the challenge of hiring higher education graduates who simply do not have the right skills and these skills mismatches have been widening between firms and employees at all employment levels” (ILO/ADB, 2014:32).

Most ASEAN nations would need to produce a larger number of graduates with science, technology, engineering, and mathematics skills (STEM) because these are the skills necessary in a knowledge economy (OECD, 2012, p. 25). *It is often assumed that graduates with STEM skills require a university degree; but it is important to recognize that many good STEM jobs require less than a tertiary degree* (Aring and Leff, 1995).

Concern has been raised that gender equality has been considered only in the ASEAN Socio-Cultural Community, and has been left out in the other two ASEAN pillars. This is articulated in the Joint Statement of the Southeast Asia Women Caucus (2012):

“We, the representatives of various women organizations, groups, affiliations from the ASEAN region are concerned about the impact of the ASEAN Economic Community (AEC) 2015 integration plan and the ASEAN Community blueprints on Women. ...We have deep concerns that the three blueprints have been formulated in isolation of one another and have not taken into consideration the collective impact they will have over the ASEAN community, in particular, women” (ILO/ADB, 2014: 21).

Women’s capacities as leaders and parliamentarians must be raised to effectively advance women’s interests. While the increasing number of women parliamentarians is a welcome development, the numbers must be leveraged and optimized to yield the desired societal outcome. Women need to learn a manifold of skills including skills in communication and campaigning, leadership and management as parliamentarians, government executives, and judges and advocates. Female parliamentarians’ awareness, understanding, and knowledge on development issues are vital in enhancing their credibility and ability to persuade the members of male-dominated parliaments. Further, women’s ability to perform their functions as elected officials can be hampered by low levels of education, lack of support from husbands and families, lack of confidence, and time conflicts between managing both household and public life. Critical work-related challenges include lack of knowledge and understanding about their role as publicly elected officials, navigating the operational procedures, limited facilitation and advocacy skills, lack of information about meeting procedures and protocols, and lack of support from male colleagues. Hence, while female reservation quotas have led to increasing the numbers of women representatives in local government bodies, these women still require capacity development, leadership skills, and strategic support to fully exercise their power and truly represent the constituency they serve (ADB, 2014). Even with enhanced skills and knowledge, elected women are often reluctant to exercise their voice and agency due to lack of confidence, limited advocacy skills, and hesitancy to speak in front of a room full of men. Newly elected women can encounter intimidation from their male colleagues. Also, women are often left out of networking opportunities that provide them with strategic allies.

Based on the analysis of twenty eight (28) CEDAW reports from the AMS, women face common challenges in claiming their economic rights, such as lack of employment opportunities for women despite the high level of education attained by girls and women; high illiteracy rates among women, in particular those from rural areas, ethnic minority groups or who are disabled; the large disparity in school enrolment rates for males and females and the high dropout rates of girls; the huge pay gap between women and men, and the inequalities in the social security benefits provided to women and men; the low percentage of women participating in leadership and management, which is not commensurate with the potential and contribution of women; stereotyped roles due to the cultural and traditional practices; and the high occurrence of violence against women and girls, which are underreported, and that those that are reported are settled out of court, the lack of information on mechanisms and remedies available to victims of sexual violence, as well as, measures to bring perpetrators to justice (Syahirah, 2015).

Women's readiness to take advantage of the opportunities brought by the ASEAN economic integration must be given attention. *Women must acquire the technical and vocational skills to enable them to take advantage of the job opportunities in the AEC.* Skills are very important in seizing job opportunities. Even though "the bulk of jobs will continue to be medium-skilled and low-skilled, the rate of growth will be fastest in the high-skilled ones, and that's also where there are chances for productivity improvement."

A study by the ADB and the ILO, foresee that "(T)he integration could generate 14 million additional jobs by 2025 and boost economic growth to 7 percent by allowing for the freer movement of skilled labor. But Indonesia could see the least benefit, with only 1.9 million additional jobs – or 1.3 percent of total employment – expected (ADB & ILO, 2014). The same study expects that much of the job growth created by the ASEAN economic community will be in trade, construction and transportation – sectors that often provide informal work and employ more men than women. It will also drive further increases in migration among medium and low skilled workers, increasing the need for protections and safeguards. The study added that nearly half of the gains in high-skilled employment are expected to take place there. And yet, much of that employment will go to people who lack sufficient qualifications due to insufficient training and a lack of education. The demand for high-skilled labor in the region will be unevenly distributed across countries, sectors, and between men and women. For example, Indonesia has gains in the chemical sector, in construction, in trade, and transportation. It has the ASEAN's largest workforce and it has a huge youth population; whereas, other countries like Thailand and Singapore are aging very fast. Indonesia has a huge domestic market, a lot of young people, innovation, and new ideas. The question is how are these population segments prepared for the skill requirements of the job opportunities in an integrated economic regime (Schonhardt, 2014). Further, to narrow the gender gap, countries need to increase the involvement of women in technical and vocational education and training programs, including in non-traditional areas (ADB, 2014).

2. ISSUES PERTAINING TO DUTY BEARERS AND THE POLICY ENVIRONMENT

At country level, the AMS duty bearers must introduce the essential policy reforms to eliminate the barriers to women's entitlement to own assets, as well as, to ensure that women are prepared to meet the ASEAN integrated labor market. This implies reviewing and reforming the TVET institutions. "Skill constraints can retard growth just as much as weak infrastructure. This is especially important for critical sectors, such as information and communications technologies (ICT), that might be a source of foreign exchange or that are needed to improve the productivity of other sectors, such as health care, financial services and lean manufacturing" (ADB, 2008; Aring, 2013a). Skills shortages due to out migration, ageing populations and declining birth rates, as in the case of Thailand, make skills development a priority because skill shortages could intensify and become more costly (Aring, 2013a; ILO-ADB, 2015). As the region forms a common market, the quality of education systems² needs to become more aligned to prevent brain drain and provide more equal opportunity and mobility. In terms of gender issues, women and girls appear to have similar access to primary and secondary education as their male counterparts in majority of ASEAN countries. With the exceptions of Cambodia and the Lao People's Democratic Republic, women have higher graduation rates than men at the tertiary level. This relative parity suggests that cultural norms within most ASEAN countries support and encourage the education of girls and women, in contrast to other regions, such as Latin America (ILO-ADB, 2015).

