# Asia Pacific Human Development Network

**UNDP**

# E-Discussion: Gender - Overcoming Unequal Power, Unequal Voice

Human Development Report Unit
UNDP Regional Centre for Asia Pacific
Colombo Office

Cartoons on the cover and section separators by Ruwan Tharaswin
The cartoons in this publication reflect the artists impression of different aspects of gender inequalities. The topics chosen by the artist do not necessarily relate to specific themes of the e-discussion, but depict a range of issues affecting men and women in everyday life.

Layout and design by A&D Advertising

**Asia Pacific Human Development Network**

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# Introduction

The Asia Pacific Human Development Network (AP-HDNet) is an e-platform where members exchange knowledge, raise and debate issues on human development in the region. Working with stakeholders in the region to guide the directions of the Asia-Pacific Human Development Reports is critical. It helps in shaping and prioritising issues, builds capacity, provides an experience-sharing platform, helps dissemination and promotes buy-in. The AP-HDNet is therefore an integral part of the process leading to the preparation of the Asia-Pacific Human Development Reports (APHDRs), and it helps to disseminate the findings of the APHDRs.

## The Asia-Pacific Human Development Report

The Asia-Pacific Regional Human Development Report (APHDR) is one of UNDP's flagship products. The Human Development Report Unit (HDRU) at the Regional Centre for Asia Pacific, Colombo Office coordinates the work of this initiative for the Asia-Pacific region.

The APHDRs that have been published and disseminated so far are:

- *Tackling Corruption, Transforming Lives: Accelerating Human Development in Asia and the Pacific.*
- *Trade on Human Terms: Transforming Trade for Human Development in Asia and the Pacific* (Winner of the 2007 Human Development Award for Excellence and Innovation).
- *Promoting ICT for Human Development in Asia: Realizing the Millennium Development Goals.*
- *HIV/AIDS and Development in South Asia.*

The APHDR is considered a regional public good primarily because it serves as an important policy advocacy resource as well as a valuable instrument for stakeholders, enabling them to influence policies across countries in the region.

Any theme for an APHDR must be based on a critical long term development concern and pass at least one of the three regional tests:

- It must be of concern to several countries in the region.
- It must have sensitivities that are better addressed at a regional level.
- It must have clear cross-border dimensions.

There is a rigorous process of participatory consultations with a wide range of stakeholders, starting from theme selection to the advocacy of the report. This process hones the focus of the report through research, discussion and feedback using the AP-HD Network, developing the main messages, report preparation, launch and advocacy.

Thus, by the very nature of its mandate, the HDRU works with a wide range of stakeholders who guide the direction of Asia-Pacific Human Development Reports. In order to define the scope of the APHDR, identify priorities and decide 'what should be in' and 'what should be out', the HDRU organizes Sub-Regional Stakeholder Consultations in the region and undertakes discussions on the Asia-Pacific Human Development Network. Stakeholders include governments, civil society organizations, media, topical experts, academia, research institutions, UNDP country offices, United Nations agencies as well as a range of other interested parties.

## The Asia-Pacific Human Development Network

In 2007 the AP-HDNet e-discussion on corruption covered seven themes. After the release of the Asia-Pacific Human Development Report Tackling Corruption, Transforming Lives members of the network debated ways and means of implementing the Seven-Point Agenda mentioned in the report.

The forthcoming APHDR on gender is on the theme of 'Gender – Unequal Power, Unequal Voice'. Unequal power is seen as fundamental to differences in opportunities between individuals. Under this overall framework and guided by regional priorities, it is important to focus on areas that are strategic for bringing about transformation – at both the individual and the aggregate levels - and that have concrete potential for policy. Stakeholders from across the region suggested that, within this overarching framework, the report should focus on politico-legal equality and economic equality. The strategic focus on equality in these two areas is seen as essential to catalysing transformation in gender relations, both in the personal and public spheres, while yielding clear policy guidance. Gender based violence, culture and identities (masculinity and femininity) cut across both of these sub-themes.

Stakeholders across the region discussed issues around specific themes (economic equity, politico-legal equity, education, gender identities, gender mainstreaming, and folklore and historical stories) for a few months (September 2008-April 2009). The following pages are the result of this intense exchange.

We would like to acknowledge with gratitude all the contributors[1] who shared their knowledge and experience. Without them this exercise would not have been possible. We are indebted to James Chalmers who facilitated the discussion and prepared the synthesis. Our thanks to Vinita Piyaratna for editing the consolidated discussion. Elena Borsatti, Ramesh Gampat, Rohini Kohli, Anuradha Rajivan, and Niranjan Sarangi, all of the Human Development Report Unit. Members of the KRC at UNDP Regional Centre for Asia Pacific, Colombo Office, must be acknowledged for supporting the discussion and the publication of this consolidated reply.

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1   The contributors' designations and affiliations are the ones at the time the discussion took place. The e-discussion took place in 2008-2009. More in detail: Economic Equity (3-29 September 2008); Politico-Legal Equity (6 October - 10 November 2008); Education and Gender Equity (13-26 November 2008); Gender Mainstreaming (1-25 December 2008); Gender Identities (9 February - 4 March 2009); Folklore Stories (11 March - 6 April 2009)

**Synthesis of Discussion**

Dear Network Members,

Thanks again for your insights, questions and findings. They greatly benefit the preparations for the upcoming Asia-Pacific Human Development Report on Gender with the overall theme of addressing *Unequal Power, Unequal Voice.*

We are pleased to provide a synthesis of the discussion, first with a quantitative view of postings that members made to the sub-themes and cross-cutting issues:
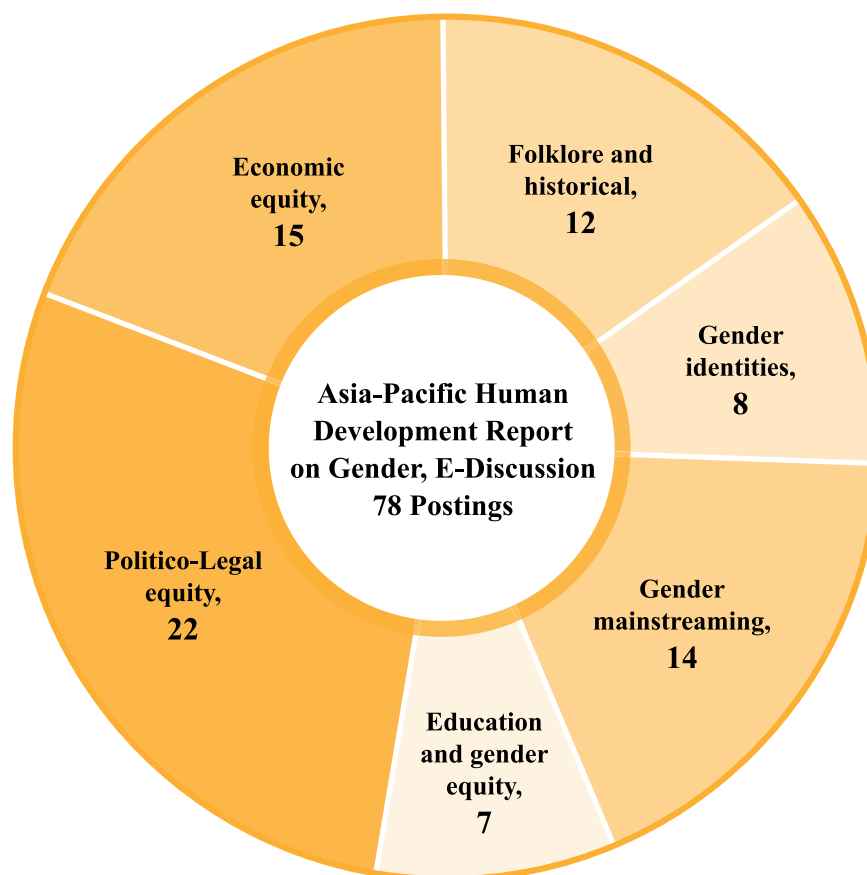


Almost 50 percent of postings were on the two main sub-themes which focussed on the areas considered strategic for bringing about transformation. These were *Politico-Legal Equity* and *Economic Equity.* The remainder of postings were focused on cross-cutting issues such as *Education, Identities, Mainstreaming,* and *Folkloric Dimensions.*

The discussion commenced with postings on *Economic Equity.* The overriding consensus among members was that gender and economic equality is a critical component of human development and poverty reduction, and that its success depends primarily on promoting women's economic security.

Members questioned the key barriers to Economic Equity, emphasising the particular importance of asset ownership and control of resources that help women cope with social and economic crises when they are especially vulnerable. The key challenges that persist are primarily about women acquiring decision-making powers, which in the context of this discussion, concerns who actually gets to use land and property even when women 'own' these assets.

Additional barriers cited included traditions that deny women their rightful share of assets, such as laws that impede access, control and ownership. Significant gaps were noted between *de facto* and *de jure* legislation, despite the fact that various legal systems, in part, recognize women's economic rights.

Members deliberated policy solutions aimed at addressing gender-based economic inequalities. The key point was the need to implement complementary economic strategies. Solitary policy solutions are ineffective primarily because women's activities are interconnected and their claims exist within multiple contexts with distinct specificities.

The discussion on the second of the two key sub-themes, *Politico-Legal Equity,* generated widespread interest and regional representation,. Countries that participated included Afghanistan, Bangladesh, Cambodia, China, Fiji, India, Indonesia, Pakistan, Papua New Guinea, Philippines, Malaysia, Myanmar, Nepal, Republic of Korea, Samoa, Solomon Islands, Sri Lanka, Timor-Leste and Viet Nam.

Contributors identified positive developments such as electoral reform initiatives and women's participation in countries such as the Philippines, Fiji, the Solomon Islands, Republic of Korea, and Malaysia. With regard to workplace reforms, there have been constructive developments in enacting and enforcing sexual harassment laws in Sri Lanka, Bangladesh and India. In the wider region, in the area of gender equity laws, members noted some action on operationalisation, including national women's policies/action plans. However, implementation requires more active and committed political will.

Despite gains, there are persistent politico-legal equity issues. The salient point is that Asian-Pacific women do not actively engage at the national level in political and other public events to the extent that women do in other regions. Despite the fact that some Asian-Pacific women do occupy high political offices, such representation does not imply "true" gender equality because they are still often denied an effective voice. Although the picture of participation is better at a local level, this does not extend to important decision-making. Additionally despite possessing good school attainment levels, this does not extend to the power to engage in public life.

Politico-legal issues vary across countries. These include the struggle to transform traditional subordinate roles, cultural codes that dissuade most women from political participation, decision-making power that belongs to male-dominated political groupings, and CEDAW (Convention on Elimination of All Forms of Discrimination against Women) compliance thwarted by *de jure* and *de facto* divergences.

In the workplace, a primary factor for women's under-representation can be attributed to legal protectionism. The emphasis on women's reproductive functions undermines not only women's but also men's capabilities and economic strivings, and thus the well-being of all, regardless of gender.

Members recommended the following crucial interventions:

- Operationalise existing conventions and legislation using CEDAW as a framework.
- Monitor conventions and optional protocols to ascertain whether women's rights under CEDAW hold up for other inextricable rights, and regarding negotiation between rights of different marginalised groups.
- Use quotas or alternative tools to promote gender empowerment
- Protect migrant women by developing a comprehensive national policy.
- Promote capacity development, including at the family level, for acceptance of women's engagement in public life, so that grassroots women's and men's voices are recognized in policy making processes.

With reference to the discussion on cross-cutting issues, firstly on *Gender and Education Equity*, key research implications emerged. This involves the underlying reality that education is fundamental in shaping people's abilities to avail fully of opportunities. The technological and inter-generational impacts of education are equally important. In order to facilitate gender equality, education enables people to be active agents in the evolving social resources that humans assemble over time- hence the importance of qualitative aspects of education. Barriers to educational quality include school subjects that are too often designed, organised and examined in stereotypical and constraining ways. Further, whilst education can be instrumental in reducing violence against women and girls, this too requires qualitative shifts. Changes are needed in the kinds of text used regarding language/stereotypes. Further interventions are needed in staffing ratios, policy objectives, teacher training/pedagogy, etc.

In many parts of the region, although there has been a perceptible improvement in girls' school achievements, this has not been accompanied by an improvement in social-economic gender disparities. In South Asia, members noted that a key problem was school access and attainment, with implications that girls' education is valued less than boys' education. Cultural infrastructure, including schools, renew and reinforce this problem. Ultimately, this adversely affects both women and men.

Regarding strategic interventions, once again members stressed the need for a set of initiatives rather than a single one, and not just in formal education. This is because the social background encompasses an unconscious education that shapes what societies expect of individuals, and that also transfers disorientations like gender inequality.

With regard to formal education, the end goal is agency, and hence interventions need to target aspirations, enabling people to willingly use all their capabilities and interests. The primary purpose is to rectify disoriented messages so that people's judgments are up to the task of tackling the social conditions that they face.

On the topic of *Gender Mainstreaming,* members focussed on the conflicting definitions that hinder progress. The discourse represents a historical systemic shift from a focus on singular tools to alter discriminatory practices. Although this approach is good, a principal drawback in the systemic approach is its open-endedness. This makes mainstreaming a double-edged sword that acts against institutionalisation by promoting a wide variety of local beliefs and norms.

Additionally, the idea of institutionalising gender implies unwanted links with neoclassical economics as the prevailing institutional paradigm. Special efforts are required to understand the context and power structures. A primary challenge remains the ability to respond to the wide spectrum of sites where power, riches, knowledge, capabilities and rights converge. This requires the fullest possible comprehension and responsibility grasped by a broad range of duty-bearers. Ultimately, members questioned whether institutionalisation is an apt endeavour given that gender inequity issues are sector-specific. They also highlighted the fragmented nature of policy-making institutions that hierarchical structures and politics conserve in patriarchal societies.

With reference to practice or implementation, contributors noted that gender equality will not flourish if reduced to singular 'mainstreaming' plans, such as establishing a national entity for women's issues (especially at the cost of dissolving gender units within ministries and agencies). Similarly, isolated initiatives such as a stand-alone gender policy, or gender awareness workshops, or a gender staffing ratio plan will not suffice. The end goal is to transform the institutional environment through strategies and tactics that are built into all levels of policies and programmes from the outset at every point. Women's participation is essential at every step of the process. The starting point is gender analysis to provide an assessment of the differences in how women and men are expected to experience a particular project, programme, policy or law. This can be followed up by components such as a "Concept Note" that captures the assessment of stakeholders' gender sensitivity. What is essential is that such initiatives need to be followed-up by a time- and duty-bound action plan. For implementation, coordination, and ensuring policy-makers incorporate gender issues into national plans, CEDAW and associated legal mandates, including constitutional authority, are essential tools. A further effective entry point is quotas for mobilising greater political participation by women.

On gender responsive budgeting, UNIFEM (United Nations Development Fund for Women) has achieved notable success through initiatives to track whether the money follows policies. In India, there have been successful initiatives to transform an economic system that undervalues 'feminised' activities. In the state of Kerala, decentralised gender budgeting has been effective.

The discussion on *Gender Identities* emphasized the earlier earmarked links between education and the construction of gender identities. Members noted that formal education processes continue to reinforce the inequitable ways through which power operates. To a large extent this shapes who is included and excluded. Contributors urged an education policy to reflect data that illustrate the negative impact from co-education on girls' adequate access to the processes of learning, identity and sexuality, and on making satisfactory use of opportunities (getting jobs and pursuing livelihood options).

Members noted how patriarchal social systems, as the object of transformation, bring women's movements and LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex Questioning) movements close together in the goal to expand choices and freedoms. These groups cohere through recognition that patriarchal systems socialise people in ways that are equally harmful to men and women, sometimes in official ways, and unintentionally at other times. The social impact of this is visible in risk-taking behaviours related to men's health. Impacts also materialise in education and livelihoods, where there is evidence that norms of masculinity restrict men's choices and freedom to act or belong. Economic and political empowerment for LGBTIQ groups has latent potential: there is the likelihood that governments and societies will make policy changes; however, a combination of measures is required to ensure this will happen. Moreover, it is important not to rely solely on law reform to overcome societies' fears of non-heteronormative persons.

Socialisation initiatives are a crucial part of the programme mix. Members emphasized that advocacy and lobbying are likely to be more effective when mainstream movements and media join efforts simultaneously. Cases involving LGBT groups in Nepal and India were highlighted. They are working to gain economic and political power through initiatives that encompass law reform blended with practical action across the three social sectors.

On the definition of 'gender', members pointed out that identity issues persist in India due to people's failure to grasp that 'gender' has different aspects: assignment, role, attribution, and identity. Policy-makers invariably use the concept as if these were one and the same thing. There is a pressing need for these policy makers to move ahead and upgrade to the new thinking in social science and activism in developing more precise analytical terms, categories, and methods. This is essential for reasons that include measurement issues. Currently, many individuals are not counted if they are not free to proclaim their identity.

A positive development is the fact that people are opening up gender spaces. Indian passport forms now include a third gender category. Additionally, there is a national transgender welfare board, and Tamil Nadu has established a third gender category for student admissions.

However, the opening up of gender spaces can have mixed consequences. Thus, additional interventions are required to address stigma, discrimination and violence, both official and non-official. Specific interventions need to target workplace discrimination, as two studies from Lao People's Democratic Republic and Indonesia show. They highlight how the market reinforces or even prescribes institutionalised and unspoken expectations that shut down choices and place boundaries around women's social mobility. This is due to the market's adherence as to how daughters or wives should behave as commercial actors. The roles that the market dictates for women in terms of behavioural expectations conflicts with what women choose or aspire to. Specific interventions are needed to transform the socialization/ideology that currently strips women and men of identity as 'respectable' bread-winners if they choose to work in certain spheres or sectors.

While women face one set of constraints, the construction of masculinity generates other issues. Evidence from Indonesia indicates that social values play a large role in shaping choices and in how power operates and shapes social inclusion. In populations of migrant men, researchers have found direct links between the strategies and values of belonging and the shared emotional experience of migration. An evidence-based social inclusion policy needs to factor in data that comes from not only local inter-personal networks, but also from beyond the local; it is increasingly important to collect and analyse evidence from a wider range of networks.

In the final sub-theme discussion on *Folklore and Historical Stories,* members reflected on the importance of exploring modern ideas of gender through the lens of folk narratives. They raised questions concerning the universal enjoyment of folk tales, whether women are the main singers of tales, and the implications for equity and equality given that the gender discourse is a relatively recent phenomenon, at least in Asia-Pacific countries.

In response to these questions, members noted that folklore remains relatively free of the ideological constraints that the predominant social environment dictates. Folk narratives tend to demonstrate popular imagination, in essence implying that they remain outside any official intellectual tradition with its associated disciplines and options. This introduces the likelihood of new forms of dissent against oppressive norms, and folk narratives transfer a potential to shift social thinking.

Illustrating some of these questions was the story of Vihara Maha Devi, a woman who, for a time, before norms relegated her again to invisibility, played an unconventional, prominent role as a warrior in a Buddhist classic saga of war and peace. Also shared was an account of three stateswomen and commanders-in-chief (Razia Sultana, Rani of Jhansi, and Chand Bibi) who tackled formidable challenges not typically attributed to women in the history of South Asia.

We read a story of a woman who spoke truth to power that caused the overthrow of an ancient despot in Afghanistan. A Cambodian folktale was also presented which featured a female protagonist, rare for this genre. Her good choices, by drawing on her capabilities for innovation, grace, perseverance, and loyalty, proved highly effective in transforming narcissism and duplicity.

Folkloric songs often provide the core of silenced histories. They are not simply imaginative, but link with actual events. A prominent example is the account of Aisha, and her role during the early years of Islam as the young wife of Prophet Muhammad. Another story relates to that of Mahaprajapathi Gothami, who fought for the rights of women to be ordained in the Buddhist way of life, and against the idea that women's participation would have a negative impact on the institution of families.

Although folk narratives tend to be relatively quite free in expressing popular imagination, there are instances where they encounter social hurdles. Narrative control is a prime example. Control over 'whose voice' is heard provides a power group with sovereignty over what audiences are expected to take from a story. Hence, we find the emergence of a tradition involving the 'safe and 'normal' voice of the 'Grandmother'. Members read examples of younger women who sought to change this convention. Shahrazad, the raconteur of *One Thousand and One Nights* stories, and 11th century Japanese novelist Murasaki Shikubu, author of *The Tale of Genji* are two examples of younger writers who present more multilayered roles as women, heroes, and narrators. The "subliminal" potential of stories for providing entry-points for hidden resistance was raised. *Sultana's Dream*, a story by Begum Rokeya, published in 1905 is one such example which depicts a utopia of role reversal with women in charge.

Two legends from Malaysia were shared. They paint a picture that reinforces cultural or moral values: women's power is controlled by dominant males. Curiously, these legends are at odds with reality. This reflects the anxiety of power elites over the sharing of power, since women in Sarawak and Kedah are customarily strong and respected for their social contributions.

Members also read a contemporary poem about historically remarkable women. Siv Cedering's poem is about the forgotten, uncelebrated accomplishments of numerous female philosophers and scientists. In this genre members also read about Mirabai, a 16thcentury woman, who in a tradition of seer-poets, fully possesses the right to choose her own path, and finds liberation in nonviolent resistance. As a woman whose life and work resonates with contemporary Indians and European audiences, she is considered to be one of the early Indian feminists, even though she did not visualise herself as one.