There is a need to develop the capacity of legal enforcement officials on substantive recognition of the rights of women and children and in addressing the issue of violence against women. There is a need to raise duty bearers' consciousness of women's rights and overall public awareness and involvement in preventing and eliminating violence and discrimination against women and children. Violence against women, in all its forms whether at home, work place or public spaces not only violates the human rights of women, but also impedes women's ability to fully participate in the productive activities in society. To address this gap, the ACWC must assist, upon request, ASEAN Member States in the implementation of CEDAW and CRC Concluding Observations and the preparation of state reports for CEDAW and CRC in partnerships with

² The World Economic Forum's Global Competitiveness Report rated the quality of education and training systems. According to the findings of the 2014-15 Global Competitiveness Survey:

1. Singapore ranked second of 144 countries measured on overall competitiveness. The quality of primary education was ranked 3 out of 144 and the quality of its higher education was ranked 4/144 countries. (GCR, 2014-2015:334-335) Singapore's competitiveness is enhanced by its strong focus on education which has translated into a steady improvement of its ranking in higher education and training pillar, where it comes second behind Finland. (WEF. GCR 2014-2015:12)

Brunei Darussalam did not have enough responses collected for inclusion in the 2014-2015 Report. The Survey was conducted in 148 economies in 2014. (GCR 2014-2015:96)

2. In the ASEAN-4 countries, the highest ranked on competitiveness was Malaysia, at 20th of the 144 countries, Thailand at 31st, Indonesia at 34th, Philippines at 52th. Rankings on the quality of primary education place Malaysia at 17th, Indonesia, 48th, Philippines, 60th and Thailand, 90th. Rankings on the quality of higher education put Malaysia 10th, Philippines, 29th, Indonesia, 32nd, and Thailand, 87th.

3. In the CLMV countries, in terms of overall competitiveness, the highest ranked of the 144 countries in 2014-2015 is Vietnam at 68th, Lao at 93rd, Cambodia, 95th and Myanmar, 134th. Ranked on the quality of primary education, Lao, 84th, Vietnam, 91st, Cambodia, 113th, and Myanmar, 137th. Rankings on the quality of higher education are: Lao, 60th, Vietnam, 94th, Cambodia 101st, and Myanmar, 129th.

other stakeholders³.

The effective Implementation of the Regional Plan of Action on EVAW must be a priority in all AMS. Dedicated national laws on VAW and/or domestic violence have been enacted in most AMS but gaps still remain. For one, marital rape and other forms of sexual violence are not covered in current legislation in some ASEAN Member States. There are also data gaps on the extent and impact of VAW and very little resources — financial and human — to support the enforcement of laws and the delivery of support services. Most important of all, the pervasiveness of discriminatory gender norms and harmful traditional practices that condone VAW make it difficult to end gender-based violence in the region⁴. The ASEAN Regional Plan of Action has identified key priority action areas namely (1) prevention; (2) protection and support for victims and survivors; (3) legal framework, prosecution and justice system; (4) capacity building; (5) research and data collection; (6) management, coordination, monitoring and evaluation; (7) partnership and collaboration; and (8) review and communication of the ASEAN RPA on EVAW. The RPA⁵ serves as a guide for the ACWC and the ACW in the formulation of their respective work plans. ACWC is tasked to promote and protect the human rights and fundamental freedoms of women and children in the ASEAN, while ACW is tasked to implement, coordinate and monitor the implementation of ASEAN's key regional priorities and cooperation on women's issues⁶.

Duty bearers must recognize that women's social protection is multi-faceted and all aspects must be addressed. There is a wide range of social protection issues that need to be addressed, as described below.

- *Women's rights to own land and property must be protected.* AMS need to introduce protection policies to ensure that farmers and indigenous women groups have equitable access and control over the land and natural resources. Member States must recognize that women's fair and equal access to and ownership of land is critical to reducing poverty; and States should remove discriminatory provisions in laws, which prevent women secure rights to land, and abolish other practices, which discriminate on the basis of gendered land rights (i.e., credit applications, which require land titles, and are inaccessible to women who are unable to own land) in order to ensure that women realize their rights to property and productive resources on an equal basis as men. The local

³ Recommendation of the Regional Workshop on Promoting the Rights of ASEAN Women and Children through Effective Implementation of the Common Issues in the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and Convention on the Rights of Child (CRC) Concluding Observations with Focus on Girl Child was held from 20 – 22 August 2013 in Da Nang, Viet Nam.

⁴ Aurora Javate de Dios. Philippine Representative to ACWC. <http://mindanaotimes.net/talkback-thursday-women-of-asean-to-their-governments-walk-your-talk/>

⁵ In the Meeting of the ACWC and the ACW on 15 October 2014 in Myanmar, ACWC Thailand representatives initiated the drafting of the Policy and Plan of Action on the Elimination of Violence against Women in ASEAN in accordance with the Declaration on Elimination of Violence against Women and Violence against Children in ASEAN. The Thailand's Department of Women's Affairs and Family Development, as ACW Member, had set up the Ad hoc Sub – Committee responsible for this mission, composed of the President of the Ad hoc Sub – Committee (Dr. Saisuree Chutikul, Mrs Kanda Vajrabhaya, and Representatives from the government, private sector and the UN Women. There were several meetings and consultations among these stakeholders.

⁶ Aurora Javate De Dios, Philippine women's rights representative to the ACWC, presented the draft RPA to around 65 participants to the consultation workshop held at Lancaster Hotel, Mandaluyong City.

communities and relevant stakeholders that will be affected by various infrastructure projects must be consulted and given equal opportunity in decision making. (Rao, 2011)

- *Migrant workers need protection from exploitation and abuse.* Southeast Asia is the major arena of migration because a large number of the female migrant labor force comes from this region. They take up jobs as domestic workers, healthcare workers, frontline service staff, and sex workers. More women are leaving their homes and families to work in other countries and to become offshore breadwinners.
- The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is a way forward in protecting the rights of workers although, to date, its implementation plans remain vague. The operational, monitoring, and reporting plans of this Declaration need to accord the same protection and rights to all workers, irrespective of the ASEAN country she chooses to work in.
- There is also an increase in the volume of tourists travelling in the region, mainly due to the availability of low-cost travel. More women in Southeast Asia have been lured to the sex industry due to poverty or ignorance. They have also risked contracting HIV. The ASEAN Secretariat has spearheaded a campaign to raise the awareness of HIV among travel operators. However, the enforcement of the measures stipulated in the Declaration Against Trafficking of Women and Children remains weak.
- *Women and girls are disproportionately impacted by climate change and disasters.* This is increasingly recognized by governments across the region, with commitments to integrate gender into climate and disaster risk reduction policies and plans (Akhtar, 2015). Women in farming work and fishery are particularly vulnerable and must be given appropriate information and technical assistance to prevent huge economic losses.
- *Numerous segments of the female population need protection.* These include the girl child who victims of domestic violence, physical abuse and bullying; women and children who are sexually exploited; cyber pornography and cyber prostitution; early marriages; adolescent pregnancies; sexual and reproductive health and rights; harmful practices; juvenile justice; stateless women and children, among others.
- *An emerging issue is the ageing population within ASEAN, which affects both women and men.* The issue of whether to create a social protection forum at AEC level for technical and other assistance merits consideration. It is essential that ASEAN as a group considers creating mechanisms and modalities whereby individual countries can be supported in their reform efforts. This is to ensure that all ASEAN countries are able to construct minimum social protection capabilities and support systems, requiring ASEAN to put much greater weight on the social protection agenda in its functioning than has been the case until now (Cebu Daily News, 2013).

Breaches of women's social rights are found in transnational phenomena like trafficking, prostitution, and migration. These concerns have both economic and social underpinnings as they represent women's ways of coping with poverty. However, they spawn heavy demands on the government to provide social protection and facilitate women's access to social justice. The cross-border character of migration and trafficking requires a regional mechanism for handling complaints and cases. Within the umbrella of ACWC, the beginnings of a regional governance mechanism for migration can be thought out, and, if possible, initiated soonest. However, each

AMS must ensure that national health care systems can provide basic health services to their respective constituencies.

To be a coherent economic community it is essential that the flow of workers within the AEC is managed consistently with the overall interest of the AEC, rather than each country trying to maximize their own interests. In the long term, the AMS need to look into the portability of pension and health benefits across borders, which incorporates risk pooling, pre-funding, and redistribution to improve efficiency and fairness. Schemes to enable the elderly in all ASEAN countries to pursue productive ageing merits consideration at the regional level in consultation with the AMS.

External factors were found to facilitate increased women's representation in parliamentary bodies, such as (1) the implementation of the political representation system, (2) the electoral system applied to elect members of the political representatives (lower house and upper house), (3) the number of women who are represented in the institutions with political representation in each country, (4) the policies adopted by each country to increase women's representation in political representative institutions, and (5) the commitment of political parties to realize gender equality. Case studies of Cambodia, Indonesia, and the Philippines have led to these observations that are elaborated in the study of Kemitraaan⁷ (Rahayu, & Ikayanti, 2014).

The political party is the key to enabling women's representation. Political parties affirm state policies to increase women's representation in parliament; and the quota system is the main instrument when recruiting women into the party. Irrespective of a multi-party or single party system, a regular system for the recruitment of party members with a 30 percent quota for women is a prerequisite.

In Malaysia and the Philippines, the majoritarian system theoretically limits the probability of women's representation. With a single-member constituency and a majority formula to determine seats, political parties need to put forward their most powerful candidates to compete against other parties, especially if the competitor is the incumbent. For example, in Malaysia, the opportunity for women to be proposed as candidates solely depends on the internal policy of political parties. Women's nomination as candidates depend very much on the push from the party leadership. This is believed to have led to low representation of women in Malaysia, which remained around 10.86 percent between the 2008 and 2013 elections. In the case of the Philippines, there is a majoritarian electoral system combined with a proportional system and multi-member constituency for 20 percent parliamentary seats out of the total national seats (58 seats). Women can stand as candidates under a party list system where they stand a bigger chance of being elected. Under this system, the 2010 legislative elections in the Philippines resulted in 41 elect women members out of 229 MPs based on the majoritarian system, and another 24 elect women members out of 58 elect MPs based on proportional system. The results of the 2013 elections, show that there was a total of 80 elect women MPs through majoritarian and proportional systems. Today, women's representation in the Philippine Parliament has risen to 27.8 percent, or closer to 30 percent quota (Rahayu and Iskandini,

⁷ This section derives heavily from the Kemitraaan study, 2014.

2014:27-29).

Participation of women in political parties is one strategic way of ensuring that women get nominated for candidacy. This is an aspect that can be looked into in the future as there is not much information on women's participation in political parties. There is some evidence from Thailand, where, as of 20 September 2010, three of the existing 50 political parties were headed by women and had eight women as party secretaries. Information on members of political parties submitted to the Election Commission did not contain any sex-disaggregated data. As for the allocations of party list candidates, of which a maximum 100 are allowed for each party, the majority of parties had lower than 25 percent of women candidates, and women candidates were not listed on top of the lists (see Thailand Country Profile) (CEDAW/C/THA/6-7, para. 64).

In Indonesia, the main challenge is that the quota system for women only applies during election periods. It is not formally embedded as a policy by the parties, not even the women's quota for party management or leadership. Senior elite men dominate political parties and the internal competition within the parties to secure top positions in the party list. Seniority of elite male politicians is one of the fundamental obstacles that women who want to take part in politics have to face (Rahayu and Iskandini, 2014).

The obstacles to women's political participation include deeply entrenched discriminatory attitudes towards women in public positions and persistent gender inequities in literacy rate and education, in health care, and in economic empowerment, and in women's burden of care and unpaid work. The depth and influence of each obstacle vary across and between the AMS countries. Behind these obstacles are deeply entrenched norms, attitudes, and values that impede women's participation in public life (UN Women, 2014).

In some countries, the bias against women is shown in violence against women who are involved in political exercises. The protection of women's right to security is a crucial foundation for greater progress in women's political rights as citizens and decision-makers (Osotimehin, et al, 2017).

Women's limited participation in peace negotiation. For example, in the case of Myanmar, women's participation in ongoing peace negotiations between the state and non-state armed actors is a very limited, despite the formulation of a nationwide ceasefire agreement. According to the report of the Inter-Parliamentary Union issued in 2012, women from Myanmar, especially those from ethnic communities, are essentially disenfranchised at every level of post-conflict transition where important decisions are made. Myanmar still ranks very low in the number of women in the national parliament with 5.7 percent occupied seats in the lower house and 1.8 percent in the upper chamber.

In southern Philippines, the Bangsamoro women may have undertaken relatively higher political participation in the peace process, but "the right to equal opportunity and non-discrimination of women in social and economic activities have yet to be implemented especially in the conflict-

affected communities,” according to Dayang Karna Bahidjan of Nisa UL Haqq Flor Bangsamoro Women for Justice (IID, 2015).

Based on a 2014 study, the challenges for women when participating in politics in general are similar in Cambodia, the Philippines, Malaysia, and Indonesia. The challenges discussed above need to be addressed by a synergy of the government’s political decisions, political parties, and civil society movements, especially the women’s movement. An awareness that women’s identity is not homogenous because women’s interests are not homogenous is also necessary to attain substantive representation (ADB, 2014).

None of the economies recognize gender equality as a specific macroeconomic goal in their national development plans. In ASEAN, women empowerment is low on the priority list. Further, there is a lack of ASEAN initiative on the economic empowerment of women, as noted by Datin Intan (Brunei), current chair of the ACWC. Individual member states have their own women economic empowerment programs but as yet there is no clear ASEAN-wide program to foster women economic empowerment.. Recently, there were initiatives to increase economic opportunities within the APEC where many ASEAN member states belong. “The examination of the labour laws of ASEAN member countries in promoting gender equality at work and the protection of women workers have revealed that much progress has been made in the legal dimension. Although no ASEAN countries has yet ratified C 183, almost all countries already have relatively comprehensive laws in place in line with the principles of the convention. However, that might not necessarily lead to real changes in the domain of paid and unpaid work in the lives of working women as revealed in the persisting gaps in GII and GGI” (ASETUC, 2013:84).

Need for policy reforms. There are policies that restrict women’s access to productive resources or to economic opportunities. For example, Thailand’s previous constitution contained a nondiscrimination clause with gender as a protected category; but the 2014 interim constitution primarily covers administrative aspects and no longer includes this clause. In Lao PDR, the country’s labor code no longer mandates equal remuneration for work of equal value, as was previously the case⁸. Also, Malaysia lacks a national gender equality legislation even though it is still faced with increasing female labor force participation. There is a lack of labor rights and social protection of migrant domestic workers. It also has yet to amend the Employment Act or the Wages Council to address the issue of equal remuneration for equal work. Hence, women continue to get less pay for every type of occupation (JICA, 2012). (see Country Profiles)

Giving women greater access to assets through inheritance can change outcomes for children, particularly girls. For example, Brunei, Indonesia and Malaysia do not grant widows equal inheritance rights. Brunei is one of the seven economies in the East Asia and Pacific region that have “tax provisions that directly favor men.” Cambodia, Indonesia, Laos, Malaysia and the Philippines are claimed to have preferential tax provisions. And in Myanmar, Thailand and Vietnam, certain jobs are out of bounds for women⁹.