This wraps up the synthesis of the discussion on *Gender: Addressing Unequal Power, Unequal Voice.* Thank you again for engaging with these themes and cross-cutting issues. We hope you found the forum thought-provoking and useful in your respective work.


All the best,

Jim Chalmers
*AP-HDNet Facilitator*

Economic Equity

# Opening Messages

**Elena Borsatti** wrote:

Dear Network Members,

This is the opening message of the e-discussion for the forthcoming Asia-Pacific Human Development Report. The theme of the Report is *Gender: Overcoming Unequal Power, Unequal Voice.* Unequal power is seen as fundamental to differences in opportunities between women, men and people with other gender identities and sexual orientations. *Under this overall framework* and guided by regional priorities, the report will focus on areas that:

- Are strategic in bringing about transformation – both at the individual and at the aggregate level.
- Have concrete potential for policy.

*Politico-legal equity* and *economic equity* have emerged as the two main sub-themes selected by stakeholders in the Asia-Pacific to focus on, with gender-based violence, culture and identities (masculinity and femininity) as cross-cutting issues.

The discussion will run for about sixteen weeks. **The first three weeks will focus on economic equity**.

Economic power can transform gender relations and facilitate political and legal empowerment as well. Promoting women's economic security is an integral part of reducing poverty and fostering sustainable development - under normal conditions, of course, and even more so in situations of crises.

Overall economic growth and higher per capita incomes are important, but may not be sufficient to eliminate gender-based inequalities. As Asia-Pacific is one of the world's most dynamic regions economically, three critical questions come to mind:

- What are some of the key barriers to greater gender economic equity at the *individual* and *macro* levels?
- What are some of the concrete examples of successes and what are their limitations?
- What are the recommended concrete policies to better address gender-based economic inequalities?

Some of the areas that could be considered are:

**Gender-based asset ownership and control:** Inequalities in ownership of economic assets such as land and other property tend to marginalise women. Even with equal property and inheritance rights, there are circumstances when 'custom' induces females to surrender these rights to male relatives. *What are some of the key barriers to greater gender equity at both the individual and macro levels? What are some of the concrete examples of successes? What can be some of the solid policies to better address gender-based inequalities in asset ownership and control?*

**Gender, labour markets and earnings:** Gender inequality in the labour market is manifested by occupational segregation/choice, wage gaps, women's disproportionate representation in informal employment, low paid and unpaid work, and higher unemployment rates. Microfinance (timely small loans, savings, insurance and money transfer) demonstrates some of the positive effects of providing women access to finances that go beyond the economic. But micro-level finance alone will not create equality of economic opportunity, mainly because their focus is usually at the low end and involve numerous implementation issues. *What are the steps taken to reduce gender-based wage gaps? Are there success stories in the region where micro-finance has expanded the choices available to women? Have women been able to scale up their economic activities, bridging the earning gap between males and females?*

**Gender, mobility and migration:** In this progressively globalized region, women are increasingly migrating on their own, and are often the principal wage earners who remit money to their families in their countries of origin. Whilst mobility and migration provide the potential for new earning opportunities, new ideas and experiences, there is also the flip side. Often the jobs that most women find in the host countries are traditional female occupations (e.g. domestic labour or other lower end services) thus perpetuating the gendered division of labour. Trafficking and sexual exploitation is also prevalent. Gender inequality in the country of origin is one of the biggest motivating factors that urges women to migrate, and often when they reach their host country, they are faced with the double burden of being female and a migrant. This burden increases with regard to language and cultural barriers. *What are the examples of facilitating safe migration like pre-departure training, safe money transfer, legal advice, etc.?*

We look forward to receiving your contributions which could also include historical/cultural and key studies, as well as success stories. We would be grateful if you could indicate your designation and affiliation in your message.

We thank you in advance and we look forward to a lively debate!

With best regards,

Elena Borsatti
*(On Behalf of the HDRU Team)*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

## Jim Chalmers wrote:

Dear Network Members,

Gender inequity not only prevails: it is also on the rise. This is evident from the chasm in assets and incomes of women and sexual minorities compared to men, in maternal and girl's under-nourishment, in female mortality and natality, and many other "gaps". The impact is felt everywhere, as well as individually, within Asia-Pacific developing countries.

Significant variations exist as to how societies represent inequity, through norms, beliefs, organisations, and acts of behaviour. However, there is a basic kinship in the societal forms that sustain gender systems across different Asia-Pacific societies. Ultimately, experiences of inequity are traceable to institutionalised forms that preside over how power is implanted in the social pecking order. Further, as Amartya Sen tells us, gender inequity damages not only women but also men. This happens through causal links between biological dimensions, such as natal choices and childhood lack of nutritional care. But there are direct links too with norms that shape how we are expected to act. Gender inequity is prescriptive. Gita Sen notes that when the sources of inequity are embedded in the social system, the resulting differences are difficult to dislodge. Much remains to be done, but true empowerment must go beyond the surface to encompass substantive issues, voice and power.

This discussion is a key part of preparing the Asia-Pacific Human Development Report. Its theme is ***Gender: Overcoming Unequal Power, Unequal Voice.*** It is a vital Report - extremely necessary for the next steps to transform policy that shapes everyday experiences. It will do this by bringing the human development lens to bear on identified issues, which will be supported by empirical analysis and data.

*Initial phase of the Discussion: Economic Equity*

Please post your comments, brief or lengthy, around this first topic.

This initial discussion will focus on conceptual issues, gender inequality in ownership of land and other property, and in the labour market; evident in occupational segregation/choice, wage gaps, women's disproportionate representation in informal employment, low paid and unpaid work, and higher unemployment rates. There are also issues of micro-level credit, with its possibilities and shortcomings.

Discussion questions:

- What are some of the key barriers to greater gender equity at the individual and macro levels?
- What are the specific factors deriving from gender power relations that drive gender equality, e.g. disparities in health care, social conditioning, damaging norms, etc.?
- Why is gender equality a priority from the human development perspective? Does the human development perspective provide a better framework for promoting gender equity? Is there a link from gender inequality to human development and back – that is, could a two-way relationship be posited?
- In what ways is gender equality instrumental to the progress towards MDGs, in particular reduction of poverty? What are the innovative ways of bringing gender equity to the forefront in this regard?
- What is the role of education in contributing to gender equity? How clear is the link between greater access to education and increased economic equity between men and women? What are the solutions?
- The global trend is increasing feminization of the labour force, but more so in informal employment with low returns. What measures can promote gender equity in employment?
- What is the role of female economic migration in economic growth and household income in the region? Have economic gains from migration resulted in greater gender equity?
- What are the recent successes in the region for the reform of property rights (rural and urban) to promote female economic empowerment and what are their limitations?

This promises to be an invigorating discussion and your comments and debate will do much to make this a very innovative report. Thank you in advance for taking part.

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

# Contributors

Responses were received from:

- Kalpagam Umamaheswaran, *Professor, G. B. Pant Social Science Institute, Allahabad*
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- Revati Chawla, *Programme Officer, HIV-AIDS Practice Team, UNDP Regional Centre for Asia Pacific, Colombo Office*
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- Gang Chen, *Chair Professor and Executive Director, Centre for Social and Economic Behaviour Studies, Yunnan University of Finance and Economics, Kunming*
- Benita Sharma, *Independent Gender Consultant*
- Udoy Saikia, *Associate Director, Population Studies, Flinders University, Adelaide*
- Niranjan Sarangi, *Economist, Human Development Report Unit, and Elena Borsatti, Economics Analyst, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Manel Chandrasekera, *Research Officer in the Ministry of Child Development and Women's Empowerment, Government of Sri Lanka*
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# On-line Discussion

## Kalpagam Umamaheswaran wrote:

**Facilitator's note:** *Prof. Kalpagam Umamaheswaran highlights the need to examine the interaction between the economic, legal and political empowerment and cultural norms that at times bind women. She investigates the yearning of mothers and daughters for freedom and choice in a caste dominated society, and probes severe restrictions in women's private spheres. On a personal level, women experience inequity through irrational, hostile attitudes and actions that totally disregard their rights. On the collective level, there is a complex combination of unbalanced power situations involving economic and politico-legal regulations and cultural norms. This two-way dynamic enmeshes women and sexual minorities between hostile actions and entrenched power disparities. How women's voices and choices can be enhanced through economic empowerment and equity is a key question.*

Dear Network Members,

<div align="center">Culture, Choice and Gender Equity</div>

I would like to reflect on gender equity through voice and choice.

There is now a general understanding and agreement that gender equity and gender-equitable social relations could be better promoted through economic empowerment, legal rights and political participation of women. We still need a better understanding of how these processes really work in particular cases when culture constrains and binds women and when these cultural norms are deeply internalised by the women themselves through everyday patriarchal and social practices that normalise these constraints as the proper way of living and appropriate modes of conduct and action.

When women are bearers and transmitters of culture through the domestic sphere, they play a central role in upholding these cultural constraints even though they are restrained by them. This requires us to probe deeply into the private sphere of women's lives and their experiences, which in my opinion has not received its due attention in research and studies on public policy for women. Even if we all agree that the private and public spheres of women's lives are not so separate and insulated, but are articulated in various ways, women's yearnings for greater voice, choice and freedom in their private lives needs to be understood and highlighted in an integrated manner.

No doubt domestic violence in the intimate sphere has been at the forefront of feminist agendas of action, and some

legal and public policy actions in India are the direct outcome of feminist lobbying and politics. More recently issues of sexual identity and sexual preference have been articulated both in the urban media and by women's and men's groups, not so much in terms of spaces of freedom and private opinions as I think it should be, but more on the deletion of a controversial clause in the Indian Penal Code which no doubt is equally important as well. But it is the realm of marriage where choice for both girls and boys is severely constrained while being socialised in a caste society, and which has not received as much attention as it should.

While marriage laws in the country may be progressive, social practices and opinion place severe restrictions on women's private spheres. By and large, inter-caste and inter-religious marriages are discouraged, and those who have asserted their free choice along these lines recount their experiences of severe friction in and disruption of intra-family relations on account of it.

But what is even more alarming is the regularity and frequency of honour-killings in parts of North India that are reported in the media, a feature prevalent in neighbouring Pakistan and elsewhere and even found among certain South Asian immigrant communities in Britain. Assertion of free choice in marriage is seen as disruptive of the basic social order of kinship relationship and caste and as an attempt to redefine the prevailing notions of masculinity and femininity, and more importantly, as a threat to the patriarchal family structure.

In parts of North India, where honour-killings are prevalent, it is common to note that the father or brother would kill the girl who elopes or enters into a forbidden marriage. This is due to the locally prevalent notion of incest taboo and also on account of caste and sub-caste transgression. More often, these honour-killings are sanctioned by the extra-legal caste panchayats (local level judicial courts) that are still in existence and have not been fully superseded by the legal judicial system.

In my study of a village in North India, in a region where there are no honour-killings, I found an overwhelming majority of young women in the village aspiring to move out of the village and into urban centres through marriage to men based in urban areas. Many felt that the urban life would free them from the restrictions of village life, notably the veiling expected of even Hindu women after marriage in their marital villages. Most mothers also wanted their daughters to have a life free from the drudgery of village life. Many young girls also expressed the view that they were quite open to choosing their spouses on their own, but only so long as the boy was of the permissible caste.

Caste socialisation therefore still remains very strong, though mothers and daughters yearn for and are willing to access some spaces and pathways of freedom. But the reproduction of the patriarchal culture in the village remains undisturbed for most young boys of landed households who are most likely to remain in the villages, want their prospective spouses to abide by the norms and traditions of village life, and would prefer their wives to follow the custom of veiling. Whether and how women's voices and choices can be enhanced through economic empowerment and political participation in such contexts of cultural reproduction requires more thought and debate.

U. Kalpagam
*Professor*
*G. B. Pant Social Science Institute*
*Allahabad*

## Lionel Siriwardena wrote:

*Facilitator's note: Lionel Siriwardena describes the sluggish progress of gender-sensitive national accounts figures. There is too little headway in recognising that these are socially constructed. Taught emphasis on self-interested seeking of satisfaction from consuming goods shapes national aggregated estimates in most countries. At the same time, productivity is discounted from another mode of socialization, where accent on care for others is targeted at women. Nor is the economy just about paid work. It is crucial that economic analysis encompass unpaid work, which women in many contexts do proportionally more. The foremost function of fiscal policy is distribution, and this is unlikely to be equitable until gender is accounted for.*

Dear Network Members,

### Exclusion of Real Values of Women's Work:
### A Major Distortion of Development and Growth

Conceptual and methodological issues of analysing the impact of gender equality in economic development and growth are often perceived by most policy makers and development practitioners as a separate subject matter, to be dealt with by a ministry of women's affairs or a gender study division. Despite the availability of sufficient evidence on gender disparities, policy makers rely exclusively on economic growth-related variables and indicators to design policies and formulate development priorities. This restricted approach, driven only by technical possibilities, not only distorts the

reality of development but also undermines the gender dimension of human and social capital formation which contributes significantly to economic growth and development.

Distortion of development is a result of inappropriate policy-making that is based on inaccurate national statistics and that omits the real value of labour and output in human and social development in the national accounting system. The revenue structure is over-simplified and presented in isolation of the costs of gender inequality, which hinder development in terms of more poverty, increased deprivation and chronic failure to satisfy basic needs related to health, nutrition and education. Those cost implications are not properly estimated or accounted for in the national accounting systems. As estimated by UNESCO, the Asia-Pacific region is losing as much as US$ 47 billion of output per year from a lack of female participation in the labour market (UNESCAP 2007) and as much as US$ 30 billion is lost because of gender gaps in education systems (UNFPA 2000).

Much of women's work is unpaid, and even when financial transactions are involved, such contributions are not included or are discounted in national statistics. A significant contribution, of women's work - both paid and unpaid - has an economic impact. Yet, their contribution is rarely noticed or fully quantified. In the Asian region, 70 to 90 percent of all farm and marine produce is traded by women. Women in street and market stands, including pavement hawkers and vendors, are in the under-recorded informal economy that generates an estimated 30 percent of urban wealth (UNFPA 2000).

Women's economic contributions are underestimated primarily because they are mostly in the informal sector where the reporting system is rather weak. As a consequence, women are ignored in allocating resources or investment. As the data on the informal economy, diagnosing poverty and macrocosmic policies are rarely gender segregated, the system of national accounts is seriously affected by the statistical invisibility of women. Women's economic roles are poorly conceptualised due to the fact that inadequate attention is given to the combined value of household production, domestic work and unpaid family labour. If properly recognised, the value of women's unpaid farm labour would exceed the benefits or savings derived through an unequal process of development

Although earning activities of family labour are included in the national accounting system, a family unit of production and reproduction cannot be simply separated on the basis of unpaid care work and paid work, as the care economy directly contributes to labour productivity and enhanced earning capacity of the family labour force. Rural women not only prepare but also grow most of the family food, and it is primarily girls and women who collect water, fuel for cooking and fodder for domestic animals. In addition to the direct contribution to family income, their contributions as efficient managers of the family budget and scarce family resources management experts are not reported. Women are the economically active majority in agriculture, processing and marketing. Yet, they own less that 2 percent of all land and receive only 5 percent of extension services (Bage 2003). The exclusion of women from intra-household resources like land and property limits their power and control over productive utilization of family resources and the emergence of women's agency.

Best regards,

Lionel Siriwardena
*Senior Research Officer*
*(On behalf of the Gender Team)*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Ranjani Murthy wrote:

*Facilitator's note*: Ranjani Murthy focuses attention on historical issues that often bar women from possessions they are entitled to (land, property, jewellery) and suggests strategies to advance their entitlement from such assets. Physical assets are an important buffer against security shocks that erode capability, but many people don't own physical assets. If they do, gender-equity in asset management is not typical. Policy-makers need a gender disaggregated analysis conducted at multiple levels of belonging and encompassing the spectrum of 'entitled' possessions, from the monetized kind to those utilized for collective/reciprocal profit.

Dear Network Members,

## Challenges to Asset Ownership and Control: How to Overcome Them?

With regard to economic equity, in my personal view, barriers need to be discussed at individual/household (HH), meso (community-district) and macro level. My contribution is on gender based asset ownership and control, a problem which is more acute in South Asia than South-East Asia. I am not too sure about the situation in East Asia.

**Barriers**

- **Meso level:**
  - Patrilocal system of residence (women shifting to a different residence) in much of South Asia; South-East Asian practices are different. I am not sure about China and other East Asian countries.
  - The practice of dowry in much of South Asia, makes it difficult for women to claim their rights to property vis-à-vis natal family.
- **Macro level:**
  - Absence of legislation to the effect that all self acquired and inherited property of husbands should be jointly owned by the couple.
  - Women earn only 29 to 74 percent of income that men earn, with the lower end referring to South Asia and higher end referring to some of the South East Asian countries (UNDP 2007 - Table 29), though it is difficult to generalise. This is linked to both lower labour force participation of women when compared to men, and lower wages.
  - Absence of gender disaggregated data on property ownership at national/state/district level.
- **HH level:**
  - High levels of poverty in South Asia (other than Sri Lanka, parts of Southern India) due to which poor do not own assets.

**Possible strategies**

- Media campaign (e.g. on the right of children to education) on women's rights to property, and the benefits of marrying daughters nearby.
- Induct all poor women into self-help groups. It has been noted in micro studies that women who are members of self help groups tend to own immovable property (housing and then land) more than women non-members who were from a similar economic background at the time of group formation, Nevertheless, despite owning land, ownership of household property remains far from equitable. Many of the properties in women's names are acquired through loans taken by the women from the groups to which they belong (see Murthy *et al.* 2003). The difference in ownership of movable property between members and non-members belonging to a similar background is fairly pronounced (savings account, jewellery).
- All property - self acquired or inherited - of the husband should be jointly registered in both his name and that of the wife.
- Any new assets created through government, donor and INGO programmes should be in the names of women (attempted after tsunami in India), with a clause that it can be passed only to daughters or daughters-in-law.
- Any government programme on existing assets (e.g. loan with subsidy for irrigation) should make it compulsory that land be registered jointly to avail of the benefit.
- Implementation of land reforms, with surplus land being registered in the names of women or at least jointly.
- Fix targets for banks on percentage of women's savings accounts for residents in rural and slum areas.
- Promote ownership of collective assets, e.g. ponds, quarries, waste land, and common village trees, by women's groups. This can go from one generation of women to the next (daughters-in-law or daughters).
- Collection of gender disaggregated data on property ownership at a national level.
- Legislation to the effect that traditional councils should include 50 percent women. They continue to solve village and HH issues in parts of South Asia.

With warm regards,

Ranjani Murthy
*Programme Advisory Committee Member*
*Asia-Pacific Resource and Research Centre for Women (ARROW)*
*Kuala Lumpur*

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Murthy, Ranjani K., K. Raju, Amitha Kamath, and SAPAP Research Team. 2003. "Towards women's empowerment and poverty reduction: Lessons from the Participatory Impact Assessment of South Asia Poverty Alleviation Programme in Andhra Pradesh, India". [http://siteresources.worldbank.org/INTEMPOWERMENT/Resources/13338_murthy_etal.pdf]. Last accessed on 9 September 2008.

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## Revati Chawla wrote:

*Facilitator's note*: Revati Chawla discusses recent gains that have arisen from recognition that links exist between HIV and gender-based asset ownership (and power over the use of entitled possessions). Historical situations make it unlikely that women can own or inherit land and other assets in many contexts. This may also increase their vulnerability to HIV. A shift in such situations requires not just institutional reform but also strategies targeting individual and community attitudes and values.

Dear Network Members,

### Women's Inheritance and Property Rights in South Asia in the Era of AIDS

I would like to reflect on the concepts and approaches to gender-based asset ownership and control, particularly in the light of HIV and AIDS in this region.

First, we recognised that land and property ownership does not necessarily translate into control over these assets, use of the assets or decisions over how and by whom they will be used.

Second, **land and property ownership have clear links with HIV**. There is growing evidence of links between women's rights to inheritance and property and vulnerability to HIV. Women who own property or otherwise control assets are better positioned to improve their lives and cope when they experience crises. This is particularly true when women's economic vulnerability increases due to HIV infection. For example, women who are widowed and who own property are less likely to engage in risky behaviour, such as transactional sex, in order to survive.

Women's ownership and control over assets also constitutes a household resource that women can use to deal with the social and economic consequences of HIV and AIDS, including costs of medicines, nutrition (particularly with the rising cost of fuel), funerals and other associated expenses. Property also can serve as collateral for credit, enabling HIV/AIDS-affected households to deal better with the personal and financial impact of the disease. Moreover, the economic security that property ownership provides women allows widows to keep their children in school for a longer period of time. (see Swaminathan *et al.* 2007).

**Property ownership and violence**: Women who own property are less likely to face violence in the home. Research conducted by Panda and Agarwal (2005) in Kerala, India, shows that women's property ownership is linked with a substantially lower risk of marital violence. Women who own land or a house are at significantly lower risk of physical and psychological violence, both in the short and long term, and are also able to exit violent relationships. Data show that among women without property, 49.1 percent experienced long-term physical violence and 84.2 percent experienced long-term psychological violence. In contrast, women who owned both land and a house reported dramatically less physical and psychological violence (6.8 percent and 16.4 percent, respectively). A multi-site study conducted by International Centre for Research on Women (ICRW) found similar results in West Bengal, India (Panda *et al.* 2006). Women with property reported less overall violence than those who did. not own property. House ownership, as opposed to land, was more critical. The reduction in violence is consistent across all forms and is most significant for sexual violence, with 20 percent of propertied women reporting violence, as compared to 35 percent of non-propertied.