⁸ News Release, 10 September 2015, World Bank.

⁹ News Release, 10 September 2015, World Bank.

Even in the more economically prosperous countries like Singapore, Malaysia, Brunei, and Thailand, there are existing gender gaps. For instance, in Singapore, some of these include (1) some women are still not equally paid as their male counterparts for the same type of job (gender pay gap). In the 2014 Labour Force Statistics, women earn less than men in all occupational categories except clerical work. In most categories, this differential is more than 10 per cent. Although a roughly equal number of women enter tertiary institutions as men, (2) there is a fall-off of employed women in their 30s because of child-rearing and caregiving (3) Gender equality should also extend to women who come to work in Singapore. Domestic helpers should be duly recognized, not just within the family - such as through better working and sleeping conditions - but by society, with stronger legal rights in the case of exploitation for overwork, unpaid wages or physical and mental abuse¹⁰. According to Central Provident Fund statistics, (4) older Singapore women do not accumulate as much in CPF savings as older men. In 2013, the median CPF savings for women aged 51 to 54 was about \$90,000, and for males, \$130,000. With Singapore women living longer than men, (5) financial education for women will become more crucial¹¹.

Lao PDR and Myanmar, are at a stage where they are laying fundamental reforms for advancing women's rights. For example, Lao PDR is working on building and enhancing its sex-disaggregated data base; while Myanmar is laying the foundational architecture for promoting women's rights. Current challenges in Myanmar include high maternal mortality rates and unequal pay for women for similar work with men. With fewer women elected to office, women have a weaker voice and influence than men in politics. Myanmar needs to prepare for new challenges that will have an impact on gender equality such as economic integration, domestic and international migration, rapid urbanization, new information and communication technology, and population aging (World Bank, 2013).

Regional integration in ASEAN according to its proponents, will bring prosperity to the region. However, another view is that "(I)n a nutshell, the current model of economic development – which focuses on efforts to deregulate, privatize and remove trade restrictions – may have increased trade in the region, but it has done little to reduce poverty and violations against women's human rights" (Hutt, 2015).

A recent study (UN Women, 2016) observed that an increase in trade, cross-country investment and skilled labour integration that the ASEAN economic Integration aims to achieve is unlikely to materially impact on the lives of the vast majority of the women in ASEAN Member States. The wide disparities in women's labour force participation due to socio-cultural and institutional factors will likely inhibit them from taking advantage of the opportunities created by the AEC. Unless targeted interventions are undertaken, the AEC or any other economic market boost will not benefit women and consequently, ASEAN economies will not be able to maximize

¹⁰ Regarding Foreign Domestic Workers (FDWs) in Singapore, besides being covered by the Employment of Foreign Manpower Act (EFMA), they are provided with added protection such as (i) a mandatory settling-in programme to educate them about their employment rights and avenues to seek help, and (ii) a mandatory weekly rest-day. They can also claim or complaint against their employers by seeking help from the Ministry of Manpower. In addition, the Government carries out regular inspections and audits to ensure that employers comply with their obligations to foreign workers.

¹¹ Trina Liang-Lin. The writer is president of the Singapore Committee for UN Women and past president of the Financial Women's Association.

women's productive contribution to the ASEAN economic integration.

While there is a strong encouragement to increase women's participation in the workforce there are not enough laws, policies and programs to guarantee women's labour rights and social protection. For example, rural, indigenous and urban poor women face decreasing access to essential public services – often due to privatization of government utilities – which results in women taking up unpaid care work, which then decreases the time they have to participate in decision making processes in their communities, thereby cementing their marginalization (Hutt, 2015).

Women and youth face higher unemployment prospects and social protection measures are critically important to cushion in times of economic crises or unemployment. It is critical to have social protection measures for workers and enterprises with a broader coverage that can include informal workers, as well as, those who are self-employed¹².

WAYS FORWARD

1. *Enhance women's human capital to make them competitive in the integrated ASEAN market and enable them to take advantage of the opportunities that regional integration will bring.* The AMS must sustain the closing of the gender gaps and must be more conscious of the need to scale up the skills of its citizens, especially segments of women. Relative to this, social dialogues and information dissemination must be intensified to make the citizens aware of the ASEAN markets' requirements and challenges and internalize the long-term implications on their lives. Most especially, duty bearers must internalize the meaning of integration so that they could act accordingly and be motivated to do fast to be in step with the processes of integration. A couple of key actions for ASEAN Member States is to align their Technical Vocational Education and Training (TVET) to the demands of the labor market in an integrated ASEAN economy and to comply with regional standards to facilitate mobility of people.
2. *Address cross border concerns such as migration and trafficking and implement and sustain the regional initiatives in eliminating violence against women in these contexts by enforcing and implementing the declarations and resolutions adopted on these issues.* ASEAN has increased its efforts against trafficking with the 2004 Declaration against Trafficking Persons, Particularly Women and Children, and an accompanying work plan that was endorsed in 2007. With the ratification of the ASEAN Convention on Trafficking in Persons (ACTIP) and a regional plan of action launched on 21 November 2015 at Kuala Lumpur in conjunction with the 27th ASEAN Summit and Related Summits under Malaysia's 2015 chairmanship, trafficking has now become a central part of ASEAN's agenda. The ACTIP establishes a legal framework for the region to effectively address the issue of trafficking in persons. ACTIP's objectives, among others, are to effectively prevent and combat trafficking in

¹² Sukti Dasgupta, ILO, Power Point on Employment Trends in ASEAN Countries, n.d.

persons, especially women and children; protect and assist human trafficking victims with full respect for their human rights; and promote cooperation among the relevant parties. The leaders have stressed that victims of trafficking, mainly women and children, have the fundamental right to be protected in accordance with international law and relevant international conventions.

Effective enforcement of these regional actions requires a host of related activities, namely, the strengthening the gender equality programs of AMS in the post-2015 agenda; capacity building and gender-sensitivity and prevention of violence against women and children of the judiciary, law enforcement officers, including police officers and public prosecutors; foster exchange of information, sharing and updating 'best practices', lessons learned, progress and challenges on strengthening legal frameworks relating to EAW; how men and boys must be brought on board the EAW campaign to strengthen the existing national mechanisms; legislative, administrative and social measures using multi-sector approaches in order to develop legal frameworks to prevent violence against women and children; protecting the rights of victims/survivors of violence against women and children, remedying the victims and survivors and providing them support services, including psycho-social and legal assistance; as well as prosecuting and punishing all acts of violence against women and children, and setting up accountability and transparency mechanisms, wherever appropriate. The Women's Caucus called for ASEAN's urgent attention on VAW and for elimination of VAW to be taken as priority. It said, "*Even after the twenty years since the adoption of Beijing Declaration, there has been little improvement in the elimination of VAW, and ASEAN has unacceptably high rates of violence against women.*" It also demanded that the draft Regional Plan of Action include 'Accountability and Transparency' as additional guiding principles. Some other important issues stressed were the need for monitoring, reporting, and redress mechanisms, and on the need of clear targets for each action aimed in the Regional Plan of Action. Strengthening and expanding the mandate of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to help combat threats to women's rights was also raised (APHR, 2015).