Despite these clear benefits of property ownership and inheritance for women, the issue of establishing these rights for women goes far beyond the crucial challenge of establishing the necessary legal, policy and human rights frameworks that enable women to own and inherit land and property. The fact that women in general cannot own or inherit land and other assets is not just the consequence of inadequate statutory laws (or the unenforceability of adequate laws), but more

attributable to some customary laws, traditions, attitudes, social beliefs, values and norms that tend to be discriminatory. Therefore, institutional reforms to address this divide, though essential, are not a complete response. Individual and community change in attitudes, values, beliefs and norms is equally if not more important. For example, in one case in India, taken up by Lawyers' Collective, a woman was successful in securing a part of her deceased husband's property from her in-laws, but later discovered that the part allocated to her was barren, infertile and basically worthless. So even if the law addresses the problem, unless people at the individual level truly believe in equity, the situation is unlikely to change.

I would like to point to work on this issue in **Nepal**. Women own less than 15 percent of land worldwide. Yet, according to Nepal's National Women's Commission, **less than one percent** of women in Nepal claim legal ownership of homes, properties and other assets (Duddy 2008). However, thanks to intense pressure from women's groups, and collectives of lawyers, in 2002 the government introduced the 11th amendment to the civil code, bringing about major changes not only in the country's inheritance laws but also in the provisions in the constitution relating to women. These include, for example: the right to equality with regard to remuneration and social security for men and women for the same work; the right against exploitation on the basis of custom, tradition and convention; and the introduction of state policies that encourage the participation of women in national development by making special provisions for their education, health and employment

More recently, the government has introduced a 20 percent rebate on property that is registered in the names of women. Thanks in part to this scheme and to a UNDP UNIFEM UNAIDS joint initiative on women's inheritance and property rights in the context of HIV in Nepal, women's ownership of land and property has been steadily increasing, with informal indications of it reaching almost 8 percent.

I would like to add as a good practice the impact of the Asia-Pacific Court of Women on HIV, Inheritance and Property Rights held in August 2007 (see the UNDP 2008 publication listed under references). The regional court was the first ever regional summit on the issue of inheritance and property rights of women in the context of HIV. It was held in conjunction with the 8th ICAAP (International Congress on Aids in Asia and the Pacific) in Sri Lanka to compel the regions' policy makers and public to initiate concrete action. Organised by UNDP's Regional Programme for HIV and in partnership with the Asia Women's Human Rights Council (AWHRC), UNAIDS, UNIFEM, and civil society organisations, the court brought together 22 testifiers from 11 countries in the region, along with legal experts, human rights activists and an eminent jury comprised of supreme court judges, leading development practitioners and community leaders from across the region. The court was successful in bringing inheritance and property rights into the policy and programme agenda of HIV stakeholders including governments, international organisations and NGOs in the region. The court has also led to several national initiatives in addressing the issue.

Lastly, I would like to highlight that there is no historical evidence of the existence of matriarchy anywhere. It is often confused with matrilineal or matrilocal. In matrilineal society, the lineage is traced through the mother – property passes from the mother to daughters. Such communities may also be matrilocal, i.e. the husband comes to live with the wife who continues to live in her own home. Although the position of women in matrilineal and matrilocal societies is much better, they are still not matriarchal. In a matriarchal society, women would be in a dominant position, in control of state power, religious institutions, economic production, etc. (Bhasin 1993).

In conclusion I would like to emphasise that structural reform and individual transformation need to go hand in hand if we are to achieve gender based economic equity.

With best wishes,

Revati Chawla
*Programme Officer*
*HIV-AIDS Practice Team*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Fayyaz Baqir wrote:

*Facilitator's note*: *Fayyaz Baqir reflects on the impact of the denial of women's rights to own and inherit property in Pakistan. Such denial is against both the state and Islamic law. Yet, women who assert this right are targeted for killing by wardens of 'family honour'. The denial of rights includes being 'treated as property' and the lack of adequate nutrition. In today's Pakistan, transforming gender inequity needs an interaction of three elements: economic and social immobility, customs and norms, and political assertion of women's rights groups.*

Dear Network Members,

### Socio-Economic Context of Gender Equity in Pakistan

I am sharing some ideas based on Pakistan's context. Gender equity in contemporary Pakistan is the outcome of interaction between three key elements: customs and norms, economic and social mobility, and political assertion of women's rights groups. Conflict between the perpetuation of inequity and the struggle to change it has revolved around the following issues.

- Women are denied the right to own and inherit property. This results in denying women the right to marry outside their clan, tribe or blood relations. This is also one of the major reasons behind denying women the right to choose their marriage partners. This ensures that family property, especially land, is not transferred out of the family. Denial of the right to inherit property and marriage by choice is against both the state and Islamic law. However women upholding this right are targeted for killing in the name of protecting the family's honour. Perpetrators of this crime hide behind tribal laws and customs. It is surprising that in Pakistan, men from all shades of political opinion (with a few exceptions), have put their weight behind these violent killings. Women's struggles for legal reforms, enforcement of state laws, clear understanding of tribal and Islamic laws and mobilisation of public opinion against these brutalities has created space for women to assert themselves. However there is yet a long way to go.

- While women are denied the right to inherit property, they are themselves treated as property (as they bring bride money to parents in certain areas and dowry to in-laws in other areas). In numerous documented cases, women who did not bring dowry to the satisfaction of their in-laws "died accidentally" due to explosions of stoves. Violence in the form of stove burning has been resisted by many women's rights groups but continues against all odds. Another form of violence is offering women for marriage by "men of honour" to establish a truce in case of bloody conflict, to the aggrieved party.

- Right to nutrition is denied in many ways. The worst form is a ban on eating meat by women in certain tribes. Similar discrimination is observed in the case of healthcare, education, work and decent workload. However rapid urbanization, emergence of the nuclear family in urban working classes, cross cultural marriages, higher education, freedom of media, civil society activism, legal battles and participation of women in the political process have countered these forms of discrimination. One can see interesting paradoxes in the transition to an equitable place for women in Pakistan. While women have been granted the right to vote, they have been denied the right to cast their votes in certain areas. However, women have found representation as elected officials from the same areas. Analysing and understanding these contradictions and drawing lessons from the field on strengthening equitable relationships between men and women would be extremely valuable.

With best regards,

Fayyaz Baqir
*Senior Advisor on Civil Society*
*UN Resident Coordinator's Office*
*Pakistan*

Gang Chen wrote:

*Facilitator's note: This contribution on Mosuo people in Yunnan Province, People's Republic of China, comes from Dr. Gang Chen. He cautions against the search for single causes of equitable gender relations. Even in the Mosuo context, where women ostensibly govern economic affairs, gender relationships have been shaped by a range of variables, including economic, socio-political and cultural factors. Not least, by any means, is the fact that Mosuo women have won their gains at the cost of doing most of the work.*

Dear Network Members,

## Gender Issues Among Mosuo People in China

Gender equity is a complicated issue. It cannot be evaluated without taking socio-political, economic, and cultural contexts into account. Economic equity or control does not always lead to one gender's rule over the other. Take Mosuo people, who live on the border of Yunnan and Sichuan Province in China, for example. Their society and ways of life - especially their marriage customs and inheritance practice - have been studied by anthropologists and other social scientists since the 1930s. In many cases, they are depicted as a society "where women rule the roost … run the household, control the money, and own land and property", and men "play subservient sexual roles" (Litke 2002). However, our fieldwork research shows that this is not quite true.

In our fieldwork, we asked our Mosuo informants questions about who was in charge of the family. The answer was "grandma". But when we asked about who has power when making decisions, they specified that when big decisions related to family affairs (such as buying a tractor) have to be taken, all family members sit down to discuss and reach an agreement. Here women and men have equal rights.

Women even have rights to choose their lovers and receive education. Estates and family properties are inherited by women, not men. However, women enjoy this equity with a price. They have much more work (both household and production work) to do than men. They do the cooking, cleaning, taking care of children and seniors, working in their fields, raising animals, running family hotels, etc. They are usually busy all day along, whereas men sit in the sun chatting and drinking tea.

We were often told that women are in charge of domestic affairs or family affairs and men in charge of affairs outside the family, such as dealing with guests or government. We were often invited to dine in a Mosuo family. Women cooked the meal. Men would accompany us, drinking and eating together with us. Women would eat separately in the kitchen or another room with children.

Local political affairs are run by men and political positions such as village head are held by men. Women's economic contribution and men's political authority leads to a stable relationship. Mosuo people often told us that in their society, women are valued but men are not ignored; the old people are respected and kids are loved. This creates a harmonious Mosuo society.

With best regards,

Gang Chen
*Chair Professor and Executive Director*
*Centre for Social and Economic Behaviour Studies*
*Yunnan University of Finance and Economics*
*Kunming*

**Reference**
Litke, Mark. 2002. "Where women rule". Story read on World News Tonight. ABC, 19 May.

Benita Sharma wrote:

*Facilitator's note: Benita Sharma assesses the ledger of the Government of India (GOI) on gender economic equity. Unmet obligations include the GOI's recruitment at less-than-minimum wage of skilled but poor village women to undertake critical healthcare work. On the credit side, institutional mechanisms cover equal right of entitlement of female and male children to parents' property; incentive to register farms in the woman's name that results in reduced stamp duty (in some states); affirmative action associated with tax incentives for women; and a range of monetized educational incentives for girls and young women (in some states).*

Dear Network Members,

## Towards Equality

Gender inequity prevails and is flourishing through institutional mechanisms. In India, the National Rural Health Mission (NRHM), a flagship of the GOI, is perpetuating the system of putting unpaid care work for health (which the government should be responsible for) on the shoulders of poor women, designated as Accredited Social Health Activists (ASHAs). One of the key components of the National Rural Health Mission is to provide every village in the country with a trained female community health activist, who is selected from the village itself and is accountable to it. She should be a literate woman with formal education up to class eight. The responsibilities of ASHAs include:

- Working as an interface between the community and the public health system.
- Capacity building - ASHA is being seen as a continuous process. An ASHA will have to undergo a series of training programmes.
- Providing information to the community on determinants of health such as nutrition, basic sanitation and hygienic practices, healthy living and working conditions, information on existing health services and the need for timely utilisation of health and family welfare services.
- Counselling women on birth preparedness, importance of safe delivery, breast-feeding and complementary feeding, immunization, contraception and prevention of common infections including Reproductive Tract Infection/Sexually Transmitted Infections (RTIs/STIs) and care of the young child.

The ASHAs will receive performance-based incentives for promoting universal immunization, referral and escort services for Reproductive and Child Health (RCH) and other healthcare programmes, and construction of household toilets.

ASHA in Hindi means 'hope'. But these women, who bring hope to so many in the rural areas, have no hope of a better life for themselves or their families. They get paid a mere Rupees 1000 a month, which is much below the legal minimum wage of the country.

The Constitution of India guarantees equality, social, economic, legal etc. to every citizen, while the MDGs talk of gender equality. Moreover, the NRHM receives funding from the external donors. Even so lakhs of ASHAs do not get a minimum salary.

However all is not bleak. The GOI has taken some legal steps to promote equality. The Hindu Succession Act, which was amended in 2005, ensures that girls are entitled to equal property rights of their parents, the same as sons.

In some states in India like Rajasthan, agriculture land, if registered in the name of the woman, results in a reduction of stamp duty from 8 percent to 5 percent. Over 2 lakh women have benefitted from this. But there have been no studies to investigate if this has made a difference to the status of women.

Besides this, the GOI has reduced income tax levels for women; hence unlike men, women who earn Rupees 1.50 lakhs do not need to pay any tax. Houses which are owned by women or are headed by women receive a 15 percent rebate on house tax.

Earlier only farmers (those who had title deeds to the land) were allowed subsidies of fertilizer and seeds, as well as extension training in better methods of agriculture. This has been changed as the government realized that small and marginal farmers, who owned the land, generally migrated to cities, leaving the farming to be looked after by the women of the family. However, what also needs to be addressed is that during the harvesting season, when the men return home, they take the produce to the markets; hence the money for the produce is in their control. For women to be empowered, it is imperative that they have control over the money which they have earned.

Some states in India give incentives to the girl-child in terms of a fixed deposit in her name when she goes to school; the amount increases as she gets into higher classes. Scholarships are also provided to girls from vulnerable castes.

A key barrier to gender equality is the mind set which still believes that the son belongs to the family for life, whilst the girl-child is temporarily part of the maternal family and in reality belongs to the family to which she is married. This is in spite of the fact that more and more cases are emerging where the son has thrown out the elderly parents and they take shelter in the homes of their daughters.

It is also quite common to see the girl-child being deprived of education and being sent to work in order to pay for the education of the brothers. At times, families have bought assets from the wages of the girl-child, and yet, if she gets married to a boy of her own choice, she is disowned by the very family who she helped to bring out of poverty.

Education can be a very potent tool in bringing about gender equity, but only if the curriculum does not perpetuate gender stereotypes. Education must actively focus on gender equality and point out that both boys and girls are capable of doing any kind of work if given the opportunity.

With best regards,

Benita Sharma
*Gender Specialist - Independent Consultant*

## Udoy Saikia wrote:

*Facilitator's note: The link between inequality, lack of education, and the economic burden from child bearing is explored to understand the relationship between gender equity at the macro and individual levels. Dr. Udoy Saikia explains how natalist ideologies in Khasi matrilineal communities undermine simple ideas of women's autonomy. Natalist ideologies emphasise child-bearing, creating direct and hidden pressures on women's ability to make social decisions. He highlights the importance of 'critical literacy' for women to help question received values and enable freedom of thought and action for greater gender equity.*

Dear Network Members,

### Intrinsic Capability: Vital for Women's Empowerment

My comment is on the question "What are some of the key barriers to greater gender equity at the individual and macro levels?" The key point that I would like to try and show is that there is an inextricable relationship between individual and macro levels, and that resolving the tension that exists between them is key to conceptualising women's empowerment.

Prof. Amartya Sen's views on women's empowerment highlight this issue well. He points out a vital difference between 'intrinsic capability' and 'extrinsic' autonomy. Sen has understood that intrinsic empowerment is about *women's ability and willingness to question received values*. Only this can be seen as authentic empowerment. Anything less – even elevated levels of personal autonomy within the household – cannot necessarily be viewed as real empowerment. The point is that if the external socio-political environment does not enable women to translate individual autonomy into an intrinsically empowering process, it could merely serve to strengthen traditional masculine values.

A specific example is that a high level of atomistic autonomy might result in improved extrinsic control (such as property rights) but it does not necessarily lead to higher intrinsic capability. A gender egalitarian society needs to encompass equity in both extrinsic control and intrinsic capability.

My PhD work in Khasi matrilineal society in Northeast India demonstrates this well. In spite of enjoying a very high level of autonomy in household decision-making within a traditional matrilineal system, Khasi women are not intrinsically empowered due to a ban on their political participation. Almost all of the communal and political decisions in Khasi communities are taken by male-dominated organisations (starting from grass-root organisations like the 'Drabars' and extending to state level organisations), and their choices are imposed on women.

The impact of a recent cultural renewal movement in Khasi communities is a classic example of how political decisions that exclude women's voices tend to exploit women. To explain, there has been a heavy in-migration (both legal and illegal) from Bangladesh and Nepal and other states of India into Meghalaya (the state to which Khasis belong). This has brought about a strong fear of loss of cultural identity and land, particularly amongst Khasi political leaders. As a consequence, the various male-dominated Khasi political organisations have been promoting extravagant pro-natalist ideologies. For example, they award a cash amount of Rupees 15,000 to women who give birth to fifteen children (see Bhaumik 2007). This has created direct as well as more hidden pressures on Khasi women to produce 'more children' as a contribution to 'social values'. In the final analysis the alarming result is a very high fertility rate (probably the highest in India).

The individual autonomy of Khasi women at a household level is probably still much higher than women in the rest of India. But this has not resulted in Khasi women being encouraged, indeed allowed, to make social decisions.

Clearly, the impact of women's empowerment, in terms of enhancing voice and influence, does help to reduce gender inequality of many different kinds. It can also reduce the indirect penalties that men suffer from the subjugation of women. However, the growing phenomenon of natality inequality, in different parts of India and China, for instance, means we must raise our expectations about 'autonomy' or 'empowerment'. When women – not just men – say they strongly prefer having boys rather than girls, the resulting natality calls for broader demands on women's agency, in addition to examining other possible influences.

A simple view of women's 'agency' is no longer helpful. It is vital to take in account the received values, which prevail over and against the personal gains in 'agency' that women have won. Actions linked with anti-female bias, such as sex-specific abortion, demonstrates the hold that traditional masculinist values have over mothers' fertility decisions. What is needed is a combination of freedom of action and freedom of thought. Nothing less than women's ability and willingness to question received values ('critical literacy') will be effective in combating inequality.

With best regards,

Udoy Saikia
*Associate Director, Population Studies*
*School of Geography, Population and Environmental Management, Flinders University*
*Adelaide*

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## Ranjani Murthy wrote:

*Facilitator's note*: *Ranjani Murthy explores contradictions between egalitarian and traditional trends in Asian workplaces. She challenges the persistence of gender-traditional family obligations and workplace opportunities that shape wives' and husbands' participation in household and public domains. Many women's lives are still engulfed in a predominant cultural and religious history that transfers very different social identities. Amongst the interesting solutions Ranjani examines is a UNICEF initiative in Nepal with local NGOs: training women to work in district courts on tasks men have usually performed in ways that intimidated single women.*

Dear Network Members,

### Gender and the Labour Market: Challenges and Potential Solutions

I would like to comment on the discussion point concerning gender gaps in labour markets and earnings.

**Barriers**

- **Gender division of roles - domestic work and child care responsibilities of women:** Data on the proportion of women's work time that goes into market work is limited to two Asia countries in the UNDP's HDR Report 2007-2008. Table 32 of the HDR 2007-2008 suggests that this ranges widely. 60 percent of women's time in the <u>rural</u> Republic of Korea goes into market or paid work, while for India as a whole it is 32 percent. The comparable figure for men is respectively 96 percent and 92 percent. Thus, the amount of time women spend in domestic work and child care is high, especially in India. Further, in both countries the amount of time spent in domestic work is higher for women than for men. The gender division of domestic work and child care is a huge barrier, not only with regard to entry into the labour market, but also investing in acquiring higher paying skills, taking up skilled work or climbing up the ladder, which demand spending greater time away from home.

- **Slow agricultural growth:** A greater proportion of women workers than men workers in Asia (other than in the Philippines and the Maldives) are in agriculture. Agriculture is growing at a slower rate than services and industries (Table 31, UNDP 2007).

- **Gender division of the nature of market work:** More Asian women are waged workers, rather than being self employed or employers.

- **Gender division of tasks in each sector:** Within each sector, there is a strong division of tasks, with women being paid lower for the tasks that they do in comparison to what men get paid for the tasks that they do. This is apparent if one compares female economic activity rate as a proportion of males (Table 32 in UNDP 2007, 83 percent for China), and women's earned income as a proportion of men (Table 29 in UNDP 2007, 63 percent). The differentials in labour force participation rates are much lower than in earned income, pointing to a combination of inequalities in wages, skills, promotions etc.

- **Women's lower presence in mixed trade unions as members and leaders.**

**Solutions/Good practices**

1. *Reduce women's domestic work load and child care burdens*: Address human poverty so that women have to spend less time fetching water, fuel, washing clothes etc. In the transport sector, prioritise roads to water point, bathing points, clothes-washing points, fuel-wood points etc. Further, strengthen child care services provided by the government so that they are available till 6 P.M. And finally, of course, gender sensitise men.

2. *Accelerate sustainable and gender-aware growth in the agriculture sector*: At the macro level, insist that northern countries remove the subsidies they provide to their farmers so that prices in southern countries improve. Encouraging rural micro finance women's Self-Help Groups (SHGs) to take up sustainable agricultural practices and strengthen their marketing is another option. Gorakhpur Environment Action Group (GEAG), Uttar Pradesh, India promotes sustainable agricultural practices through 'greened' women's micro finance SHGs. All members of these SHGs are interested in sustainable agricultural practices (bio pesticides, bio-fertilisers, etc.) and marketing. A few women's micro finance SHGs have started farmers service centres wherein they sell organic seeds, organic fertilisers, bio-pesticides and equipment. The earnings of such 'greened' SHG members are higher than those members of the SHGs that have not been greened. GEAG staff closely monitor whether women have control over the increase in income earned, though not with hundred percent success. At the same time, women's federations and farmers' trade unions (mixed forum) formed by GEAG protest against any chemical industries that do not adhere to anti-pollution standards (GEAG 2004). M. S. Swaminathan Research Institute has introduced community managed internet kiosks (one-third women managed) in parts of South India so that women and men farmers have access to information on prices in different market places and can sell at lucrative prices. According to the women and men farmers, earnings improved by 15-20 percent. This could be attempted on a larger scale (Murthy *et al*. 2008).

3. *Changing gender division of nature of work*: It is crucial to bring women from unpaid work and low-end waged work to higher-end self-employed work. In Sri Lanka, Oxfam GB initiated a women-headed farmers project in the Hambantota district, under which single women – who were earlier agriculture waged workers – are now independently leasing/buying land and cultivating it. Some single women in Vavuniya are independently or collectively making eco-friendly bricks, when earlier they were either doing unpaid work or were waged workers. In all these cases, the earnings of women have gone up (Oxfam GB Sri Lanka 2007).

4. *Changing gender division of tasks*: It is important to challenge the gender division of task, and bring poor women into tasks from which they could earn more. In New Delhi, India, the Azad Foundation trains poor women as cab drivers; they would otherwise have been domestic workers, earning lesser income. It is envisaged that they will serve women clients, so that they are not harassed by male drivers (Roy 2008). Another interesting example is from Nepal, in the service sector. UNICEF, in conjunction with local NGOs, has trained women from SHGs in the Biratnagar district to fill forms in district courts. Traditionally this is a task done by men. Single women find it difficult to approach these men, and are harassed constantly. While this initiative emerged as a response to gender based violence, it has also brought income for these women fillers-of-forms (UNICEF 2007).

5. *Formation of women-exclusive unions, specific to women dominated tasks*: The domestic workers union in India, for example, is pushing for a national legislation governing domestic workers, spelling out minimum wages, working conditions etc. However, it is yet to be passed, and implementation is still likely to be an issue.

With warm regards,

Ranjani Murthy
*Programme Advisory Committee Member*
*Asia-Pacific Resource and Research Centre for Women (ARROW)*
*Kuala Lumpur*

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## Niranjan Sarangi and Elena Borsatti wrote:

*Facilitator's note*: *Niranjan Sarangi and Elena Borsatti share their thoughts on why gender equality is a priority from a human development point of view. They analyse whether high human development implies high gender equality, and compare the latest data available on two indicators. Their contribution considers key challenges, takes a closer look at access to labour markets, decent and productive employment, and possible solutions.*

Dear Network Members,

### Gender Equality: A Priority from the Human Development Perspective

Thank you very much to those of you who have taken part in the discussion on economic equity. Your insightful contributions have inspired us to share our thoughts on why gender equality is a priority from the human development perspective. Does this perspective provide a better framework for promoting gender equality? Is there a link from gender inequality to human development and vice versa – that is, could a two way relationship be posited?

A human development perspective puts people at the centre stage of development. It is a process of enlarging people's choices and enhancing their capabilities - *the range of things people do or be in life* (Sen 2003). The process focuses on the creation of an enabling environment in which people can develop their full potential and lead productive, creative lives in accordance with their needs and interests. Therefore conceptually, all human beings, irrespective of gender connotations, should have equal rights and opportunities to pursue their goals. Therefore, gender equality is instrumental in maximising human development outcomes.

People's choices can be infinite and change over time. But the three essential ones are for people to lead a long and healthy life, to acquire knowledge and to have access to resources needed for a decent standard of living. The Human Development Index (HDI) measures achievements of these three essential aspects of human life, which Sen describes as the *evaluative* aspect of human development perspective. Inherently, HDI is an aggregative measure and it does not capture gender dimensions.

Does high human development imply high gender equality? Investigating gender inequalities (in the opportunities) received strong attention when UNDP, in its 1995 Human Development Report, introduced the Gender Related Development Index (GDI). While GDI penalizes the HDI of a particular country for existing gender inequalities, the index has attracted strong criticism because of conceptual and methodological shortcomings in measuring gender inequality (Bardhan and Klasen 1999; Klasen 2006). One of the major criticisms is that it does not meet the need of a measure of gender gap. While several other agencies have been attempted to measure gender gap, our focus here is on the gender gap index (GGI) of the World Economic Forum, as this index has some resemblance with the human development perspective. The index draws on fourteen indicators, grouped into four dimensions: economic participation and opportunity, educational attainment, political empowerment, and health and survival (Hausmann *et al.* 2007). The latest available data on GGI and HDI are plotted to see the correlation between the two (Figure 1). Countries with high HDI (between 0.8 and 1) do not show corresponding achievements in the front of gender equality. Considering countries in the Asia-Pacific region, Japan, Singapore and Korea score 0.953, 0.922 and 0.921 in HDI, while their respective scores in GGI are 0.65, 0.66 and 0.64. This illustrates that a significant gender gap still exists in the countries with high HDI. With regard to countries with medium HDI the figure shows the existence of a high gender gap, as for example in the case of India and Nepal.

If women's achievements in the three essential aspects of human development are significantly lower than those of men, then the human development process would be discriminatory. This would have both direct and indirect negative effects at the macro as well as household levels, as indicated by several studies. High gender inequality hampers growth via distortions in education and labour markets and, indirectly, via fertility and child mortality which have inter-generational consequences (Braunstein 2007). At the household level it results in intra-household power dynamics and women's lack of bargaining power in decision making which further perpetuates gender inequality. Attaining gender equity is, therefore, a critical component of the United Nation's Millennium Development Goals (MDGs).

**Figure 1:**   Relationship between Human Development and Gender Gap
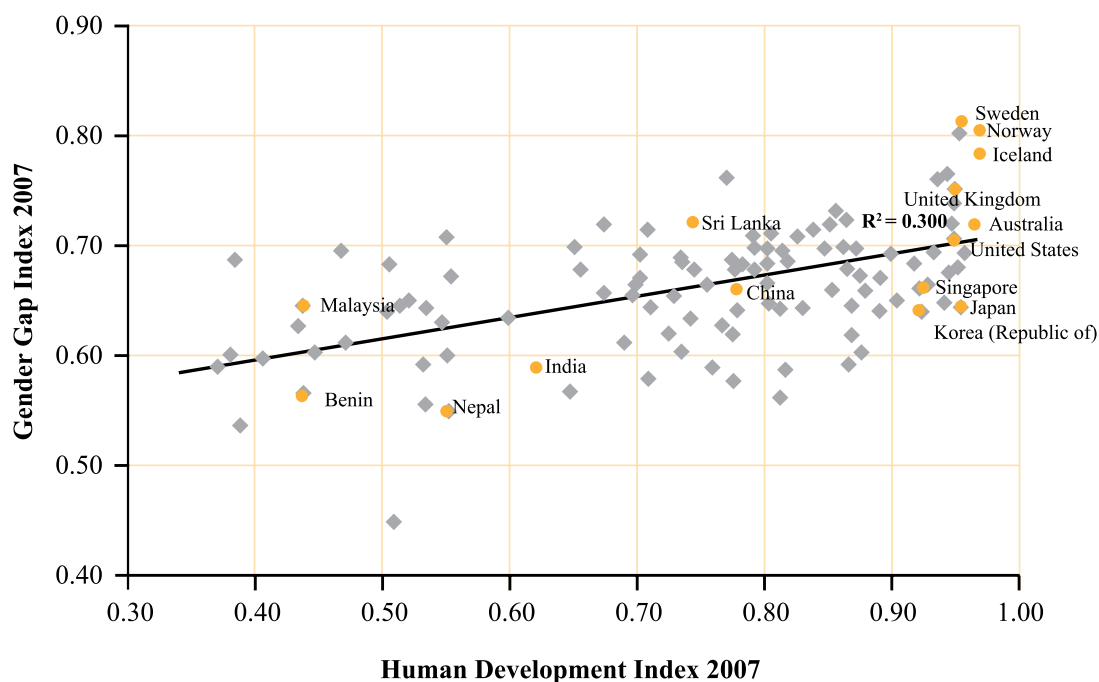


Note: The Gender Gap Index (GGI) values vary between 1 (equality) and 0 (inequality). Low scores on GGI show high gender gap.
Sources: UNDP 2007; Hausmann *et al*. 2007.

## What are the key challenges?

Major challenges to gender equality in political, social and economic spheres persist. As the focus of the discussion is economic equity, some of the key challenges in this aspect are given below:

- Unequal access to labour markets and to decent and productive employment
- Wage gap between men and women for equal work
- Unequal inheritance and property rights between men and women
- Uneven ownership of assets and livelihood options between men and women
- Unequal access to credit market for men and women

We would take a closer look at challenges in labour markets and earnings in the region. This is crucial in the process of promoting greater gender equality. An International Labour Organization (ILO) study (2008) observed that the most successful region in terms of economic growth over the last decade, East Asia, is also the region with the highest employment-to-population ratio for women (65.2 per cent), low unemployment rates for both women and men and relatively small gender gaps in sectoral as well as status distribution. In South Asia there are 511 million women who are of working age and 540 million men, but only 174 million women have a job compared to 422 million men (ILO 2008). At the global level, women have a higher likelihood of being unemployed than men. In 2007, the female unemployment rate (at the world level) stood at 6.4 percent compared to the male rate of 5.7 percent. Further, the phenomenon of increasing labour force participation by women is noticed largely at the low-wage and casualised work level. This indicates that, while the gap between male and female shares of total employment has been narrowing, the wage gap is growing in many countries (Heintz 2006).

 Another element of concern is the implementation of laws. In 1951 the International Labour Organisation (ILO) adopted the Equal Remuneration Convention (No. 100), which is one of the fundamental ILO conventions (ratified by 166 of the 174 ILO member states - http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C100). What has happened since then on the ground? In India, for example, the Equal Remuneration Act, 1976 was introduced. It provides for the payment of equal remuneration to men and women for the same work or work of a similar nature. However, women in rural areas get lesser wages than men for equal hours of work (Express India 2008).

## Solutions

Sen has indicated that the role of agency is crucial in building capabilities for human beings. Thinking through the human development lens, the inextricable relationship between individual and macro levels should also be considered, particularly for women's empowerment (see Udoy Saikia's contribution to the AP-HDNet). Concerted efforts through an integration of top-down (creating institutions to safeguard and protect women's rights and promote gender equality) and bottom-up strategies (innovative micro level awareness creation and action) would help to sustain the momentum in promoting gender equality.

Considering the top-down approach, the equal status of women is highlighted in many conventions. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing +5 are international commitments on gender equality. CEDAW provides the basis for realizing equality between women and men through ensuring women's equal access to and equal opportunities in political and public life, education, health and employment. Member states are obliged to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. It should be noted that the Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations (http://www.un.org/womenwatch/daw/cedaw/).

Another important declaration to promote women's rights is the Vienna Declaration (http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En). In fact, it reaffirms the equal status and human rights of women. Some of its dimensions, relevant to economic equity, are the following: equal access to basic social services, including education and health; equal reward for equal work; equal protection under the law (including "eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism"); elimination of violence against women in both private and public life.

R. K. Murthy, in her contribution to the AP-HDNet on "Gender and the Labour Market: Challenges and Potential Solutions", highlights some bottom up interventions, e.g. the initiative by the Azad Foundation which trains poor women as cab drivers; the Oxfam GB's women-headed farmers project in the Hambantota district, Sri Lanka. Microfinance programmes over the past two decades have helped poor and landless women to enter self-employment or start their own business. According to the State of the Microcredit Summit Campaign 2007 Report, as of 31 December 2006, 3,316 microcredit institutions reported reaching over 133 million clients, of whom nearly 93 million were amongst the poorest when they took their first loan. Of these poorest clients, 85.2 percent are women (http://www.microcreditsummit.org/pubs/reports/socr/EngSOCR2007.pdf). These initiatives have a common ground as they attempt to expand women's capabilities and therefore promote gender equality and human development.

We look forward to the continuation of the discussion!

With best regards,

Niranjan and Elena
*Niranjan Sarangi, Economist*
*Elena Borsatti, Economics Analyst*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Manel Chandrasekera wrote:

*Facilitator's note*: *Creating the Ministry of Women's Affairs in Sri Lanka in 1994, and policy initiatives such as the Women's Charter, were important steps to improve women's workplace situations. But much more needs to be done. Manel Chandrasekera discusses discriminatory practices in resource allocation, control and management; e.g. women engaged in household duties are categorized as "economically inactive". Moreover, ostensible indicators of equity such as female education do not translate into formal sector jobs: the small group of women in this category are clustered in unpaid or low paid jobs.*

Dear Network Members,

### Women's Economic Equity in Sri Lanka: Achievements and Challenges

Gender discriminatory practices in resource allocation, control and management are major impediments to development and economic equity. Gender equity and equal access to resources and opportunities will promote development and growth. But as long as 50 percent of the population is deprived of economic rights, persistent poverty and economic inequity will prevail in society. The Women's Charter of Sri Lanka recognizes women's rights to economic activity and benefits:

- Equal access to economically productive activities in the formal and informal sectors and equal employment opportunities.
- Equal rights as workers in the formal and informal sectors, and the public and private sectors.
- Equal access to ownership of land and land rights.
- The right to recognition for contributions made to household income and economic stability of the family.
- The right to combine employment and economic activities in the market with family responsibilities, so that marriage and child care will not prevent women from engaging in economic activities outside the household.

The Women's Charter policy document of women of Sri Lanka and the National Plan of Action of 2007-2012 are formulated to remove gaps and, working in partnership with men and boys, to promote gender equality in the society.

The Department of Census and Statistics in 2006 indicated that 49 percent of the population of working age were economically inactive, comprising 31 percent of males and 69 percent of females. Women engaged in household duties, the retired or old, the physically challenged etc. fell into this category. It is discriminatory to determine that women engaged in household activities are economically inactive, primarily because activities they perform within the households have an economic value. A majority of women are unemployed and concentrated in unpaid or low paid employment. Women lack information, skills and knowledge to be competitive in the labour market and as a result they are placed in low paid or unpaid employment or are underemployed. The mismatch between available employment opportunities and the stream of education selected by women is a main reason for the lack of employable skills. This has been a major drawback to success in the job market. A high educational achievement rate and literacy rate is recorded amongst women in Sri Lanka, but a majority of women have followed either a humanities or arts stream, where employment opportunities are very limited.

There are several government departments and non-government agencies which provide credit, training and skills for women to commence income generation activities and enterprises. But women find it difficult to establish proper market networks to sell their products. Women lack information and social contacts to find links to the market.

It is important to have infrastructure development providing opportunities for rural women to directly bring their produce to markets in lieu of going through a middleman.

With best regards,

Manel Chandrasekera
*Research Officer*
*Ministry of Child Development and Women's Empowerment*
*Government of Sri Lanka*

Hasna Cheema wrote:

*Facilitator's note: It has been estimated that women owned less than 1 percent of the property on the planet (\*). Hasna Cheema investigates contradictions between the inputs of legal contexts and equity outcomes in property ownership. She highlights some major legal and social barriers that deprive women of legitimate economic rights. Hasna's coverage of countries encompasses a disparate range of blends-of-legal-systems (Pakistan, Sri Lanka, Nepal, and Viet Nam) with regard to the discriminatory property laws.*

*(\*)* UNICEF. n.d. "Gender equality: The big picture". [http://www.unicef.org/gender/index_bigpicture.html]. Last accessed on 22 September 2008.

Dear Network Members,

## Gender, Property and Inheritance Laws: Examples from Asia

Property and inheritance rights have a direct impact on assets ownership and control. They play a crucial role in women's economic empowerment. The full recognition of these rights enhances women's capabilities to lead productive and meaningful lives. With enhanced capabilities, women get more space to choose and avail of opportunities. Consequently, it is instrumental in accelerating human development process and promoting gender equity in the society.

Can economic equity be achieved in the presence of discriminatory laws against women? Laws play a pivotal role in safeguarding the economic rights of an individual in a society. Discriminatory laws pave the way for further perpetuation of despicable social practices and marginalization of the poor in society, including women. Existence of discriminatory economic laws, including property and inheritance, is one of the key barriers in promoting economic equity. The lack of implementation of laws is another factor which impedes realisation of women economic rights.

A brief analysis of the property and inheritance rights of a few Asian countries reveals a grim reality. The economic rights of women are trampled upon by society with little remorse. The examination focuses on some major legal and social barriers which deprive women of their legitimate economic rights.

Let us have a cursory glance at some of the property rights bestowed upon women in a few Asian countries and explore how these rights are safeguarded or infringed.

In Pakistan the constitution of 1973 guarantees every citizen the right to 'to acquire, hold and dispose of property' (http://www.pakistanconstitution-law.com/const_results.asp?artid=23&title=Provision%20as%20to%20property). In addition it stipulates that 'no person will be deprived of his property'. Apart from the constitutional guarantees, the legal instruments also uphold women's property rights. The Married Women's Property Act, 1874 entitles married women to separate property (http://www.vakilno1.com/bareacts/Laws/The-Married-Womens-Property-Act-1874.htm). Similarly the Transfer of Property Act 1882 confers equal rights to women to engage in sale, mortgage, lease, gift and transfer of immovable property deals (http://www.iiiglobal.org/country/india/THE_TRANSFER_OF_PROPERTY_ACT_1882.pdf).

In reality, Pakistani women are deprived of their legitimate property rights. A combination of factors, such as customary practices, social inhibitions, distorted versions of Islamic provisions on inheritance and unequal power structures, prevent Pakistani women from exercising their due rights.

Many despicable practices remain unchallenged in the society. The practices are devised to make women powerless and voiceless in the power structure of the society. A practice of *haq bakhshwana* (giving up rights) is followed in southern parts of Punjab and Sindh. Under this tradition a girl member of the family is forced to stay single or is married to Quran. The main motive behind this practice is to keep property within the family and to prevent its division which is inevitable in the case the female member decides to marry.

*Watta Satta* (exchange marriage, whereby one set of brother and sister are married to another) and cousin marriages are designed to prevent the break up of property. Aside from the deprivation of the right to acquire and own property, women themselves are treated as property. Pakistani media often carries reports of female killings by their own family members because they exerted their rights to marriage or property. Recently five women were brutally tortured and buried alive as they had opted for court marriages of their own free will (Dawn 2008). Although honour killing is declared a criminal offence (http://www.pakistan.gov.pk/divisions/law-division/media/I-2005.pdf), women continue to fall prey to this despicable crime. It is also quite common for women to transfer property to male members of the family under social pressure.

The issue of inheritance rights of women in Islam is often the subject of intense debate. As per the Islamic injunctions on inheritance, a daughter in a family inherits one-third while a son is entitled to a two-thirds share of the property. It is based on the principle of 'to the male a portion equal to that of two females' (The Quran, Verse 4:11). The division of shares on this principle is discriminatory of female equal rights. Many writers on Islamic law (i.e. Parveen Shaukat

Ali) have argued that this law does not discriminate against women. Their main argument is that women inherit from three sources i.e. father, husband and son. However, men too inherit from other sources. One has to take into account the historical context of this law. The difference in shares between men and women is based on a corrective approach of the pre-Islamic custom of exclusion of women from any form of inheritance (Sardar Ali 2006). It is essential to revise the inheritance law through *ijtihad* (interpretation of Quranic injunctions on the basis of contemporary circumstances by highly educated Islamic scholars) to promote gender equality.

Sri Lankan women enjoy the freedom to exercise their right to property and inheritance. Based on the general law, they have the freedom to acquire, retain and dispose of property. They are also entitled to equal inheritance rights as men (http://www.commonlii.org/lk/legis/consol_act/mrai69364.pdf). However, women in certain communities face restrictions in exercising their property rights. For instance, a Tamil woman requires the written consent of her husband to dispose of any immovable property (http://www.asianlii.org/lk/legis/consol_act/mrai70396.pdf).

Historically, in Nepal the inheritance and property laws were particularly harsh towards women. A daughter was entitled to inherit parental property if she was unmarried and 35 years old or above. Once married, she would have to return the property to the family minus the marriage expenses. A son, on the other hand, was heir of the ancestral property upon birth (http://www.aworc.org/bpfa/pub/sec_f/eco00001.html). However, Nepal reformed its discriminatory inheritance and property law in 2002, which provides for equal inheritance and property rights to men and women (http://www.lac-cnepal.com/eleventh_amendment.html).

In Viet Nam constitutional and legal provisions promote the principle of gender equity. It is considered a criminal offence to prevent women from participating in political, economic, cultural and social activities. Being a socialist state, land belongs to the people. The state leases land and issues Land Use Rights Certificates (LURC). As per the law, the names of both husband and wife must be registered on the certificate. However despite guarantees, only 3 percent of Land Use Certificates are registered in women's names and 3 percent are jointly held (Viet Nam Committee on Human Rights 2007).

What are some of the commonalities which the above mentioned countries share with regard to women's property rights and inheritance rights? Firstly, the existence of discriminatory property and inheritance laws against women which marginalise their economic status in the society. Secondly, the laws are not implemented in letter and spirit. The laws of the state are held subservient to the discriminatory customary practices which deprive women of their due rights. Thirdly the discrepancies between general law and personal laws prevent universal application of property and inheritance laws.

Apart from the legal barriers, several other restrictions are imposed on women's property rights. R. K. Murthy in her contribution to the AP-HDNET (on "Challenges to Asset Ownership and Control: How to Overcome Them?") identifies several obstacles at meso and macro levels including a patrilocal system of residence, absence of gender disaggregated data on property ownership at national /state and district level etc. In addition, Niranjan Sarangi and Elena Borsatti in their insightful contribution to the AP-HDNet (on "Gender Equality: A priority from the Human Development Perspective") have mentioned that unequal inheritance and property rights between men and women is one of the key challenges inhibiting economic equity.

In the contemporary world, societies should learn to question and discard those social norms and practices which perpetuate gender inequities. The human development process involves expansion of people's choices to live a dignified life. And 'people' are composed of both men and women. Let societies grant women the autonomy and freedom to claim their due rights which include their property rights. The autonomy granted will enable women to develop their full potential and lead productive lives.