3. *Migration deserves special attention because it represents the confluence of women's rights that are often violated. Migration is a cross cutting issue, i.e. economic, social and political sphere, and makes it the proper domain of the three ASEAN pillars. With the regional integration, national boundaries will become porous and movement of people and services is likely to increase. Migration is often motivated by economic incentives; but, it raises questions on the conditions of work abroad and the indignities that it spawns. Due to blatant violations of migrant workers' rights in the past decades, the need for social protection measures and access to justice services is an eminent concern.*

Historically, the approach to migrant-related grievances and disputes has been bilateral in nature, i.e., negotiation between the source and destination countries. And the laws of the destination country often prevail in meting out punitive measures against migrant workers' infractions. Women domestic workers have been at the receiving end of these punitive measures. In some instances, the lack of gender sensitivity of labor attaches charged with

protecting migrant workers put the women at the risk of sexual harassment by the very duty bearers assigned to protect them.

The Global Forum on Migration and Development (GFMD) has raised the idea of evolving regional and global governance mechanisms to address social concerns pertaining to migration. The three pillars of ASEAN could collaborate to evolve mechanisms and make this a point for joint action in the region. Enforcing the Declaration on Migrant Workers can be a starting point for such an initiative.

4. *There is a pressing need to strengthen the systematic collection and analysis of adequate and reliable data and information in order to systematically monitor progress in addressing the root causes behind the obstacles to political participation* (UN Women, 2014). Information on women's political participation at subnational levels of government, as well as, women in the judiciary and the executive branches of government need to be tracked. Data on women in the judiciary must be collected; and the implications of such needs to be unpacked. An Asia Pacific Census of women's political participation that would collect and monitor women's participation at different levels and in different jurisdictions is worth considering. As well as counting the number of women in public life, this census could create indicators to measure the meaningful outcomes of women's representation, with a view to implementing laws and policies to address seemingly intractable gender inequalities and, most urgently, persistent and egregious violence against women and girls (Osotimehin, et al., 2017).
5. *Continuing advocacy for women's political participation.* In 2014, a regional meeting was held around the theme of political participation (1) to increase/deepen understanding by key stakeholders of women's political participation and voice in the ASEAN region and identifying gaps, barriers and good practices in addressing these and (2) to discuss strategies, policies and programs as well as solutions by ASEAN Member States to promote women's political leadership, including identifying support needed by women parliamentarians and arrive at recommendations (UN Women, 2014.) Removal of policy and legal barriers, capacity-building, eliminating prejudices about women's leadership and proactive measures, such as quotas, will help to promote equal representation of women and men in leadership and decision-making positions.

Women participants to the ACSC/APF called on ASEAN Member States to immediately come up with their respective 'national action plans' on Women, Peace and Security. At present, according to the report of the ASEAN Institute for Peace and Reconciliation (AIPR), only the Philippines and Indonesia have drafted their respective national action plans. The AIPR was established under Provision B.2.2.1 of the ASEAN Political-Security Community Blueprint (Osotimehin, et al., 2017).

There is still much to be done in terms of enhancing women's political participation, especially in attaining substantive representation or improving both quantity and the quality of women's representation in their nation's decision making bodies, as well as, in regional

governance institutions.

6. *Reforms in policies and practices to foster women's political participation in the existing electoral and political systems of AMS.* Based on studies in the AMS, as well as, experiences around the world, there is a sufficient knowledge base on what works in fostering women's participation in politics. Among the recommendations that could be considered are the following:

- Law-making: expand political reservations for women, with an extension of a minimum 33 percent reservation at all levels.
- Political parties should include more women party members in central and selection committees and in parliamentary committees.
- Law-implementation: the Election Commission needs to take steps to recognize, protect, promote and institutionalize women's participation in politics (UN Women, 2014).

The women's movement or civil society movements could help in fostering such reforms. Civil society and women's movements must continue to take efforts to encourage women's participation and endeavor to educate constituencies to voice demands related to women's welfare.

7. *Capacity building of women as leaders, candidates and politician.* Capacity development is required to equip women leaders with the knowledge, tools, and skills to carry out their functions more effectively. The mere presence of women does not guarantee the quality or effectiveness of their participation, that their voices will be heard in critical decisions, or that concerns of women electorates will automatically be championed. Many women elected to local government on reserved quotas are new to the public sphere of politics, inexperienced with governance institutions, and unfamiliar with procedures and protocols of formal meetings. Some women are elected as representatives of established and politically powerful families, while others are seen as "token" females whose husbands, fathers, and brothers are orchestrating decisions from behind. These instances are well documented.

Elected women officials can only be effective if they are in tune with issues that concern their constituents. Open forums that allow dialogue with women in the community on their needs and priorities will enable locally elected women to hear the voices of those who are often not heard. These forums can also serve as critical platforms for elected women to network among themselves. Such public forums can also serve as a powerful tool for women to speak with one voice (ADB, 2014):

Significantly, there have been initiatives toward the capacity building of women that can enhance their ability to participate effectively.

- The Vietnam Women's Union, in cooperation with UNDP and the Ministry of Foreign Affairs successfully organized 5 courses for potential women candidates of district and commune levels to provide them necessary knowledge and skills to be confident to

participate in the 2016 election. The government of Vietnam has set a target of a minimum of 35 percent women's representation at National Assembly and People's Committees¹³.

- Young Southeast Asian Leaders Initiative (YSEALI) sponsored by the United States since 2013. In total, 500 YSEALI Fellows will come to the United States on an annual basis to further develop their professional and leadership skills in priority areas including entrepreneurship and economic empowerment, environment, and civic engagement. YSEALI is United States President Barack Obama's signature initiative to strengthen leadership development across ASEAN, deepen engagement with young leaders on key regional and global challenges, and strengthen people-to-people ties between the United States and Southeast Asia. YSEALI further reinforces the Obama's commitment to rebalancing to the Asia-Pacific region. The YSEALI Fellows' professions include ministry officials, non-governmental organization leaders, journalists, city council members, entrepreneurs, and teachers.

At the conclusion of their program and upon returning home, these Fellows will connect with their peers across the region through larger YSEALI and U.S. international exchange program alumni networks to build on their U.S. experiences and address challenges and create new opportunities in their home communities.

Beyond the Fellowship program, YSEALI offers a broad set of workshops, funding opportunities, in-country activities, and virtual engagement designed to support the goals and aspirations of young ASEAN leaders.

- *YSEALI Generation: Regional Workshops* cultivate a regional network for ASEAN youth to collaborate on solving common challenges and developing new opportunities. Since 2013, over 500 emerging leaders have benefited from professional workshops focused on hands-on training, entrepreneurship skills, workforce development, environmental studies, women's leadership, and other leadership skills necessary to successfully make a positive impact in their communities. YSEALI Generation Regional Workshops are being planned in Vietnam, Malaysia, Indonesia, and Thailand, and will focus on developing young leaders' professional skills and understanding of the environment, entrepreneurship, and civic engagement.

The United States is expanding YSEALI Seeds for the Future grants to support young Southeast Asian leaders' most promising and innovative ideas for civic engagement, education, entrepreneurship and economic development, and environment and natural resources management. This groundbreaking grant competition helps match entrepreneurial emerging leaders with their peers in other Southeast Asian countries and encourages them to work together to solve regional challenges in partnership with the United States.

¹³ Comments of Vietnam ACWC representative to Zero Draft of the Progress Report, February 2016, Jakarta.

Since the launch of YSEALI in December 2013, nearly 35,000 young people from ASEAN have become members of the virtual YSEALI Network. YSEALI connects leaders from across the region, and offers an array of resources, online networking opportunities, and professional trainings. The web-based platform encourages young people to collaborate on tackling issues of shared concern, providing them with an avenue to further their own development through courses on leadership, entrepreneurship, and professional skills. The YSEALI website, Facebook, and Twitter accounts regularly update network members about upcoming events, courses, resources, and opportunities.

- *ASEAN Youth Volunteer Program.* The United States encourages youth to give back to their local communities, strengthening civil societies in their home countries. In August 2013, the United States and Malaysia launched the ASEAN Youth Volunteer Program, which encourages young volunteers (18-30 years old) from all ASEAN countries to serve in the region, while enhancing cross-cultural ties and understanding among ASEAN youth. Over five weeks, volunteers learn about community development and form lifelong friendships with peers from across ASEAN. Nearly 150 youth have participated to date in programs in Malaysia; the next programs will take place in Cambodia, the Philippines, and Burma. The ASEAN Youth Volunteers Program is funded through a USD1.4 million grant from the United States, in partnership with the Government of Malaysia, the ASEAN Secretariat, and the *University Kabangsaan Malaysia*.
 - Center for Civil Society and Non-Profit Management established by Thailand's Khon Kaen University, with support from the United States, to support and cultivate young civil society leaders. This innovative non-profit school will serve up to 140 university students and 40 practicing civil society leaders each year from throughout the Lower Mekong sub-region, offering coursework to build their non-profit management skills. Over the next three years, the University will develop Bachelor's and Master's degree programs as well as executive certification (non-degree) programs, thus creating professional career paths for young leaders in Southeast Asia who want to give back to society through work in the non-profit sector. The school also will serve as a regional hub for coordination, best practice exchange, and networking among civil society leaders (The White House, 2015).
8. *Develop ASEAN Women's intelligence on the processes and gender impacts of economic Integration.* By 2016, the integration will be in place and will reveal its impacts on the economic lives of the AMS. The first practical step at this stage is to ensure that women participate and benefit from economic integration processes. ACWC can take the "catalyst/activist" role and be instrumental in ensuring such happens at the country level. The ACWC representatives could spearhead an ASEAN "watch" over the economic integration processes with a particular view on the consequences for ASEAN women. This implies the need for dedicated studies and research on the ASEAN processes. Since ACWC is under resourced, it could seek support from the ASEAN Secretariat and partner with regional bodies like the ADB, the UN regional bodies, the APEC, and the think tanks within the region, such as the ISEAS in Singapore, to help in collecting and compiling knowledge and information on how the integration is playing out in the Member States and how women's participation in and benefits from economic integration could be enhanced.

A specific activity that the ACWC could initiate is to convene a meeting of ASEAN think tanks and gender institutes to define the parameters for tracking the progress of women in fulfilling their economic rights. ACWC could piggy back on the recent agreement between ADB and the UN Women to track progress. ACWC could also consider a consortium of rights-based “watchers” with support from ADB, UN Women, and even the UNESCAP and the ILO. It could consider the involvement of national women’s machineries, feminist economists, advocates, and civil society organizations to ensure that all aspects and angles of the processes are given due attention.

As a practical result of this ASEAN intelligence gathering, the ACWC could assemble a women’s human rights agenda that would prevent or mitigate the adverse effects of globalization and neoliberal policies. Clear and sound human rights guidelines that adhere to international human rights standards must be in place while ASEAN ventures into market-oriented development schemes and agreements.

Social dialogues in the ASEAN. In the last two years, social dialogue on the impacts of the ASEAN community on the labor market has been ongoing. Noteworthy is the 6th Regional Tripartite Social Dialogue for Growth, Employment and Sound Industrial Relations in the Services Sectors in ASEAN, with the theme, *Enhancing People’s Welfare by Strengthening Decent Work for Woman Workers*, that was held in Nay Pyi Taw, Myanmar on 13 – 14 January 2015. The conference was organized jointly by Myanmar’s Ministry of Labour, Employment and Social Security (MOLES) with the ASEAN Services Employees Trade Unions Council (ASETUC), which comprises of affiliates from three Global Union Federations (i.e., Building and Wood Workers International, Public Services International and UNI Global Union Asia and Pacific), and also the ASEAN Confederation of Employers (ACE), the ASEAN Secretariat, and Friedrich-Ebert-Stiftung (FES). Significantly, the joint recommendations of the conference include a direct reference to the ACWC, to wit:

- *We encourage the implementation of ACWC’s mandate to support the participation of ASEAN women in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights. In this regard, we seek for consultation between ACWC and ACW with members of ASEAN SLOM, employers and workers’ organisations at national and regional levels.*
 - *In the ongoing research of the ASEAN Progress Report on Women’s Advancement and Gender Equality (by 2015) we call for an inclusion of a sub-section on women workers, which should be consulted in dialogue with workers and employers’ associations in ASEAN.*
 - *We express the need of ASEAN Member States to respect the principles contained in the ILO core labour standards relevant to the protection of women.*
9. *High level Advocacy on Gender, Women’s Rights and Development addressed to the other ASEAN pillars, the policy makers and national planners of the ASEAN Member States.* Women’s issues and concerns cut across socio-cultural, economic, and political pillars. Women’s rights are central issues of the ASEAN as a whole; hence, they should be

mainstreamed in the various pillars of the ASEAN and the governance bodies, including the respective ministerial, sector and human rights bodies of the association. The human rights perspective is yet to be incorporated in the agenda setting of the ASEAN governance bodies. Other points for ACWC advocacy are:

- Recognition of domestic work as work and accord the fundamental rights and freedoms to unskilled workers, especially domestic workers. Social protection for workers, such as migrant workers and domestic workers, must also be in place as redress for rights violations.
- Inclusion of social and labor rules in the regional integration processes. The ASEAN Trade Union (ASETUC) argues that the *ASEAN Community should integrate social and labour rules in its integration process*. Thus, ASETUC supports the “Draft ASEAN Agreement on the Promotion and Protection of the Rights of Workers,” proposed by Law Reform Commission Thailand (LRCT) in early 2015¹⁴.
- A rights-based approach to labour migration to promote decent work for migrant workers. Governments need to ratify and implement the eight core ILO labour conventions as well as monitor and enforce them; ratification and implementation of international binding standards that are immediately relevant to migrant workers: Convention 97 on Migration for Employment (Revised); Convention 143 on Migrant Workers (Supplementary Provisions); Convention 181 on Private Employment Agencies; 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Protocols against Human Trafficking; Regional agreements, like the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

10. *Build on existing regional initiatives to foster the fulfillment of women’s economic rights.* There is no dedicated ASEAN initiative for women economic empowerment. However, major efforts for women economic empowerment have been launched by the APEC, an aggrupation of 21 developed and developing economies. APEC started as early as 1999 when it spelled out a framework for the involvement of women in APEC itself. Since then, there were dedicated efforts to get women on board the APEC actions to promote trade and economic development. Seven of the ASEAN Member States are members of the APEC member economies, namely, (1) Brunei Darussalam, (2) Indonesia, (3) Malaysia, (4) the Philippines, (5) Singapore, (6) Thailand, and (7) Viet Nam. Non-APEC members are Cambodia, Lao PDR, and Myanmar.