Kind regards,

Hasna Cheema
*Consultant*
*Human Development Report Unit*
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Ranjani Murthy wrote:

*Facilitator's note: Ranjani Murthy posts information on initiatives to promote safe migration in India, Sri Lanka, Nepal, and Bangladesh, tracking systems to deal with trafficking, and community watch and support systems. Regional migration trends are marked by escalating feminisation of the migrant labour force. Many are subject to trafficking, kept in bondage, forced into prostitution or at risk of sexual abuse.*

Dear Network Members,

### Asia-Pacific Efforts to Promote Safe Migration: Some Examples

I would like to share some information regarding initiatives to promote safe migration.

a. **NGO-Government-Commission for women collaboration to address trafficking and provide services**: The West Bengal State Commission for Women and the Department of Women and Child Development and Social Welfare work towards monitoring implementation of the legislation on the Immoral Traffic (Prevention) Act, 1956 (being amended), in particular to prevent trafficking (State Commission for Women 2008). Along with the Department of Police, these two organisations have set up an anti-trafficking unit in Bhavani Bhavan (police department). The unit undertakes investigation of missing persons, rescue operations, and provides referral for shelter, legal aid, counselling and rehabilitation services. Three NGOs- Sanlaap, Jabala and State Legal Research and Resource Centre work closely with the unit in all these stages.

b. **A community based tracking system**: In West Bengal, the State Commission for Women and the Department of Women and Child Development and Social Welfare have collaborated with the Department of Rural Development and Panchayati Raj and an NGO to address trafficking. Together they are piloting a community based tracking system of women and children who migrate from villages in a few Gram Panchayats in South 24 Parganas and Murshidabad districts. Under this tracking system the Gram Panchayats, which are trained by the NGO Jabala, provide an identity card to each migrating woman or girl. On the identity card, in addition to the woman's name and address, the phone number and address of the NGO Jabala and of the police anti-trafficking unit are provided. It may also be noted that the migrating woman/girl is asked to indicate to the Panchayat the name of the agent and the rough destination. Further, she is requested to call her relatives or the Panchayat within three months of reaching her destination, failing which the anti trafficking unit starts tracking the individual. At times, the missing person directly contacts the NGO or anti-trafficking unit. In addition to the anti-trafficking unit, the NGO Jabala does its own tracking of missing people within Kolkata or Delhi, but not in other places. If this model is successful, it will be replicated in other districts where trafficking is high (Murthy and D. Souza 2008). IFAD, in its proposed West Bengal coastal area development project (yet to be approved), proposes to modify the above system with a village level committee of women's groups doing the tracking instead of the Panchayat, and making enlisting voluntary. This is to ensure that those women leaving an abusive family situation are not forced to disclose their destination (*Ibid*).

c. **Ensuring safety of daughters left behind**: Oxfam GB in Sri Lanka works on a project titled "We can campaign on ending violence against women". Oxfam GB's partners, through their discussion with change agents, heard that adolescent daughters of single women who leave the country for work are vulnerable to sexual abuse by male relatives and non-relatives. This is particularly true if the concerned woman is single or the father travels or is an alcoholic. The change agents hence have identified such girls, and advised the parents or the migrating single woman to leave the daughter with grandparents. However, if the father is responsible and takes care of the daughter effectively, no such move is made (Murthy and Peiris 2008). The women are encouraged to open their own bank account before leaving, and send a part of their earnings to this account, which is separate from their spouses or mothers accounts.

d. **Safe internal migration of girls**: In the Bhiratnagar town of Nepal, UNICEF works with NGO partners to ensure the safety and education of girls and boys who migrate to the town as residential domestic helps in return for food, clothing and shelter. Through a partner NGO, it has formed locality and town-wise groups of child domestic workers, with fifty percent membership and leadership to girls. This group has negotiated with the host family to send the child to school once they finish the chores, for provision of a salary other than food, clothing and education, and handles any cases of violence - sexual or otherwise - against the girls or boys. While the long term goal is to prevent child labour, the abuse of migrant and resident child labour is a reality (UNICEF 2007).

In Bangladesh, Save the Children Sweden-Denmark partners with NGOs who provide night shelter, food and basic literacy skills to street children- boys and girls- who work as porters and domestic help. The shelters are separate for boys and girls. It also partners with NGOs to provide day shelter, bathing facilities, food, condoms and health services for sex workers - including adolescent girls- who want to continue with the trade. It supports BNWLA, a women's rights NGO, which rescues domestic workers and sex workers who are exploited and provides them with alternative employment.

With warm regards,

Ranjani Murthy
*Programme Advisory committee member*
*Asia-Pacific Resource and Research Centre for Women (ARROW)*
*Kuala Lumpur*

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## Sunitha Rangaswami wrote:

*Facilitator's note: Sunitha Rangaswami shares a case study on Rajasthan, India, to promote women's leadership and challenge the exclusion of women from decision making. The intent is to increase access and control over resources, which is essential to promote economic equity. The challenge is deep-rooted: the nature of the market determines the persistence of the sexual division of labour, and 'keeping the house' persists as 'women's work'. Sunitha points to changes that could come from integrated strategies. Complementary social policies, looking at issues such as safe and affordable transportation, a women-friendly market environment, affordable and efficient health facilities, are essential.*

Dear Network Members,

### Poor Women's Economic Leadership

I am copying below a real life example of promoting women's leadership in a conventional integrated rural development programme supported by Oxfam GB in Rajasthan. This case study was prepared by me, with inputs from Mona Mehta (Global Programme Adviser, EVAW, Oxfam GB) and Kavitha Gandhi (Programme Manager, Oxfam GB), in 2007 as a part of a bigger initiative to promote Poor Women's Economic Leadership (PWEL). This case, I feel, mirrors the arguments others have put forward on promoting women's access and control over resources to change and challenge gender inequalities. I feel it is an eloquent example of having to plan holistically if we are to promote gender equality and change women's low status.

In terms of policy lessons, to state the obvious - no single policy can comprehensively tackle the odds against women that limit their economic and business opportunities. Successful macro-economic policy would have to take into account the interconnectedness of women's lives and make provisions to do so. It would require complementary social policies that look at a range of issues such as:

- Safe, secure and affordable transportation that supports women's mobility to engage in business enterprise/markets in addition to inputs such as credit, skills etc.

- Promote women friendly market practices through demarcated resources (including infrastructure such as toilet facilities for women, a space for women to gather to rest and bring their children to), as markets are often male dominated and poor women may lack the knowledge, skills and expertise to engage at first.

- Affordable and efficient health facilities. This is because the biggest drain on women's time and resources is often poor health of family members and their own, thereby limiting their opportunity to engage in economic enterprise.

- Encourage and support women's risk taking capacity given that prevailing gender roles and responsibilities and allocation of household and community resources support men's enterprise, and in all likelihood act as barriers for women's enterprise (refer case study).

- Provision of ancillary services such as crèche facilities and schools, so that girl-children do not end up adopting household responsibilities, as opportunities for women's economic enterprise outside the household increase, resulting in these girls being pulled out of school in the absence of suitable alternatives.

- Mobilise men to take on domestic roles and responsibilities through a popular campaign so women's economic enterprise is not at the expense of women giving up scarce leisure time (if any).

The point I wish to make is that if we are to seriously promote women's leadership in the economy, it is essential to examine the possibilities of establishing horizontal linkages with various departments and policies rather than see it through the narrow prism of women's business enterprise. It is no mean achievement, but the case study sheds light on how you can tackle the various aspects of women's economic leadership through intelligent and consistent planning. It is these lessons at the grassroots level that provide us with vital clues on relevant policy.

Cheers,

Sunitha Rangaswami
*Regional Advisor - Gender and Humanitarian*
*Oxfam Great Britain*
*South Asia Regional Centre, New Delhi*

**Making a Difference - A Story from Rajasthan's Thar Desert (\*)**
*(\*) Not to be reproduced or published without prior permission from Oxfam GB*

Background:

Chawa village lies in a zone demarcated as arid/dry in the western Barmer district of Rajasthan. A majority of its population is supported by a water body- a pond - that lies five kilometres from the nearest point in the village. The nearer source - the village well - can be used only by a small group of upper caste families due to social norms that are strictly enforced by powerful upper caste village members. So for two-thirds 2/3rds of the families, such as Amru Devi's (woman in the picture), in the village who belong to the 'Dalit' caste, it takes an average of two hours for a woman from the family to walk to and back from the pond, carrying two pots of water on every trip. The minimum number of trips for water to sustain a family's needs for a week is roughly eighteen trips. Apart from the water that a woman needs for the family's drinking, washing and cooking purposes, she has to source a supply for the livestock she is raising and for the small vegetable plot dedicated to food for her family.

Chronic droughts and silting of the local pond add to women's difficulties. Often the village pond does not provide water for the whole year and if nothing changes, the number of days when Amaru Devi has to go a longer distance of eight kilometres to the next water source will increase.

For women such as Amaru Devi, water collection is just one of the many tasks that they have to do at home, on their fields or for wage work. The heavy work burden combined with poor nutrition (on an average, nutrition and health care levels in this area are poor) takes a heavy toll on their health. It also reduces the energy and time Amaru Devi can give to income generating activities for herself and her family.

This severe water deficit puts at tremendous risk the three sources of income for most of the families in the region. These are rain fed agriculture, animal husbandry and wage labour. Inadequate water translates into inadequate income, which in turn forces the men to migrate to neighbouring states to supplement their meagre income. Thus women like Amaru Devi are left behind in the village, while also taking care of the elderly and children.

Women in Chawa and its neighbouring villages live in a situation of financial dependency on the men. The women left behind experience the real fear of their men setting up second households in places where they work, an arrangement which may lead to their being eventually deserted by their husband.

Despite the fact that the women maintain the homes and often through their work, their migrant husband's claim to inheritance, ownership of household and community resources (land, livestock, tanks, labour and even children) is with the men. Women have little or no control over these vital resources and often do not even have a say in the use of these resources. This acts as a major barrier for women such as Amaru Devi to access credit, sell produce, buy inputs or even obtain government support. It creates high levels of dependency on male income and remittances. Combined with social norms that constrain women's mobility outside their homes, it also means a loss in independent agency in most areas of women's lives. Many women are denied access to health care, even in life threatening situations, due to social norms that restrict women's independent movements and lack of cash income.

Women's potential and initiative to engage meaningfully in the economy are often overlooked. Setting free this potential through a change in attitude could increase household resources and improve overall well being.

Project Intervention:

If we isolate the three key factors that have a major impact on the lives of the women in this region they would be:

- High burden of water collection and drinking water shortages characterised by distant water sources, neglect of traditional water bodies and depletion of ground water source supplied by government.
- Low agricultural and livestock productivity mainly due to degradation of natural resources affecting income and food security.
- Discriminatory social norms and practices that constrain women and promote caste, gender and religious inequality.

Given this scenario, Oxfam GB, through its natural resource management (NRM) work, intends to reduce barriers faced by women by introducing a strategic shift in balance of power between men and women. Strategies include:

- Increasing women's access to and ownership of assets.
- Creating opportunities for women to adopt decision-making roles.
- Ensuring women's representation in village level institutions.
- Building women's technical skills and encourage women's leadership in supervision of technical works.

The project included the restoration and construction of water harvesting structures that were undertaken to redress the acute water shortages. The project introduced a number of changes in the process to change gender roles and enable women to establish more control and ownership over the resources brought in by the project.

For instance, women are involved in managing and physically undertaking the procurement and distribution of construction materials from the district market. This not only created ripples within the village but also in the markets, which are male dominated. Women gained both in mobility (challenging the social norms curtailing their independent movement) and in status as they dealt with traders and suppliers as well as village men who were benefiting from the structures.

Training of women masons has enabled them to enter into an area of skilled wage work that was the exclusivel domain of men. In the short term, the project provides not only employment but an external market for skilled construction workers is also potentially available, opening up new areas of work and income for women.

Most important, Amaru Devi and other Dalit women have been given independent ownership of the water tanks. This is a first major resource that women own. The women's names are clearly painted on the side of the tanks proclaiming their ownership so as to make their ownership and the right of women to own assets visible within the community. Women were also provided formal certificates of ownership.

In land development activities, women's right to equal ownership of land was raised. A number of partner organisations are exploring ways of enabling women to gain ownership of family-owned land developed by the project. Given both social and legal barriers, one option that is being tried out is to get male owners (husbands) to give the power of attorney to their wives.

This action would enable women to gain control and make decisions over the use of land. The symbolic action, while not equal to actual independent ownership, would address some major social attitudinal barriers. For instance, many men believe that women cannot be trusted and if women had control they would abandon their husbands and family. For women, the symbolic action would allay their fear of desertion, as the men would not be able to sell the land without their agreement.

Women are also being trained on new agricultural techniques such as diversification of crops, preparation of organic manure, vermicomposting and preparation of saplings in the nursery. They are also linked to agriculture universities and other specialists through exposure visits. Discussions on issues such as declining sex ratio and violence against women in the gender training workshops, organised for both men and women community members, deal with social discrimination and challenges both within the household and community.

The programme has also moved to equal, if not majority, representation of women in the village development committees (responsible for care and maintenance of these structures). The aim is to enable women to play bigger roles in decision-making and challenge the exclusion of women from decision-making.

Gender Analysis and Economic Leadership:

How has this changed the life of Amru and her companions?

To begin with, there has been a dramatic reduction in women's workload and time spent in collection of water. This frees up women's time and provides an opportunity for them to engage in other areas (both household and economy). Where

women had to previously walk five kilometres, they are now proud owners of tanks virtually at their doorstep. A major change for many of these Dalit women is not having to deal with the harassment and exploitation from the upper caste in whose hamlets the water sources were previously situated. There is a certain degree of pride and self-esteem as first time owners of an asset created from their skills and labour contributions. Acquisition of skills in tasks predominantly undertaken by men has also altered attitudes and perspectives towards what women can and cannot do. Women also have access to cash incomes through these newly acquired skill sets.

Increased mobility through their involvement and procurement of supplies has meant women are able to access markets and related information. Many of these women had never been outside of their village until now. Supervision of construction works has given women both responsibility and powers to demand accountability, a role most often played by men in the past. Women's role in decision making through their representation in village level institutions has made it possible for women to articulate their views while simultaneously challenging the barriers restricting women from engaging in public spaces. Resistance from elderly men has been pre-empted by assigning them 'advisory roles' thus creating legitimate spaces for women to engage meaningfully, not just as household members.

Women experience a greater sense of security and control as owners of land, apart from being able to engage in income generation and earn cash. Men can no longer mortgage or sell the land without first consulting her. It also demonstrates a certain degree of trust in women's abilities to own and manage a vital resource such as land.

By acquiring new agriculture inputs, women themselves are better able to manage these resources (land); but it also gives credence to women's participation in agriculture on an equal footing with men, not just as an 'unpaid family labour'. All of this has led to an increase in women's own self-esteem, as well as ushered in changes in perceptions of women as managers and owners of resources, skills and assets. Consequently they now have greater influence and control over use of trees, crops, fodder and cash earned from sales of these. What is remarkable is that women and men have emerged as partners in a collective struggle to bring about change. These are no mean achievements given that women were once rendered 'invisible' behind the ghungat (veil) and seen as an extension of men in the community.

Some Key Lessons:

- Women's vulnerability can be reduced and their control and status as owners and skilled workers enhanced by appropriate strategies in programmes to addressing practical livelihood needs such as water and agricultural development.

- Poor women's low literacy and lack of experience is not an impediment to acquiring new skills and knowledge.

- Entrenched norms and practices can be altered given the right environment and strategies. Women as owners of water tanks, previously viewed as unthinkable, has become a reality today.

- Interventions can be used to open up new areas and difficult issues – by providing women ownership over tanks this has paved the way for creative ways of giving them similar rights over other resources/assets, subsequently increasing their ability to influence decisions and stake their claim in the economy, community and household.

Fayyaz Baqir wrote:

*Facilitator's note: Fayyaz Baqir shares information regarding interventions that can help reduce economic inequality. He shares a note on the provision of micro finance to the Self Help Groups (SHGs) of poor and marginalised women, which has emerged as a very significant tool in reducing gender based economic inequality. Further, he reflects on the issue of assets ownership and control and he indicates that the newly elected government in the Sindh province has introduced a new scheme, under which land will be distributed amongst women coming from landless families.*

Dear Network Members,

## Self-Organisation of Women: The First Principle of Economic Power

I would like to share with you a newspaper article and a note prepared in 2008 by Shoaib Sultan Khan, Chairman Rural Support Programme Network, Pakistan.

As discussed in the last few weeks, women's access, ownership and control over resources is a critical issue that needs to be addressed to promote economic equity. Women in Pakistan are denied the right to inherit property in many areas of Pakistan. This economic inequality provides the basis for social inequality. To keep land assets as property amongst the male members, many landed families marry their daughters to "Quran". In other cases women are killed in the name of "Honour". The newly elected government in the Sindh province has introduced a new scheme to address this issue. Under this scheme, land will be distributed amongst women coming from landless families. This same province gave the first elected women prime minister (Benazir Bhutto) to the Muslim world. Sabihuddin Ghausi has narrated the story of reforms in Daily Dawn Pakistan (http://www.dawn.com/2008/09/22/ebr15.htm).

I am sharing the note copied below as provision of micro-finance to the self help groups (SHGs) of poor and marginalized women has emerged as a very significant tool in reducing gender based economic inequality. It has helped to lift 8 million women above the poverty line in India, and government micro-finance sponsored programmes are operational since 1999 in the country.

With best regards,

Fayyaz Baqir
*Senior Advisor on Civil Society*
*UN Resident Coordinator's Office*
*Pakistan*

## Note by Shoaib Sultan Khan, Chairman Rural Support Programme Network, Pakistan

Poor families of Andhra Pradesh (AP) who decided to join the SHGs. Beginning with 20 Mandals in three districts, covering no more than 100,000 families in 1996, under the South Asia Poverty Alleviation Programme (SAPAP) sponsored by UNDP and led by Mr. Shoaib Sultan Khan from Pakistan, now the coverage, with World Bank assistance has been taken by the state government through the Society for Elimination of Rural Poverty (SERP) to 884 Mandals in 22 districts of AP covering 8 million families.

The centrepiece of the programme, now being called Indira Kranti Patham (IKP), is social mobilisation, which involves motivating poor rural women to organise in groups of 10 to 15. When a sufficient number of SHGs are formed, the next step is to federate them in a Village Organization (VO) and subsequently the VOs federate at the Mandal level in a Mahila Mandal Samakhya (MMS) representing around 30 VOs which in turn represent about 350 to 500 SHGs comprising 4,500 to 6,000 women, each representing a family with an average of 5 members. SERP is the sensitive support organization which fosters SHGs/VOs and MMSs. In 2000 it subsumed SAPAP when World Bank stepped into the shoes of UNDP.

The grassroots institutional framework of SHGs/VOs/MMSs is, unlike NGOs, a sensitive support organization of the poor for the poor. It is financially self-managed. In year 2000, they had accessed only 700 crores from the commercial banks beginning with a seed capital of 5 million rupees provided by the UNDP to each of the 20 Mandals. By 2004 this had increased to 1100 crores.

However, in 2004, the newly elected state government redeemed its promise made in the election manifesto and provided an interest subsidy to SHGs of 75 percent of the interest paid by them to the bank. By early 2007, the credit uptake had shot up to 2500 crores and next year, SHGs hope to cross the 3500 crores figure coupled with the state government's directive to the banks for priority banking for the poor.

Another important initiative by the state government has been a housing subsidy for destitute and shelterless individuals identified by VOs. This, coupled with the Union Governments' launch of the 100 days employment guarantee scheme to the rural jobless, has accelerated poverty reduction.

Andhra has demonstrated a poverty reduction model unparalleled anywhere in South Asia. It has already impacted the livelihood of 8 million families and targets to reach another 3 million in the next two years. SERP has not stopped only at alleviating poverty, as most micro credit programmes do: it has also facilitated millions of poor and destitute families to emerge out of poverty.

SERP's most effective strategy in scaling up its operations from coverage of 100 thousand households to 8 million households has been the use of Community Resource Persons (CRPs) from the SAPAP Mandals. Each of these Mandals has a pool of social capital comprising 250 to 300 CRPs. These CRPs form themselves into groups of five and normally two groups take up a Mandal for fostering SHGs, spending a fortnight a month for the next six months in the Mandal. The end result is one hundred percent coverage of the destitutes and the poor, comprising backward classes, minorities and also upper caste poor. The SHGs so formed federate in VOs and subsequently in MMS. The engagement of CRPs for social mobilization to achieve an institutional framework at the grassroots of SHGs/VOs/MMSs has given phenomenal results at a pittance of a cost.

The Orvakal Mandal in Kurnool district has 489 SHGs, 27 VOs with 5562 households as members represented by women. They have 978 leaders trained in different descriptions. SAPAP gave them a seed capital of 3 million rupees and SERP gave them 2.9 million rupees as community investment fund (CIF) since 1996. They accessed Rupees 11 crores and 65 lakhs loan amount from banks. Thus, during the last twelve years, by turnover of their savings, seed capital, CIF grant and bank loans, the SHGs/VOs and MMSs gave 33,226 loans amounting to Rupees 18 crores to the 5562 members. The Orvakal MMS linked with 23 development programmes of the government and also forged partnerships with 7 donors and constructed their own building at a cost of 2 crores called Social Mobilization and Experimentation Learning Centre (SMELC). It has so far trained 18,000 women from all over the state.

The Orvakal MMS designed its own programme for the landless, with a grant received from the Turner Foundation through UNDP SAPAP. It acquired 182 hectares of land and settled 98 landless families. Under the Jeevna Joyti (Life Saving) programme, the MMS supports 292 families suffering from malaria and TB. 23 VOs have their own Mahila Banks with a capital of 2 crores and 11 lakhs of 1149 members.

Under the Bhavita programme, the MMS has provided 1050 child labourers residential schooling, leading to their admissions in educational institutions including higher education. The Mandal has been rid of bonded child labour. SMELC also runs a computer training centre.