APEC ministers and senior officials issued a declaration and committed to *facilitate women and green development, women and regional trade and economic cooperation, and policy support for women’s economic empowerment in APEC economies*. E-commerce and smart technologies, for example, offer exciting new ways for women to start their own global online businesses. PPWE is working to facilitate women entrepreneurship in e-commerce, from making it easier to start a business with one-stop shop licensing to increasing ICT

¹⁴ <https://www.facebook.com/ASEAN-Services-Employees-Trade-Union-Council-ASETUC-110772038962457/timeline/>

literacy of women. In 2015, *fostering SMEs' participation in the regional and global economy has been identified as one of the key focus areas for 2015*¹⁵. This was set by officials from the region's 21 member economies at a two-day planning meeting in Manila. The intention is to focus on expanding the benefits for more of the region's three billion people and powering a new generation of trade, investment, and sustainable economic growth amid changing global conditions.

Current APEC projects of women economic empowerment include Innovation for Women and Economic Development-Facilitating Women's Livelihood Development and Resilience with ICTs; Women's Entrepreneurship in APEC (WE-APEC) Network; Women's Entrepreneurship in Local Communities as part of Disaster Reconstruction; and Smart Technology Business Seminar (Gamsler, 2014).

11. *Country specific Technical Advice*. For example, on the eve of the AEC formal¹⁶ establishment, the ILO advised Indonesia¹⁷ that it must develop a responsive education and training system to address this mismatch and promotes a **quality apprenticeship system** as the tool to do so. **Education and training can keep youth unemployment low and enhance the quality of jobs** that do not require higher education. "(R)eallocating funding from school-based vocational programs to apprenticeship programs that emphasize work-based learning can lower the costs per worker and increase the quality and relevance of training. The International Labor Organization (ILO)¹⁸ has asserted that Indonesia must "strengthen its labor institutions and invest in skills development if it is to benefit from regional economic integration. Indonesia's labor market continued to expand over the 2014–2015 period, with **employment growing and unemployment remaining low**. One in three workers in Indonesia earn a low wage; and, although poverty rates have fallen, high inequality still exists. Gaps in existing social protection provisions (e.g., workers in the informal economy and home workers) emphasize the need to promote equitable growth through decent work.

Worthy of note are country-specific observations of the ASETUC (ASEAN Trade Union Confederation) in 2013¹⁹:

- With the exception of the Philippines, the remaining seven countries suffer from vertical job segregation by gender at workplaces, with a low percentage of women among legislators, senior officials, and managers, which translates into the difference, in the shapes of the polygons.
- Job segregation is more pronounced in Indonesia, Cambodia, Thailand, and Viet Nam. In any case, each Member State could identify the causes of vertical job segregation and make efforts to eliminate them. This may be attributed to a single cause or it may result

¹⁵ mefinanceforum.org/post/fostering-smes-participation-in-the-regional-and-global-economy-part-of-apecs-2015-agenda-prio

¹⁶ The AEC was in process since 1997..

¹⁷ Promote decent work for all, ILO advises Indonesia on the eve of the ASEAN Economic Community, 17 July 2015. <http://wol.iza.org/news/wol/promote-decent-work-for-all-ilo-advises-indonesia-on-the-eve-of-the-asean-economic-community>

¹⁸ Labor and Social Trends

¹⁹ ASETUC. Labor Laws and Practices in ASEAN, volume II. 2013:

from a combination of factors. Possible causes include the standards that determine the assignment and promotion of workers, discriminatory management practices (i.e. statistical discrimination) by employers, forms of investment in human resources or technical training services, the type of educational investment and vocational training prior to employment, the years of service, and the burden of care work (consisting of household chores, child care, and care for the elderly and the sick), which have been shouldered by women because of the gender division of labour. Each Member State needs to examine those possible factors and formulate appropriate measures within its social and cultural context.

- Cambodia, Indonesia, and Malaysia have a low percentage of female professional and technical workers. These nations need more concerted efforts to ameliorate the employment situations, as they are also confronted with a large gender pay gap and a low percentage of women in management, which manifests as a wider gender gap than the global average.
- Thailand and Viet Nam have been successful in achieving full gender equality as measured by the percentage of female professional and technical workers, but have been unable to close the widening gender pay gap. The gender gap also exists in the amount of estimated income earned by men and women. Therefore, they need to tackle the gender gap not only in employment, but also, outside the sphere of employment, which gives rise to income gaps.
- Cambodia suffers from a significant gender gap in employment; but the gender gap as measured by estimated earned income is relatively small, which may be attributed to alternative sources of income other than wage employment available to women. Conversely, such alternative sources of income may result in greater gaps between men and women in general (ASETUC. Labor Laws and Practices in ASEAN. 2013:46).

ACWC may not have the expertise to provide technical assistance; but, it could leverage its regional governance role to help AMS in finding the resource institutions and experts within or outside the region.

12. *Capacity building of AMS and stakeholders to undertake collective and regional actions to protect, promote and fulfill women's economic rights.* This could take the form of information and knowledge dissemination to alert stakeholders about the progress of economic integration and trade liberalization reforms, and the impacts they have on women. Women's capacities could also be built by promoting the organization of women workers in the formal and informal sectors. For example, active factors helping improve women's economic power include creating opportunities for women to receive better training, friendly working environments, enhanced leadership opportunities, and participation in politics (Liang-lin, 2015).

At the 14th ASEAN Confederation of Women's Organizations (ACWO) General Assembly, Nguyen Thi Kim Thuy, Permanent Vice President of the Viet Nam's Women's Union (VWU), recommended that ASEAN governments continue to improve mechanisms and policies to ensure the effective participation of women in the making of recovery and post crisis

development policies. She also said that countries should strongly invest in poverty reduction and job generation, not only in the fields where men dominate, such as infrastructure and construction, but also, in areas attracting many female workers, like services and trade.

They also said the Vietnamese Government approved the project supporting job training and generation for women in 2010-2015 to improve the effectiveness and competitiveness of female labour and raise their status. For Viet Nam, women's participation was vital in its national renewal and recovery. PM Dung said that in Viet Nam, women had a very important role and contributed much to the national construction and defense. Over the past decades, the Vietnamese Party and State always attached importance to women's role and ensured equality and the rights to develop, as well as, created favorable conditions for women to contribute best to the country. Vietnamese women have contributed much to the national renewal and held many important positions in the country, including in ministries, sectors and localities²⁰.