Empowerment has persuaded the government to link up with MMS at the Mandal level. MMS has been given a role in ensuring delivery of government services such as health, education, peace committee for policing and other government programmes. The Sarpanch of the Panchayat also heeds the suggestions of the MMS and acts on their complaints.

# Closing Message

## Jim Chalmers wrote:

Dear Network Members,

Thank you very much for sharing your knowledge and experience during the last three and a half weeks on gender and economic equity. Next week we start the discussion of the sub-theme *politico-legal equity.*

To briefly summarise the discussion so far, the clear message is that gender equality is a critical component of human development.

Ending discrimination and promoting women's economic security is an integral part of reducing poverty and fostering sustainable development. All contributions noted this. Several went beyond to emphasise the ongoing, strenuous struggle of women over control of resources. They noted that land and property ownership do not necessarily translate into control or decision-making about who gets to use these assets. During times of crises when women are especially vulnerable (e.g. when HIV/AIDS infection increases economic susceptibility), asset ownership and control of resources helps women cope with social and economic challenges.

Access, control and ownership are instrumental in promoting gender equity. Regarding discriminatory laws that impede this, the discussion noted that while various legal systems recognize women's economic rights to some extent, the gaps between the *de facto* and *de jure* legislation continue to marginalize women. Customs, too, often deny women their due rights.

Barriers, at individual/household, meso (community-district) and macro levels continue to exist, and contributors attempted to identify possible solutions. Importantly, it was noted that no single policy solution will unblock women's economic opportunities. Women's everyday activities are interconnected and thus their claims for rights and voices are

multi-faceted – specific within multiple contexts. Complementary economic strategies are needed to address this social fact.

Many thanks to those who actively contributed: Kalpagam Umamaheswaran, Lionel Siriwardena, Ranjani Murthy, Revati Chawla, Fayyaz Baqir, Gang Chen, Udoy Saikia, Benita Sharma, Niranjan Sarangi, Elena Borsatti, Manel Chandrasekera, Hasna Cheema, and Sunitha Rangaswami.

The next discussion topic is *politico-legal equity* and we look forward to your contributions. To highlight just one of the many challenges involved, here is a thought from Martha Nussbaum on systems of personal law, which you could consider responding to:

"It is not so easy for individuals to disengage themselves, particularly when property is jointly owned in family consortia (as it often is) from which individuals may not extricate their shares. These systems of personal law have made it uniquely difficult to end discrimination based on caste and sex" (Martha Nussbaum. 2002. "Sex, laws, and inequality: What India can teach the United States.*"* Available at: www.amacad.org/publications/winter2002/Nussbaum.pdf).

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

Politico-Legal Equity

# Opening Messages

## Elena Borsatti wrote:

Dear Network Members,

Thanks once again to those of you who have contributed to the Network. As you may have noticed, we decided to extend the debate on economic equity for a few extra days as the dialogue was very rich and engaging. The consolidated reply for economic equity is now available at http://www2.undprcc.lk/ext/HDRU/EST_Gender_Economy.php

The sub-theme for the next few weeks of e-discussion is ***politico-legal equity***. Gender-based violence, culture and identities (masculinity and femininity) continue to be cross-cutting issues.

Political and legal powers have the potential to address underlying factors that result in unequal gender-based opportunities, treatment and rewards. We would like to reflect on how gender in justice and political systems promote or hinder human development, including gender equity. What needs to be done? What is working already in the region? What are the implications for men, considering the perceived ideas of masculinity?

**Gender in Political Systems:** Amongst law-makers and law-shapers, women tend to be marginalised. Political gaps may include lack of adequate representation in political parties, trade unions, student unions, national legislatures, provincial assemblies and local bodies. What contributes to this low representation in political parties and even exclusion? In spite of some famous female names on the national stage in many countries, women's political voice has mostly been:

- Symbolic (one or two female ministers) and,
- Limited to 'softer' portfolios (usually ministries of women's or social affairs).

It is not just representation in numbers, but also of relevance in the gender sensitiveness of legislation and policies that are advocated. Some of the questions that we would like to explore with you are the following:

- *Why are women in the region marginalised in politics? What are the factors that inhibit their participation?*
- *How are women being politically empowered at different levels of the political system?*
- *What is the effect of this marginalisation on gender equality?*
- *Did women have the right to vote at the same time as men in the region? In which countries? If there was a gap, how much was it?*
- *What are some of the policy interventions for a more balanced gender-based representation and participation? What are their strengths and limitations?*

**Gender in Justice Systems:** Issues in this area can include discriminatory laws and the unequal application of gender sensitive legislation. Inequalities in constitutional provisions, nationality issues, employment provisions, work environment and labour laws, personal and family laws relating to inheritance, marriage, dowry, alimony, child custody and divorce are of relevance. Further, the full implementation of global benchmarks for promoting gender equality, including CEDAW, has not taken place.

Some of the questions that we would like to discuss are the following:

- *Are women marginalised in the justice system? If so, why?*
- *How can we conceptualise the engagement of men in gender sensitive lawmaking?*
- *What is the nature of constitutional guarantees provided by states for promoting gender equality?*
- *What are some of the discriminatory laws which impede advancement of women in political, social and economic spheres of life? To what extent do family laws of the region discriminate against women?*
- *What realistic indicators (de jure and de facto) can be used to monitor gender justice?*
- *What are some of the major interventions which have helped rectify legally sanctioned discrimination against women? What are some of the innovative legal practices in the region i.e., mobile courts in Afghanistan, codified inheritance laws in Iran etc.?*
- *What are the regional success stories for effective implementation of global benchmarks, such as CEDAW?*
- *State parties to CEDAW are obligated to enforce its articles. What are the factors which inhibit state compliance with CEDAW articles (i.e., customary practices, constitutional provisions, religious restrictions etc.)?*

We look forward to receiving your contributions, which could include historical/cultural studies, key studies/working papers, success stories, impact of interventions on the ground and traditional folklore stories.

Please indicate your designation and affiliation in your message. We would also be grateful if references (author, year, title, publisher, city of publication, link if available) could be provided, as this discussion may be published. Such was the case of the e-discussion for the APHDR *Tackling Corruption, Transforming Lives* (http://www2.undprcc.lk/ext/HDRU/pdf/APHDNet_discussion_on_corruption_Booklet.pdf). All contributions will be posted on the AP-HDNet website for your reference at http://www2.undprcc.lk/ext/HDRU/EST_politico_legal_equity.php

We look forward to a lively discussion!

With best regards,

Elena Borsatti
*(On behalf of the HDRU Team)*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

## Jim Chalmers wrote:

Dear Network Members,

*Politico-legal equity* is concerned with power. From a capabilities perspective, this puts the focus on mechanisms and laws, to examine how to generate greater autonomy and choice through gender equity. How could politico-legal institutions produce greater participation and liberty for women, as a matter of both lawful right and social reality?

Here, the public policy issues relate also to norms and values, social traditions and behavioural patterns. These, in turn, enable and regulate gender identities and participation. The effects of important institutions like marriage and family are not just bases of social order: they distribute social power. Thus there is a subjective dimension involving expected ways of belonging, social self-identity and participation.

States, religious institutions, culture and customs devise and legally enforce particular institutional/behavioural patterns. Yet, these are not etched in stone. Shifts occur over time and the goal is to plumb the ways that policy shifts could generate greater equity and freedom.

In addition to the questions posed in HDRU's message, some other questions of interest to the discussion are:

- *What is your experience of women's access to or participation in the main political and legal institutions (justice systems, representative legislatures or parliament)?*
- *How are women being politically empowered at different levels?*
- *What are some of the discriminatory laws which impede advancement of women in political, social and economic spheres of life? What are some interventions that have helped rectify legally sanctioned discrimination against women?*
- *Are the structures that implement laws, policies and procedures male-dominated in your country of work? Is the official reading of these laws and policies discretionary and shaped by traditions that subjugate women? What are the examples of transformative action in this regard?*

Your comments are warmly anticipated. We look forward to a lively debate.

All the best

Jim Chalmers
*AP-HDNet Facilitator*

# Contributors

Responses were received from:

- Winnie Byanyima, *Director, Gender Team/BDP, UNDP, New York*
- Pamela Nilan, *Associate Professor of Sociology, University of Newcastle NSW, and Vice-President Asia-Pacific Sociology Association*
- Lanyan Chen, *Professor, Institute of Gender and Social Development, Tianjin Normal University, Tianjin*
- Julia Scott-Stevenson, *Gender and Knowledge Management Advisor, UNDP, Samoa MCO*
- Hasna Cheema, *Consultant, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Geeta Ramaseshan, *Lawyer and legal scholar, Chennai*
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- Ramesh Gampat, *Deputy Regional Programme Coordinator, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office, and Jim Chalmers, AP-HDNet Facilitator*
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- Dr. Gurpreet Singh, *Municipal Corporation of Delhi*
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- Kuntala Lahiri-Dutt, *Fellow, Research School of Pacific and Asian Studies, Australian National University, Canberra*
- *Myo Lwin, Myanmar Times*

# On-line Discussion

## Winnie Byanyima wrote:

*Facilitator's note: Winnie Byanyima shares information on women's political participation in the region. Women occupy just 16.9 percent of seats in Asian national parliaments and 12.9 percent in the Pacific. At central government levels in Asia, women hold only 8 percent of ministerial portfolios. She notes that the challenges include patriarchal social systems, social and cultural prejudices, financial dependence of women, lack of available training, family and child-care responsibilities, and corruption in politics. Effective strategies could include gender quotas for party leadership roles. Others targeted efforts include, for example, reforming campaign finance regulations, eliminating campaign violence and the intimidation of women candidates and voters.*

Dear Network Members,

<div align="center">

Towards MDG3: Removing Barriers to Women's Political Participation
in the Asia-Pacific Region

</div>

This contribution to the e-discussion will focus on the political side of politico-legal equity. When women's political participation, or more specifically, their participation in national parliaments, was selected as one of the indicators for

MDG3, it represented an international consensus that raising the number of women in parliaments is a strategic means to removing the structural causes of inequality between men and women. However, increasing women's participation in legislatures is only one, albeit essential, aspect of the larger goal of achieving a broad-based inclusion and participation of women in all national power structures. We also need to increase the numbers of women cabinet ministers, leaders of local authorities, heads of government and state, political party leaders, and senior public service officials to fully reach equality in political participation and the gender-responsive governance and policies that are needed to achieve MDG3.

Despite having made gains since the 1995 Beijing Conference, women remain largely underrepresented at most levels of government, but especially in ministerial and other executive bodies. In fact, in 2008, only 20 countries -1 from the Asia-Pacific region(*) - have reached the target set by the Economic and Social Council (**), of reserving 30 percent of seats in national governments for women. This target was set because 30 per cent is considered to be the critical mass needed in any institution to effectively influence policy outcomes. In the Asia-Pacific, Timor Leste, the Lao People's Democratic Republic, Viet Nam and Australia are coming close to achieving this critical mass of women parliamentarians. However, the regional averages stand further from this goal, with women occupying 16.9 percent of seats in national parliaments in the Asia region (***) and 12.9 percent in the Pacific. In terms of parliaments therefore, we still have a long way to go to achieve a critical mass of women, let alone gender parity in parliament. Gender parity would require that women hold 50 percent of seats and truly exercise political agency in decision making.

Women have been more successful in exercising power at the local than at the national level, but still remain largely underrepresented in local government. In 2001, statistics for the Asia-Pacific indicated numbers of women in local seats ranging from 33 percent to 2 percent (UNESCAP 2001). In South Asian countries in particular, recent increases in women's numbers in local government have been attributed to the introduction of quotas for women in local legislatures. For example, in India, a constitutional amendment in 1993 called for 33 percent of seats in *panchayats* (local governing councils) to be reserved for women. Women have since occupied a large number of local seats, and some states subsequently increased the reservation to up to 50 percent of seats (****) In instances where women have achieved a critical mass in these local councils, there has been a surge in gender equitable policies that address women's interests and needs and more women in these communities have taken advantage of state services and are demanding their rights (UN Millennium Project 2005).

While we continue to work towards gender parity in legislatures, we must also direct our efforts on achieving gender parity in other areas of governance where power is exercised. We must address women's under-representation in the cabinet and ministerial positions and as leaders of political parties, governments and states. For example, globally, only 16 women are currently heads of state or governments. Women hold only 16 percent of ministerial portfolios globally, and in Asia, only 8 percent. Women ministers and senior staff in the public bureaucracy alike continue to be, on the whole, assigned to gender stereotyped fields of government such as children's or women's affairs, social affairs, education and health, and rarely to top positions in the defence ministry or diplomatic affairs.

Despite the available evidence that demonstrates the positive implications of increasing women's political participation on women's rights and development goals and targets, women continue to face barriers to enter into and influence the political decisions that affect their lives, at all spheres of political influence. The reasons for this vary by context, but in the Asia-Pacific, research suggests that the remaining challenges primarily lie in patriarchal social systems, social and cultural prejudices that discourage women from entering into politics. The financial dependence of women, the lack of training opportunities for women on effective political engagement, family and child-care responsibilities, the high cost of seeking and holding office and corruption in politics are additional factors that deter women from entering the political arena.

In recognition of these constraints, the international community has supported initiatives to build women's capacity to participate in political life, both as political representatives and as voters. These efforts have included providing support for women's autonomous organisations. They have also involved helping create networks of women in politics through which women can share the information, resources and experiences they need to overcome the hurdles encountered in entering into politics and having an impact on policy outcomes. In addition, a number of successful initiatives have focused on redressing the other side of the equation: removing the entrenched institutional biases found in parliaments, political parties and public bureaucracies, by supporting efforts to institute affirmative action measures for women. Such measures have included quotas for parliaments and parties, and equal employment opportunity regulations in the public service so that more women can move into senior management positions.

Moving forward, we will need to invest more in devising strategies to help women rise to leadership roles in all areas of political life. Towards this goal, it will be vital to work more concertedly with political parties. Efforts need to focus on integrating gender equality goals into parties' regulations so they champion gender equality in their work and promote women to party leadership. Gender quotas for party leadership roles could be one approach to achieving this. Furthermore, a greater emphasis is needed on reforming campaign finance regulations so that women candidates have equitable

access to public and private sources of electoral financing. This is essential for women to be able to run an effective and competitive campaign. A third area of work should be on eliminating campaign violence and the intimidation of women candidates and voters. Finally, there is a need for ensuring the public provision of care services, especially child care, so that women have the support they need to balance their family and work responsibilities, including the duties of public office.

With best regards,

Winnie Byanyima
*Director*
*Gender Team/BDP*
*UNDP*

**Notes**

(*) This country is New Zealand, with 33.1 percent of women in the lower house of parliament.
(**) And later reaffirmed at the Beijing Conference in 1995
(***) According to IPU delineations of regions.
(****) From the all-India A C Neilsen ORG MARG survey of women in the panchayat raj system, quoted in Rashme Sehgal (2008).

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## Pamela Nilan wrote:

*Facilitator's note: Pamela Nilan investigates why women in Fiji are under-represented in public life. She explains that although female literacy and education participation is high, "different pathways through education and into adult life are realised within patriarchal discourses of appropriate male and female behaviour". Poverty and the urban-rural divide are also crucial.*

Dear Network Members,

### The Under-Representation of Women in Public Life in Fiji

This contribution considers the question – why are women in the region marginalised in the political arena? Is it because of low educational achievement, culture or other reasons? The example here is Fiji. The argument is that we will not find as evidence low female educational achievement as such, but different kinds of pathways through education and into adult life. These are culturally-oriented and lead to different outcomes for men and women in public life, so few women appear in the political arena.

Nazhat Shameem, the only Indo-Fijian female judge in the High Court of Fiji said:

> Fiji's glass ceiling is tough, because our community is driven by both ethnicity and patriarchy. I am a Muslim Indo-Fijian woman, and the combination of my race, religion and gender is very hard for many people to stomach … I have been called hostile, spiteful, manipulative, devious, cunning and power-hungry. It is not surprising that many women in Fiji decide that it is too difficult to continue to forge change. For all the rewards attached to my position as an Indo-Fijian female High Court judge, there are an equivalent number of sanctions (Shameem 2008).

Overall, progress towards gender equality in Fiji has been mixed. Notable inequalities persist in women's access to economic and political participation, but these cannot be attributed solely or even largely to a gender gap in education at the present time. There are quite a few developing countries in the Asia-Pacific where levels of female literacy and participation in education are high, but the status of women still remains low. Fiji is one of them.

*Education achievements*

Despite low female status, female literacy is high in Fiji and female educational achievement is not markedly lower than that of males. For example, Fiji had a gender parity index of 1.06 in secondary schooling in 2004. From 1995 to 2002, girls completed primary school in greater numbers than boys (Chandra and Lewai 2005: 25). The better results of girls in the Form Seven examination (Tavola 2000: 253), enabled their entry to tertiary education in greater numbers than males.

More females than males now complete tertiary education in Fiji (ADB 2006: 35-37). In terms of Millennium Development Goal 3, this is cited as evidence of achieving gender equity in education (see Fiji National Planning Office 2004: 36). Nevertheless, the claim of gender equity in education warrants scrutiny. In 2005, female tertiary enrolments only outnumbered male enrolments in certain degrees at The University of South Pacific and at the Fiji College of Nursing, while male tertiary enrolments vastly outnumbered female enrolments in Training Productive Authority of Fiji (TPAF) training programmes and at the Fiji Institute of Technology (FIBOS 2007c).

Despite marked improvements in female educational performance, the position of women overall in the labour market has not changed much. In 2005 only 55 percent of women were employed (ESCAP 2008: 76). In 2002, all salaried female workers in Fiji took home only around 88 per cent of male earnings (FIBOS 2003; UNDP 2002).

*What are the barriers to women entering the political sphere?*

High-achieving girls still tend to emulate the career choices of older women in their families and communities, even in the current context of a marked reduction in labour market opportunities for the time-honoured 'white-collar' female occupations of teaching, nursing and public service work (Nilan 2009). With the exception of a few notable women from the Chieftain clans, there has not been a viable history of female leadership in Fijian public life since colonisation. There are, and have been, few women in politics.

Although more developed than most of Melanesia, indigenous Fijian women are still regarded as the property of their fathers, and then husbands (see Jolly and McIntyre 1989). Domestic violence is often informally condoned (Mitchell 2000). Men continue to construct themselves as fighters/warriors (Halapua 2003) while women maintain the home and bear many children. Pre-colonial gender order traditions in Fiji were re-shaped by Christianity - as Crocombe (2001: 224) notes 'all [Christian] churches tend to keep women "in their place" and slow down the world trend to gender equality'. For example, women are the mainstay of the extremely powerful Methodist church of Fiji, but never its local or national leaders.

Yet '[Indigenous] Fijian cultural norms do not place restrictions on women's mobility or on most types of economic participation, and increasingly, Fijians value secondary and higher education for both girls and boys as a means of social and economic mobility' (ADB 2006: 3). Indo-Fijians have always placed great value on education.

The agency of women is limited in conservative Fijian traditional thinking - 'in traditional Fijian culture, family hierarchy is … valued and specific gender-related and age-related roles are clearly defined. For example, children are at the bottom of this hierarchy, and older male family members are at the top' (Williams et al. 2006: 561; see also Vakaoti 2008: 62; Halapua 2003: 7; Leckie 2002: 176 for similar claims). This is similar elsewhere in the Pacific.

*Conclusion*

In conclusion, low female educational achievement is not common at all in Fiji, yet different kinds of pathways through education and into adult life are realised within patriarchal discourses of appropriate male and female behaviour which lead to different outcomes for men and women in public life. Poverty and the urban-rural divide are also crucial. The outcome is few women in politics.

With best regards,

Pamela Nilan
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*Research Training Convenor*
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*University of Newcastle, Australia*

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## Lanyan Chen wrote:

*Facilitator's note: Lanyan Chen highlights the need to operationalise legislation. For example, a strategy that clarifies legally what constitutes offenses to women's rights is required. It is important to create channels so that men's and women's voices from the grassroots level are recognized in policy making processes. A strategy to promote systems of public policy making suited to different local conditions is needed.*

Dear Network Members,

## A Gender Equality Strategy in Promoting Women's Voice in Politics

By the end of the 20th century, countries in the Asia-Pacific not only saw globalization expanding fastest in the area, but also a general acceptance of a world order whereby sets of internationally agreed upon rights based conventions set the highest moral order in social organisation. Many Asian-Pacific countries have signed on to the important UN conference documents and human rights conventions and have even made attempts to incorporate international standards into their domestic legislative systems. To take China and India, as examples, not only have the two countries adopted legislation to promote gender equality and the protection of women's rights in the spirit of implementing commitments to international agreements, but they have also put in place institutional frameworks to oversee the implementation process.

What is still lacking, however, is the operationalisation of the legislation. What is needed is a strategy to clarify legally

what constitutes an offence to women's rights, for example, by establishing clear definitions of discrimination, sexual harassment, rape and marital rape and so on. These definitions will not come through until women and progressive men at the grassroots level demand in organised voices. It is thus important to create channels for these voices to be recognised in policy making processes.

For instance, in China, the National Working Committee on Women and Children under the State Council and its counterparts at the provincial and county levels make efforts to design, monitor the implementation of and advocate government programmes and legislation that are in favour of gender equality. It also works with the All China Women's Federation on policy issues that are of concern to women.

Moreover, at the local level, one of China's important democratization exercises has been the direct election of village leaders, which started in the 1990s. Inspired by the approach in India to adopt affirmative action in legislation to promote women up to 33 percent in the local *panchayats*, Chinese women's organizations and activists also argued for a fixed percentage of women's representation. Women's participation in village government is steadily growing in China.

These above issues are often in focus of the UN and other international development agencies' assessments of gender equality and women's advancement. Interventions have focussed and largely been devoted to the implementation of international conventions with the help of women's machineries and the promotion of women's representation in political processes. These aspects are important. However, what is missing is the promotion of a system of policy consultation whereby grassroots women can voice their needs and interests and policy and programme interventions can be developed to recognize women's needs, especially their gendered needs, and to meet these needs as their basic rights.

In my recent book, *Gender and Chinese Development: Towards an Equitable Society* (Routledge 2008), I discuss examples of policy consultation with the participation of grassroots women in local levels with the support of UN organizations. What is needed is a strategy to promote systems of public policy making suited to different local conditions and facilitating consultation with women and women's organizations. Institutionalisation of public consultation takes a women's rights and men's involvement approach and is at the bottom of these systems whereby women can voice their concerns on needs to be met as their rights and also new women leaders enter public life and find strengths from their mentors among experienced women and men leaders.

With best regards,

Lanyan Chen
*Professor/Foreign Expert*
*Institute of Gender and Social Development*
*Tianjin Normal University, Tianjin, China*

## Julia Scott-Stevenson wrote:

*Facilitator's note: Julia Scott-Stevenson highlights that although almost all countries in the Pacific have high profile female political representation, this does not imply true gender equality. There are still many barriers that prevent women from taking up positions in the political and legal spheres. However, some action is slowly being undertaken including national women's policies or plans of action; but implementation is conditional on developing political will. Towards this, actively involving males in all stages of the process has proved effective.*

Dear Network Members,

### Snapshot of Women's Politico-Legal Participation in the Pacific

Almost all countries of the Pacific have high profile and successful female political representatives, who are at times pointed to as proof that women can reach the same positions as men. However, the achievements of a few successful women, often from privileged backgrounds, while not to be sneezed at, does not represent true equality.

There are still many barriers that prevent women from taking up positions in the political and legal spheres, and some figures can attest to this. In Samoa for example, women hold only 6 percent of parliament seats. There is one female cabinet minister (out of fourteen), and three of fourteen government ministries have a woman as Chief Executive Officer. Much better is the representation at Assistant CEO level, where in 2005, 39.5 percent of positions were held by women (Mulitalo 2005).

Some action is slowly being taken to improve this situation. For example, the Samoan branch of the Commonwealth Women's Parliamentarian Association (CWP) was launched in June this year by the Speaker of Parliament. The Pacific Representative for the CWP is the Hon. Fiame Naomi Mataafa, the Samoan Minister for Women, Community and Social Development, who noted at the launch that Pacific representation of women in parliaments is the lowest in the Commonwealth.

A common method in the Pacific and indeed, globally, of addressing women's needs, particularly in the politico-legal sphere, is to draft a national women's policy or plan of action. This has met with limited success in the Pacific, as once drafted it needs political will to see it through to implementation. Samoa has a draft National Policy for Women, prepared by the Division for Women within the Ministry of Women, Community and Social Development (MWCSD), but which has yet to be approved by Cabinet. Tokelau also has a draft National Policy for Women, again yet to be approved and adopted by their parliament (referred as the General Fono). Tokelau held its inaugural National Women's Summit in March this year, but held off discussion of the policy in favour of starting first with an economic summit looking at income generation for women of the community, and with an inaugural Miss Tokelau pageant, designed as an event to inspire young girls and women to embrace their culture and see women as celebrated within the community.

In Pacific countries such as Samoa and Tokelau for example, the village structure is such that the village council of chiefs or elders is separate from the women's committee, and while the women's committee does hold specific functions within the community, decision-making power resides with the usually male-only village council (some councils do now have female representatives). This may suggest why fewer women are seen in national-level political positions, as when power structures are so defined at the village level, it can be very difficult for women to break out of that mould. Particularly also in the Pacific, where it is still strongly felt that a woman's role is to take care of the home and family, spare time for political participation can be almost impossible to come by. The significant financial backing required from the family for a woman to run for parliament can also be a significant deterrent, given that women have less power to make major financial decisions within the family, and further they may be keenly aware of other competing family needs for financial resources.

These factors can be difficult issues to address without having calls for change sounding like they are an attack on the culture in which the village system exists. One way of approaching this, which has been identified in both draft national women's policies mentioned above, is by actively involving men in the process from the beginning. In other gender issues as well, it has been shown that involving men and boys is a successful strategy, not least when addressing violence against women; the political system would also benefit from this approach. In Samoa's draft policy, objective five is "To actively involve men and boys in the advancement of women and the girl-child to achieve full community participation and support for this process" (MWCSD 2007). As stated above, the Samoan branch of CWP was launched in June this year by the Speaker of Parliament, who noted the need for more female political representation. Statements such as this from men in high profile positions are one powerful step in this process.

In terms of legal equality, CEDAW is of course the starting point for assessment. A review of CEDAW legislative compliance across nine countries of the Pacific, undertaken in 2007, found varying levels of compliance (Jivan and Forster 2007). It found each country had significant compliance in some areas, some progress in other areas, and complete non-compliance with others. Of course, legislative compliance does not automatically result in equality in fact, but without compliance there is even less chance of progress towards equality. Again, political will is needed to follow through with compliance and, in turn, implementation. Action is also happening in this area; for example, the Samoan Government has this month advertised for a consultant to draft domestic violence legislation as required under CEDAW. While steps such as this are positive, it should be noted that Samoa still needs to do more to be on track to achieve Millennium Development Goal Three on gender equality by 2015.

In summary, levels of female political representation in the Pacific are currently quite dismal and more needs to be done to address this. National Women's Policies are one approach, which can be successful if backed up by political will to ensure they do not remain documents on a shelf. Involving everyone in the community in this discussion, and particularly men, is the best way to ensure that lreal change can happen and endures.

With best regards,

Julia Scott-Stevenson
*Gender and Knowledge Management Advisor*
*UNDP Samoa MCO*

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Hasna Cheema wrote:

*Facilitator's note: Hasna Cheema examines a few of Pakistan's constitutional and penal code provisions in order to assess their legislative compliance with relevant CEDAW articles. Hasna characterizes the constitution's approach towards women as 'protective'. The penal code provisions only partially preserve women's rights. She observes that concerted efforts are required to bridge de jure and de facto gaps to address gender inequities holistically.*

Dear Network Members,

## Gender Equality: *De jure* and *De facto* Challenges in Pakistan

Non discriminatory laws (ordinances, decrees, acts, executive orders and promulgations) play a critical role in promoting gender equity and thus human development in every society. They are instrumental in providing women with adequate legal safeguards and simultaneously protect their economic, social and political interests. Gender-equitable legislation paves the way to the maintenance of 'balance of power' between men and women.

Relevant international legal instruments (declarations, conventions, resolutions etc) are essential tools to promote gender equality. These global instruments address the rights of women and girls. Some of the international bench marks on gender equity include:

a. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

b. International Covenant on Economic, Social and Cultural Rights

c. International Covenant on Civil and Political Rights

d. Convention on the Rights of the Child

e. Convention on the Political Rights of Women

f. Convention on Consent of Marriage, Minimum Age for Marriage and Registration of Marriages

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is an international bill of rights for women. CEDAW obligates States Parties to ensure the equal recognition, exercise and enjoyment of rights by women without discrimination on the basis of being a woman. CEDAW is based on three core principles:

a. substantive equality for women

b. non discrimination towards females

c. state obligations to promote gender equity in all spheres and at all levels - within the family, community, market and state.

In this message, I take the example of a few of Pakistan's constitutional and penal code provisions in order to assess their compliance with relevant CEDAW articles. The provisions under consideration include a few constitutional provisions, selected penal code sections, the Hudood Ordinance and Qanoon-e-Shahdat Order.

The analysis shows that *de jure* and *de facto* challenges undermine efforts to ensure full compliance with CEDAW. It leads to marginalisation of women in society. Pakistan acceded to CEDAW in 1996 (http://www.iwraw-ap.org/convention/parties.htm). Based on the Convention, it is obligatory for Pakistan to put the provisions of the treaty into practice. Yet no legal framework has been devised for translation of international commitment into domestic law.

Under CEDAW, Article 1 (definition of discrimination against women), Article 2 (obligations to eliminate discrimination) and Article 3 (guarantee of basic human right and fundamental freedoms) member countries are required to guarantee a range of fundamental rights and freedoms in their constitutions including freedom from discrimination on grounds of sex, martial status, sexual orientation etc. The articles also specify the elimination of all kinds of discriminatory practices against women.

The Constitution of Pakistan, 1973, guarantees rights and freedoms to its citizens in most of the areas covered by CEDAW. The citizens enjoy full freedom of movement, association, speech, profession and assembly. The constitutional provisions stipulate full participation of women in national life (http://www.pakistanconstitution-law.com/const_results.asp?artid=34&title=Full%20participation%20of%20women%20in%20national%20life). It states that there will be no discrimination on the basis of sex alone (http://www.pakistanconstitution-law.com/const_results.asp?artid=25&title=Equality%20of%20citizens). However it takes a protective approach towards women issues. The gender-specific protective measures in economic and social spheres (restrictions on work hours, night shifts etc.) perpetuate discriminatory practices, infringe on CEDAW principles.

CEDAW strongly condemns discrimination against women in all its forms and recommends that 'sanction, penalties and compensation' be introduced to curb gender based violence. The Pakistan Penal Code 1860 provides limited protection for sexual violations perpetrated against women and girls (http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html). The code criminalizes sexual offences such as rape, human trafficking, soliciting, honour killing, infanticide, sexual harassment at work places, incest, and Vani. Based on the Pakistan Criminal Code Procedure, 1898, courts provide compensation to victims of sexual assault from fines collected from perpetrators of criminal offences (http://www.punjabpolice.gov.pk/user_files/File/code_of_criminal_procedure_1898.pdf).

However, criminal law legislation does not fully safeguard the rights and interests of women in Pakistan. The penal code provisions do not cover serious sexual offences such as marital rape and gang rape. Provisions for mandatory prosecution for sexual abuses are also not included. At present no specific section in the penal code deals with 'abuses in the family'.

In addition, there are certain penal code provisions which are discriminatory against women. The Hudood Ordinance on rape was promulgated in 1979 and incorporated in the Pakistan Penal Code (http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html#f9).

The ordinance is discriminatory against rape victims as it provides perpetrators of sexual violence against women immunity from prosecution and punishment. This leads to their prosecution on false adultery charges. According to the Human Rights Commission of Pakistan, in 2005 at least 4621 women were jailed under discriminatory laws including the Hudood ordinance (National Commission for Justice and Peace, and Democratic Commission for Human Development, 2007). Though some of its harsh provisions have been amended, this law is still discriminatory towards rape victims. Another harsh law is related with evidence. Under Qanoon-e-Shahdat Order, 1984, the value of a woman's testimony in court is considered half that of a man's evidence (http://www.jamilandjamil.com/publications/pub_litigation_laws/qanuneshahadat1984.htm).

Article 5 (sex roles and stereotypes) requires States Parties to abolish or modify customary practices that discriminate against women. Article 8 (1) of the constitution of 1973 states that any custom or usage which is inconsistent with the fundamental rights shall be declared void. The despicable social practice of honour killing has also been criminalized (http://www.pakistan.gov.pk/divisions/law-division/media/I-2005.pdf). The crime carries the punishment of death sentence or imprisonment of up to 25 years. Additionally an amendment in section 310 of the Penal Code has made Vani a criminal offence. Vani is a social practice where young women and minor girls are given in for nikah (marriage) to resolve different kinds of disputes. Despite harsh criminal punishments, women are victimised and exploited due to these discriminatory social practices.

A quick examination of the above mentioned laws demonstrates that legal interests of Pakistani women are not fully guaranteed. The protective approach, as espoused under the Constitution, 1973, limits women's access to opportunities in political, economic and social spheres. The criminal law provisions provide only limited protection to women. Serious offences such as domestic violence are not covered under the Penal Code, 1860. Woman, as a witness, does not enjoy equal rights as that of a man. The lack of effective implementation of criminal law is another important factor hampering women's legal interests. Vani cases are reported from different areas of Pakistan despite the stringent criminal penalty against the crime.

With kind regards,

Hasna Cheema
*Consultant*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Geeta Ramaseshan wrote:

*Facilitator's note: Geeta Ramaseshan shares some positive developments in the law in Sri Lanka, Bangladesh and India with regard to sexual harassment in the workplace. Laws can provide a normative framework that can help to ensure employer responsibility and women's safety.*

Dear Network Members,

### Sexual Harassment in the Workplace: A Case for Legal Intervention

Sexual harassment in the workplace is an area of concern where the absence of legal interventions has impeded the advancement of women in the social and economic sphere of life. Experience has shown that even in countries such as India, where there has been a strong labour movement in the organised sector, this problem was not taken seriously by the unions. The Technical Report of the ILO arising out of the Seminar on Action against Sexual Harassment at Work in Asia and the Pacific describes various negative impacts of sexual harassment on individual workers, business enterprises and societies (Haspel *et al.* 2001).

For the purpose of this discussion I am sharing some of the developments in the law. While I am conscious of the limitations of legislative intervention in addressing such a complex area that relates to unequal power relationships, including abuse and misuse of power, laws can provide a normative framework that can ensure employer responsibility and safety in the workplace.

Studies on sexual harassment have shown two dominant categories viz the Quid Pro Quo harassment where sexual favours are demanded for employment benefits, and those that involve a constant abuse of power unrelated to favours that create a hostile working environment. While there has been an impressive development in western jurisprudence, the understanding of the problem is emerging only slowly in the region, despite such a vast number of women in the workplace. I am sharing a few positive interventions in this regard. These are not exhaustive.

Under section 345 of the Sri Lankan Penal Code of 1883 as amended in 1995, usage of words and actions that cause annoyance or harassment to a person is sexual harassment (http://www.asianlii.org/lk/legis/consol_act/pc25130.pdf). In addition to this, unwelcome sexual advances by words or action used by a person in authority, in a working place or any other place, constitutes the offence of sexual harassment. The language of the law is gender neutral.

In Bangladesh, the Suppression of Violence against Women and Children Act of 2000, Section 10 (2) is more gender specific. Under this law, any male who tries to illegally satisfy his carnal desires, abuses the modesty of any woman or makes any indecent gesture commits sexual harassment (Pradhan-Malla 2005). However, the legislation, by referring to "modesty," could shift the discussion on harassment to male behaviour standards. Modesty, by the way, is a referral point in the legislation of many countries in the region that address sexual assault by the legislative term "outraging the modesty," and is a throwback to colonial laws and terminologies.

The Indian Supreme Court gave a path breaking judgment in 1997 in a public interest litigation that was filed after a social worker was gang raped for having tried to stop a child marriage (Supreme Court of India 1997). The court incorporated the definition of sexual harassment from the General Recommendation 19 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and held that such behaviour was discrimination on the ground of sex. The court formulated guidelines and these bind public and private employers to a programme of prevention, enquiry and remediation to workers. The judgment has facilitated addressing the structural violation in the organized sector, but does not address those in the unorganized or agricultural sector. In the absence of any legislation in India till date, these guidelines have set standards for workplace conduct.

With best regards,

Geeta Ramaseshan
*Lawyer and legal scholar*
*Chennai, India*

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Rachel Hackwill wrote:

_Facilitator's note: Rachel Hackwill identifies numerous areas of continuing concern for women who take gender-based violence cases through the country's formal justice system._

Dear Network Members,

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### Access to Justice for Women: A Timor-Leste Perspective

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This contribution considers gender issues in the justice system in Timor-Leste. The Judicial System Monitoring Programme (JSMP) is a national NGO in Timor-Leste, committed to monitoring and improving the formal justice system in Timor-Leste. Through court monitoring, training, advocacy and reporting, WJU (Women's Justice Unit) seeks to improve women's access to formal justice and to address levels of gender based violence (GBV).

Women in Timor-Leste continue to experience high levels of domestic violence and sexual assault at all levels of society. This not only affects women's immediate physical health but also their long-term physical, emotional and physiological well-being. The effects of these high rates of GBV are sometimes exacerbated by the reluctance of the formal justice system to respond aggressively to cases of alleged violence.

In Timor-Leste, victims of crime seeking justice can ideally access two different systems: traditional law (adat), or the formal legal system. The victim may also utilize a combination of the two systems in resolving their problem.

Timor-Leste's formal legal system derives from a variety of different written sources and dynamic institutions. For GBV, the Indonesian Penal Code is the relevant substantive law, in addition to some UNTAET Regulations and international law applicable under the constitution. The Timor-Leste Criminal Procedure Code is the applicable procedural law. There is currently no Timor-Leste law for domestic violence; however a draft was developed in 2003 and is still under parliamentary debate. The main factor hindering this is the delay in the introduction of the Timor-Leste Penal Code, which needs to be approved before the Domestic Violence Legislation can be approved.

The formal justice system is a critical sector for promoting an end to violence against women. Not only does this system deal directly with those who suffer and perpetrate GBV, it is also public and able to significantly influence community attitudes and behaviours. Over the last few years, WJU has observed an increase in the number of GBV cases being dealt with by the formal justice system. But it is very difficult to gauge whether the number of women experiencing GBV in Timor-Leste has increased, whether community attitudes to domestic violence have changed or whether women's attitudes to the formal justice system have changed. WJU has identified the following areas of continuing concern for women who take GBV cases through the formal justice system, as referenced in the JSMP texts noted below:

- Some women still do not consider GBV to be a serious crime requiring resolution by the formal court system.
- When women do lodge complaints with police and wish to proceed through the courts, factors, including the current backlog of cases, make it difficult for them to have their cases processed and finalised in a satisfactory manner. (WJU notes that some matters which occurred in 2003 are only just being determined by the courts).
- Cases continue to be postponed, primarily because victims and suspects do not attend. However, there have been instances where the court actors themselves have not attended, causing women to be frustrated and dissatisfied with the formal justice system.
- The majority of court actors are male.
- There are language inconsistencies for court hearings. Although the national languages of Timor-Leste are Portuguese and Tetum, the majority of people speak Tetum, Bahasa or a local dialect. However, international judges are more likely to use Portuguese as they cannot speak Tetum or Bahasa. Little consideration appears to be given to the language ability of the victim and defendant, who may speak Bahasa or a local dialect.
- Victims of domestic violence and sexual assault continue to be unwilling to give evidence in court, revealing a need for better security for witnesses and victims.
- There is confusion in the application of the relevant law and international law is rarely considered despite being part of the domestic law.
- The judiciary appears to focus on the credibility and the history of the victim rather than the facts of the assault (either domestic violence or sexual assault). This demonstrates a lack of understanding of GBV crimes and cultural issues.
- Lack of evidence of physical injury is sometimes being taken as evidence of consent or lack of force, contrary to the legal provisions which define force as including threats and other forms of coercion that leave no physical mark.
- Judges do not know whether to recognise traditional reconciliation measures as a sentencing factor.

- The majority of sentences do not adequately reflect the serious nature of the crimes.
- Many women feel that justice does not get delivered, deterring them from future use of the formal justice system.

With best regards,

Rachel Hackwill
*On behalf of Women's Justice Unit (WJU)*
*Judicial System Monitoring Programme*
*Timor Leste*

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## Anuradha Rajivan wrote:

*Facilitator's note: Anuradha Rajivan discusses affirmative action as a tool to promote gender-equity in political power. She highlights the issue of possible backlash by those nudged out. Four key questions are also raised for consideration.*

Dear Network Members,

### Crafting Quotas, Advancing Inclusion

Affirmative action or positive discrimination through quotas or reservations implies taking special steps to encourage participation by setting aside a share for disadvantaged groups, generally through policy or practice. Women are perhaps the largest disadvantaged group who might gain from quotas fixed in their favour. However, these comments apply more generally to other disadvantaged groups as well.

*To what extent can such tools be effective in promoting gender-equity in political power?*

Quotas invite direct and up-front attention to the issue of under-representation of a particular population group (for example, based on sex, income, ethnicity, religion, language, geography, or any other criteria that marks systematic disadvantage). Under-representation can be in access to political power - in political party membership, in party tickets, in seats in the parliament and sub-national levels, in trade or labour unions, etc. It can also be in education, employment and access to finance which inhibits equity in entrepreneurship, assets and self-employment. Quotas aim to provide a 'quick-fix' to counter historical disadvantage as they can fill up numbers in a relatively short time by fiat, without waiting for the slower process of mindset or social change.

However, by itself, reservation of seats may not be adequate. Persons with little experience, capacity, or orientation may get selected, at least in the early stages. This can lead to complaints and unsavoury comments, especially by those excluded from the quotas. It can also lead to under-confidence and under-performance among the 'quota candidates' due to being under-prepared. Quotas therefore need to be supplemented by capacity building, wide publicity and ongoing support over a significant period of time.

*How can quotas be made more acceptable to those nudged out? How best can possible backlash be handled?*

One should expect some resistance in the early stages as formerly advantaged groups (e.g., men, elite) or more capable persons are nudged out. No one likes to give up an existing advantage, more so if they have worked hard for it. That said, there are six concrete steps which can help:

- Explain clearly the justification and the need to compensate for *different starting points* - often the only basis for exclusion is an accident of birth.
- Recognise explicitly that there is a difference between *current advantage vis-a-vis dynamic advantage* which can be built over time through fairer opportunities.
- Have a logical basis to *build criteria for selection* of individual beneficiaries and the extent of reservation.
- Institutionalise *transparent systems to identify beneficiaries* of quotas, minimising errors of including the ineligible or excluding the eligible.