CONCLUSION

This chapter identified some of the key issues and factors that may impede women's ability to contribute meaningfully to the ASEAN economic integration. Apart from developing technical skills and knowledge to access economic opportunities, governments need to ensure the policy environment must ensure that issues, such as violence against women in all settings and in all forms must be vigorously eliminated through, legislation, programs and support services. Women's full political participation is needed for gender issues to be placed at the center of the government's political agenda. Sex disaggregated data on women's economic contribution including care work and unpaid labor need to be valued as part of the economic contribution of women. Regional initiatives to strengthen human capital including women's economic and technical skills must be sustained in the short and long term. Finally, given that women still experience disparities in wage levels, as well as, in employment and business opportunities, ASEAN economic integration programs need to anticipate and address the possible negative impacts of this strategic direction on the lives of women in the region.

²⁰ http://www.vietnamembassy-morocco.org/en/vnemb.vn/tin_hddn/ns101020084745

References

- ADB and ILO (2014). *ASEAN Community 2015: Managing Integration for Better Jobs and Shared Prosperity*. Thailand: ILO and ADB. Retrieved from <https://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf>
- ADB (2014 June). *Giving Women Voice in Local Governance Structures*. Retrieved from http://delog.org/web/wp-content/uploads/2015/09/ADB-Experiences_Giving-Women-Voice-in-Local-Governane-Structures-2014.pdf
- ADB (2014 March 31). More Decent Work for Women Key to Asia's Economic, Social Progress - Studies. in *Asian Development Bank News*. Retrieved from <https://www.adb.org/news/more-decent-work-women-key-asias-economic-social-progress-studies>
- Akhtar, S. (2015 March 12). Gender Equality & Women's Empowerment: Asia-Pacific Progress and Challenges. *Delivered for the 59th Session of the Commission on the Status of Women in New York via video link from Sendai, Japan*. Retrieved from <http://www.unescap.org/speeches/gender-equality-womens-empowerment-asia-pacific-progress-and-challenges>
- Cebu Daily News (2013 May 22). Soliman reiterates call to fight cyber pornography, prostitution. in *Inquirer Net*. Retrieved from <http://newsinfo.inquirer.net/413389/soliman-reiterates-call-to-fight-cyber-pornography-prostitution>
- CEDAW/C/THA/6-7, para. 64.
- Gamser, M. (2014 December 24). APEC 2015 Priorities: SMEs and Women's Economic Empowerment in *SME Finance Forum*. Retrieved from <http://smefinanceforum.org/post/apec-2015-priorities-smes-and-womens-economic-empowerment-0>
- Liang-lin, T. (2015 March 8). Five gender gaps Singapore women still face in 2015 in *The Straitstimes Opinion*. Retrieved from <http://www.straitstimes.com/opinion/five-gender-gaps-singapore-women-still-face-in-2015>
- News Release, 10 September 2015, World Bank.
- Professor Aurora Javate De Dios, Philippine women's rights representative to the ACWC,

presented the draft RPA to around 65 participants to the consultation workshop held at Lancaster Hotel, Mandaluyong City.

Rahayu, Indiah and Ikayanti and Adisti. *The Success and the Barriers to Women's Representation in Southeast Asia Between State Policies, Political Parties and Women's Movement*. Kemitraan, Jakarta, May 2014.

Rao, N. (2011 September 20-23). *Women's Access to Land: An Asian Perspective in the Expert Group Meeting, Enabling rural women's economic empowerment: institutions, opportunities and participation*. Retrieved from <http://www.un.org/womenwatch/daw/csw/csw56/egm/Rao-EP-3-EGM-RW-30Sep-2011.pdf>

Recommendation of the Regional Workshop on Promoting the Rights of ASEAN Women and Children through Effective Implementation of the Common Issues in the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and Convention on the Rights of Child (CRC) Concluding Observations with Focus on Girl Child was held from 20 – 22 August 2013 in Da Nang, Viet Nam.

Schonhardt, S. (2014 August 23). *ASEAN Economic Community Could Widen Inequalities*. in *The Wall Street Journal*. Retrieved from <http://blogs.wsj.com/indonesiarealtime/2014/08/23/asean-economic-community-could-widen-inequalities/>

Sharifah Syahirah SS. / *Procedia - Social and Behavioral Sciences* 172 (2015) 519 – 524, 523.

Syahirah, S. (2015 January 27). *Regional-Global Governance Network on Women's Rights: CEDAW and its Implementation in ASEAN Countries*. in *Procedia - Social and Behavioral Sciences Volume 172: 519-524*.

Thailand CEDAW 6th and 7th Periodic Reports (2015) (CEDAW/C/THA/6-7). Consideration of reports submitted by States parties under article 18 of the convention.

The White House (2015 November 20). *Factsheet: The President's Young Southeast Asian Leaders Initiative*. in *The White House Briefing Room*. Retrieved from <https://obamawhitehouse.archives.gov/the-press-office/2015/11/20/fact-sheet-presidents-young-southeast-asian-leaders-initiative>

UN Women (2014 May 1). UN Women report: 60% of SE Asian women do not participate in politics due to violence fears. in *UN Women Newsroom*. Retrieved from <https://unwomen.org.au/un-women-report-60-of-se-asian-women-do-not-participate-in-politics-due-to-violence-fears/>

INTERNET

<http://asiapacific.unwomen.org/en/news-and-events/events/2014/10/regional-meeting-on-promoting-women-s-leadership#sthash.inxD3Asl.dpuf>

<http://burmacampaign.org.uk/media/APHR-Report-Rohingya-Crisis-and-Risk-of-Atrocities-in-Myanmar-final.pdf>

http://delog.org/web/wp-content/uploads/2015/09/ADB-Experiences_Giving-Women-Voice-in-Local-Governance-Structures-2014.pdf

<http://www.eria.org/ERIA-DP-2015-06.pdf>

<http://www.iidnet.org/uphold-womens-political-participation-asean-governments-urged/>

<http://newsinfo.inquirer.net/413389/soliman-reiterates-call-to-fight-cyber-pornography-prostitution>

<http://mindanaotimes.net/talkback-thursday-women-of-asean-to-their-governments-walk-your-talk/>

<http://www.policyforum.net/all-things-being-equal/#sthash.xxBhiqAZ.dpuf>

<http://www.policyforum.net/all-things-being-equal/#sthash.xxBhiqAZ.dpuf>

<http://www.unescap.org/speeches/gender-equality-womens-empowerment-asia-pacific-progress-and-challenges>

<http://www.un.org/womenwatch/daw/csw/csw56/egm/Rao-EP-3-EGM-RW-30Sep-2011.pdf>

http://www.vietnamembassy-morocco.org/en/vnemb.vn/tin_hddn/ns101020084745

<http://www.worldbank.org/en/news/feature/2013/09/19/Myanmar-Gender-Equality-and-Development>