- Institute clear *entry* as well as *exit* criteria; exit criteria help in 'graduation' of those who are ready to face open competition (for example, second or third generation beneficiaries, or income tax assesses, or any other criteria applicable locally) so that the next batch of persons from the same group (for example, rural women or remotely located) can benefit rather than the same family benefiting generation after generation.
- *Build capacity* of the beneficiaries to minimise complaints of lower standards.

*Four questions for consideration*

- How can elite capture be minimised? It will be seen as undeserving and undermine the legitimacy of quotas. Here, having logical entry and exit criteria may be critical.
- Should quotas be the exception rather than the rule? That is, should quotas exceed 50 percent? The answer would depend upon local circumstances.
- Should quotas be permanent or temporary? If the latter, how long is 'temporary'? This would depend upon which type of inequality was being addressed and the local circumstances.
- Do quotas compromise merit? They might, and often do, especially in the early stages. Hence, quotas need to be complemented by capacity development. Capacity can change with opportunities.

For an examination of issues related to representation and electoral processes at the local level, members might like to refer to the UNDP Practitioner's Guide (2008) *Designing Inclusive and Accountable Local Democratic Institutions* (http://regionalcentrebangkok.undp.or.th/practices/governance/decentralization/documents/LDIbook.pdf). It reviews the representational systems in nine countries in South and West Asia (Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka), seven countries in Southeast Asia (Cambodia, Indonesia, Malaysia, Philippines, Timor-Leste, Thailand and Viet Nam), and three countries in East Asia (China, Mongolia and Republic of Korea), and three Pacific countries (Fiji, Papua New Guinea and Solomon Islands).These are some of the provisions for affirmative action considered in this publication (UNDP 2008: 41-45):

- **Afghanistan:** The Electoral Law includes a provision for the allocation of seats to the two most voted women candidates (directly elected/appointed) in the district to institutions and provincial councils (Articles 31 and 36).
- **China:** There are no provisions to ensure representation of women in the Organic Law, but some provinces have passed a law that all village committees have to include at least one woman (directly elected/appointed). The Organic Law makes provisions for the representation of minorities, whereby one member of the minority should be included in the Village Committee/Urban Residents Committee.
- **India:** Scheduled Castes (SC) and Scheduled Tribes (ST) (directly elected/appointed) have reserved seats in the same proportion as the population of SC and ST bears to the total population. Not less than one-third (including seats reserved for SC and ST women) of seats and chairs are reserved for women. Seats are allotted by rotation to the different constituencies in a panchayat.
- **Nepal:** For the Village Council (VC) and District Council (DC) (indirectly elected/appointed), six persons, including one woman, are nominated by the VC and the DC respectively from amongst workers, socially and economically backward tribes and ethnic communities, downtrodden and indigenous people belonging to the class who are not represented in the VC and DC respectively on institutions. For the Village Development Committee (VDC) and District Development Committee (DDC), two persons, including one appointed woman, are nominated by the VDC and DDC respectively from amongst the nominated members of the VC and DC respectively. For the Municipal Council (MC) no less than six and no more than twentypersons, including women from the same groups as above, are nominated by the MC. For the municipality, the municipality nominates two persons, including one woman, from amongst the nominated members of the MC.
- **Papua New Guinea**: Two women (indirectly elected/appointed) are appointed to be members of Local-Level Government (LLG) Councils in rural areas, and one woman is appointed to be a member of LLG Councils in urban areas. One woman representative is appointed to be a member of each Provincial Assembly.

With best regards,

Anuradha Rajivan
*Regional Programme Coordinator*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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Kevin Evans wrote:

*Facilitator's note: Kevin Evans shares experiences and studies in the area of women and electoral politics in Indonesia. He emphasises that quotas are tools or means, but not ends. He considers other tools that might help to achieve increased participation and leadership by women in the public domain. Much work is required at cultural and psychological levels to reduce resistance to women being active in public life. Potential women leaders, for example, would benefit from strategies and approaches that help in dealing with the inevitable social questions that arise.*
Dear Network Members,

## Women and Electoral Politics in Indonesia

I would like to share some interesting experiences and studies I have had here in Indonesia in the area of women and electoral politics.

I would like to start by asking the basic question of "What exactly are we seeking to achieve"? By this I mean to focus on the fact that measures like quotas are tools or means. They are not ends. This I ask to open the thinking to other tools or means that might achieve an appropriate end - that is, vastly increased participation and leadership by women in the public domain.

I ask this as I have studied the Indonesian elections of 2004 in considerable detail. In one study I took the party lists of all parties in all electoral districts for the House of Representatives (the election system used is purely proportional with only parties contesting and using a transparent but effectively closed candidate system). The study covered all 8400 candidates to the Indonesian House of Representatives. The laws governing the 2004 elections introduced a little "moral suasion" by arguing that parties should propose a minimum of 30 percent women candidates. However, no penalties were imposed if they failed, and no benefits would be forthcoming if they succeeded.

As it turned out almost all of the 24 participating parties overall had 30 percent candidates - although many had district lists with more and many more with less than 30 percent. But on the aggregate they achieved the target. However, only about 11 percent of elected MPs were women. We can all guess why 30 percent candidates did not become 30 percent MPs - women were placed at the bottom of the lists and as number one in regions where the party had no hope of winning.

Clearly the machinations within the parties were disadvantageous to women being elected.

For the study I reconfigured all the actual candidate lists applying three different mechanisms designed to "promote" women. The first was a 50-50 candidate list. The second was the zipper system. The third was my own creation which, for want of a better term, I have named the "Adam and Eve" system (explained below).

In applying these systems I used the same number of candidates as each party actually used in each district. I applied the principle of "minimum compliance" by the parties to each of the three alternatives being tested. Minimum compliance to each regulation was deemed as follows:

- *50-50*: In every party list all men are listed above all the women (that is women are placed at the bottom). This system still complied with 50 percent women candidates.
- *Zipper*: Every party list was led by a man and the last candidate was also a man.
- *"Adam and Eve"*: Under this system it is only the leadership of the candidate list that is of concern. Leadership here is defined as candidates 1 and 2 (like a president and vice-president ticket). Under this approach a party may not have two men at the top and it may not have two women at the top. Thus each party's candidate list is led by one man and one woman, hence (for those familiar with the Ibrahamic traditions), Adam and Eve. Minimum compliance here meant that every list was led by a man and no list contained any other women except the one placed at position two.

The results were as follows:

- *50-50*: Sadly it was actually possible for there to be 50 percent women candidates and yet not one woman elected.
- *Zipper*: Under this system some 20 percent of candidates elected were women, although they comprised 30 percent of all candidates.
- *Adam and Eve*: Under this system some 19 per cent of candidates elected were women. The percentage of candidates who were women was 20 per cent.

The result showed that in practical terms the zipper and the Adam and Eve system were equally effective in seeing women elected.

The most interesting point from this exercise, however, was that the "transfer" rate from candidate to winner was much better in the case of the Adam and Eve system.

In practical political terms, the number of men who had to be excluded to "make room" for women was much less using the Adam and Eve system, than in the case of the zipper and certainly in the case of the 50-50 systems.

Additionally, given that this Adam and Eve system does not purport to be a quota system (for example it was very feasible to have less than 10 percent women candidates on the lists in the large districts), this system has some chance of not getting bogged down in the ideological tussles of the "fairness" or "equity" of quota systems.

So to make an extraordinarily long winded point, this Adam and Eve approach can actually deflate some of the heat from the "quota" debates and simultaneously actually dramatically reduce the stress that emerges as parties are forced to "exclude" some candidates to let in women in order to comply with quotas.

I recognise that my use of a very "folksy" term such as Adam and Eve may seem odd and against a "technocratic" or even "professional" grain. However, my experience has shown that using a form of lexicon that is familiar and even symbolically powerful reduces the capacity of potential opposition to mobilise against an idea. It also provides a familiar notion that is easier for people to connect with. Very often they come to grips with the essential "values" and principles being promoted. In the case of this Adam and Eve I have found many Indonesians who ordinarily would be expected to be very opposed to a quota system being confronted by a concept and a picture that they have difficulty *a priori* rejecting, even if the application of this principle may indeed make their own personal/professional positions more tenuous.

In addition to looking at the Indonesian House of Representatives, I also studied the results of the newly constituted upper house, the House of Regions. This is a fully elected house, but excludes parties - only individuals may be candidates. They are elected by a single non-transferrable vote - with four MPs elected by voters, with each province constituting a four member constituency. Notably given the absence of party lists, it is best to see this system as "Four past the post". Overall there were over 900 candidates to the House of Regions.

Across the nation, only 9 percent of the House of Regions candidates were women, yet 21 percent of MPs elected were women. Indeed, in about 25 percent of provinces, women were the top elected candidate.

Key issues of interest: No quotas applied, yet results achieved are vastly better than those achieved in the House of Representatives.

Also how come voters manage to disproportionately vote women into office?

It was no doubt an ironic help that there were so few women candidates, thus allowing for an aggregation of "the women's vote" around one or two candidates in a province, but this seems insufficient to explain the extent of the discrepancy. At any rate it would also appear reasonably clear that collectively, the voters do not seem to have any great resistance to voting for women candidates.

As important to me is to question as to why were there only 9 percent women candidates. It is not possible to "blame" the parties here. They were of no real consequence to the electoral processes for this house.

Here I think we come up against issues that are less amenable to cure than quotas. My theory - or more aptly, speculation - here is that a core point of resistance to women candidacy may actually come from those closest to them, that is their family, close and extended, as well as local community.

I have a strong view that in addition to some of the "institutional" approaches such as quotas, there is much work, arguably even greater work, to be done in working at cultural and even psychological levels to reduce resistance to women being active in public life - starting with those closest to them. This would include equipping potential women leaders with strategies and approaches for dealing with the inevitable social questions that arise, especially given that politics - is certainly at the party activist level - very much a night time (out of office hours) calling.

Here I suspect sharing and mutual learning from those women who have pioneered the moves forward should be mobilised to inform those potential women leaders. Such sharing could well take place in a cross-partisan way.

Kevin Evans
*Senior Governance Adviser*
*UNDP Indonesia*

**Pamela Nilan** wrote:

*Facilitator's note: Pamela Nilan inquires into the traditional roots of the subordinate role expected of Indonesian women. Her observations confirm the importance of 'capacity development'. This continues the thread Anuradha Rajivan initially raised in her 'questions for consideration,' and that Kevin Evans added emphasis to when noting the special importance of working at cultural and psychological levels to evoke acceptance of women being active in public life.*

Dear Network Members,

## The Subordinate Role of Indonesian Women and Capacity Development

Progress towards gender equality in Indonesia has been mixed. Despite many changes and gains, women remain under-represented in the political arena. Kevin Evans notes that much work remains to be done to promote acceptance of women being active in public life. It could be fruitful to consider the origins of this resistance. To a large extent this can be traced to the discourse of *kodrat wanita* – the traditional subordinate role of women. This still dominates media representation and political rhetoric, despite the fact that in the new millennium Indonesian women are on average older and much better educated when they marry than at any other time in the past (Jones 2001).

As Robinson (2000:141) demonstrates, Suharto's New Order policies governing civil life were emphatically gendered. The diversity, often flexibility, of indigenous gender orders throughout the archipelago was homogenised into a pigeon pair of nationally-promoted, circumscribed ideal male and female roles *(kodrat pria* and *kodrat wanita)*. This state-sanctioned binary was integral to the project of nation-building and to the cultural construction of the imagined community of Indonesia (Anderson 1990). In Anderson's view, the creation of national identity occurs through mediated public representation, promoting a sense of 'we the nation' that transcends local identities (Simon and Barker 2002). Smoothing out regional and cultural gender variations in acceptable maleness and femaleness was part of this nationalising process.

In some developing countries, it is the case that low levels of female education mean that women cannot play an important role in politics. I would argue that this is not the situation in Indonesia. However, even the premise of that argument rests on shaky ground to some extent because there is a lack of reliable, baseline sex-disaggregated data at national and sub-national levels. Sex-disaggregated data – where available - is used mainly for reporting on global commitments like MDGs 2 and 3 and rarely for regional comparisons or internal policy formulation and strategy development.

Women are certainly under-represented in elected leadership and executive positions. In government, they currently hold less than 15 percent of national parliament seats and less than 10 percent of district level seats, despite a policy of 'soft quotas' in political party lists. Out of 220 million Indonesians, more than 112 million are women. In the political world, Indonesia has only four female ministers and one female governor' (The Jakarta Post 2007).

As Blackburn (2001) points out it has never been easy for women in Indonesia to enter workplaces and fields of employment traditionally dominated by men because such transgression threatens the established gender order in both the material and the non-material realms. Not only did twentieth century Indonesia enshrine the patriarchal ideology of *Bapakism* – literally 'rule by the father' – but when Megawati Sukarnoputri was nominated for president in 1999, a major objection from the Islamists was that a woman could not – by definition – lead (Sen 2002; Robinson 2004).

That Megawati did eventually become president has much to do with the fact that she is the daughter of first President Suharto, like other female politicians in the region who have risen to prominence in public life because they were daughters, wives or relatives of famous male politicians - for example, Cory Aquino, Benazir Bhutto and Sonia Gandhi. One of the few women to have risen to political leadership on her own merits has been Rustriningsih. She was elected as Mayor of Kebumen in 1999 for Megawati's PDIP party and proved very popular (Vickers 2005: 222). In 2008 she was the running mate of Bibit for Governor of Central Java. Their win meant that Rustriningsih became the Vice-Governor of one of the most important parts of the country.

Rustriningsih was very active on the campaign trail in 2007/2008, constantly travelling and speaking all over the regency. This is not in keeping with the traditional role of an Indonesian wife and mother (she is both), and the opposition campaign emphasised her absence from home and apparent neglect of her family duties. There is a prevailing gendered moral discourse that respectable Indonesian women (especially married women) do not work beyond daytime hours, particularly not in situations where they must be out at night, or working irregular hours in teams of men – all of which are typical of the working life of female politicians and law-makers. Female politicians like Rustriningsih are forging a new path which might suggest to the younger generation that a viable political career is possible for them, yet the weight of history bears upon this innovation.

The Ordinance on Measures Limiting Child Labour and Nightwork for Women created in 1925 specified that women were prohibited from performing nightwork from 10.00 p.m. through to 6.00 a.m. It was only amended in 2003. *UURI*

*13 – 2003*, Article 76 (1) on women's employment now states that women less than the age of 18 are prohibited from performing night work from 11.00 p.m. through to 7.00 a.m., unless otherwise specified by a licence issued by the Department of Manpower. So it is only very recently that a married woman over 18 no longer required permission from her husband to work at night. This 1925 law was set up to protect women, but, upto 2003, it actually gave employers grounds for discriminating against women in appointment and employment. This discourse is fortified by the cultural Islamisation of Indonesia, where Shari'a courts may regard a wife undertaking night work as contributing to grounds for divorce by the husband.

Regional decentralisation *[otonomi daerah]* has offered some possibilities for female advancement in the public sphere, especially since political representation is no longer closely linked to the military. This has two aspects: on the one hand, women can seek representation in local government, and some women such as Rustriningsih have succeeded very well at this. On the other hand, women can – in theory - use accountability mechanisms at the local level to address gender inequalities in education, health and delivery of basic services. However, the new deregulations also allow elected local governments to implement hard-line Islamic by-laws that inhibit the freedom and rights of women, including their right to work beyond daylight hours, or to move about alone.

If Indonesian women are under-represented in the political arena, then they do little better in the field of senior management. Few women hold senior executive or managerial positions. For example, although they constitute 38 percent of the civil service, a mere 14 percent of senior civil service jobs are held by women, primarily in the traditional fields of teaching and health.

This brief discussion has suggested some reasons why Indonesian women seem to be marginalised in the political arena. It is not because of low levels of education as such, which clearly is a significant factor in a country like Papua. Education remains a factor, however, because at present, schooling tends to reinforce traditional gender stereotypes rather than challenge them. The fact remains that the 1974 Indonesian Marriage Law does not properly recognise women as legitimate workers in the public domain.

With best regards,

Pamela Nilan
*Associate Professor of Sociology*
*Research Training Convenor*
*Vice-President: Asia-Pacific Sociology Association, School of Humanities and Social Science Faculty of Education and Arts*
*University of Newcastle, Australia*

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Ramesh Gampat and Jim Chalmers wrote:

*Facilitator's note: An off-line flurry of notes quickly followed Pam Nilan's posting that added to Kevin Evans' ideas and in the first instance to Anuradha Rajivan's question on capacity building as a counter to schooled ideas. The contribution is the result of this off-line thread around. Its focus is culture and gender equality.*

Dear Network Members,

## Gender, Culture and Mindset

The exchanges in the last few days have been very interesting and thought-provoking. Jim and I had an off-line exchange on some of the issues raised by the last few messages. This contribution is the result of that exchange.

Pam Nilan has written a very thoughtful piece that seems to confirm an important point made by Kevin Evans: the real barriers to gender equality lie in the home and families. This is not to say that legislation is unimportant, but it underscores the point that no single measure by itself is sufficient to promote gender equality, defined as equal access to opportunities and resources.

If "culture" is a big obstacle to gender equality, what can be done about it? How can established, millennia–old, customs, traditions and norms be made more responsive to current times? How long will it take? To what extent can legislation effectively assist with the transition? Do all cultures exert a similar constraining effect on the ability of women to make choices they value and utilize their capabilities in ways that promote their well-being? Why does culture marginalise women in the first place? If we were to "fix" culture, would that also "fix" gender equality?

Shouldn't the cultural-awakening effort be focused on males, many of whose minds seem to be frozen in time? Actually, "frozen minds" may be partially explained by biology and evolution: the brains of males are constructed in such a manner that they predispose men to become obsessive, focusing tenaciously, single-mindedly, on things they have come to value - much more so than females. Perhaps early mind-unclogging, early education is crucial, for biology is not destiny, although it is important.

In thinking about these questions, we will have to be careful not to fall into a "cultural trap," a generalised cultural explanation of gender inequality. Of course, it is recognized that there may be many cultures in a given country but cultures that co-exist in space and time do share a common core. So if all cultures share a common core, which is more important for gender equality: the core or non-core?

This common core is important, especially in post-colonial contexts when *kastom* (culture) and particularly local knowledge systems are inordinately valued, if often properly so, given their role as an important buffer against harmful elements of introduced traditions. Equally, the diversity within cultures is of real consequence. This can be explained by drawing on the text of the draft HDR for Bougainville in Papua New Guinea (PNG): "…..culture is not monolithic; i.e. a 'cultural imperative' doesn't characterise a whole society. Communities are diverse; e.g. there is a faction with its foot more in *kastom*/culture than in modernity, and vice versa. The evidence is that a sector or even cultural majority of the population accord women high respect. But this doesn't deny the report's finding of a cultural imperative against women's advancement, e.g. particularly in public decision-making and negotiation in post-conflict society; rather, it clearly speaks of competing cultural interest groups. And while contested ideas are the norm, there is no place for ambivalence regarding equity and women's choices."

This diverse quality of culture/*kastom* is missing in the otherwise interesting comments of the PNG Chief Minister in his recent remarks at the opening of a two day sub-regional workshop on special measures for advancing women's representation in legislatures in Port Moresby: "We can no longer argue that custom stops us from recognising women as equal partners in our development when our aspirations are to embrace many western ideals and concepts." (Pacific Islands Forum Secretariat 2008). What is missing in the Chief Minister's remarks is that different groupings in his country aspire to a diverse range of things - sometimes including western ideals - but sensibly, often not.

However, he did not elaborate on behavioural changes, how much time is needed to make this happen, the role of men in such events – and even the petrified state of their attitudes. He said: "I realise that not all my colleagues are keen to positively discriminate in favour of women or to even recognise the value that both genders can add to the development process. Sadly there are some whose minds are already made up on the rightful place of women in our Pacific Island societies. But I am confident that with the new generation of leadership in the region today and persistent lobbying and awareness, we can overcome some of these hurdles. As members of the legislature we [predominantly men] too have our part to play in increasing the representation of women in our parliaments." (Pacific Islands Forum Secretariat 2008).

Whatever the solution, gender equality is a long-term issue; something that cannot be achieved quickly. This needs to be said upfront to dampen unreasonable expectations. It also needs to be recognized that culture is not the only explanation for gender inequality; biology is also important. And the two – nature and nurture - acting together may be more important than either.

Best regards,

Ramesh Gampat and Jim Chalmers

Ramesh Gampat, *Deputy Regional Programme Coordinator, Human Development Report Unit,*
*UNDP Regional Centre for Asia Pacific, Colombo Office*

Jim Chalmers, *AP-HDNet Facilitator*

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## R. Sudarshan wrote:

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*Facilitator's note: R. Sudarshan responds to the thread on culture and gender, pointing out that where education efforts need to be heading - the ultimate objective of women seeking their freedom to engage fully in social life - involves liberation of all humans from the duality of male and female.*

Dear Network Members,

### Understanding Gender: Aren't We All Both Feminine and Masculine?

Your contribution prompted me to share my thoughts on gender, which are informed by the civilisation that I inherit. I do believe that all of us are both men and women. After all, Shiva is 'ardha-nari' - half-woman - the God of dance - Nataraja.

I rather wish that instead of dividing up people into men and women, we directed our efforts to get men to bring out their feminine side, and women to draw up their masculine side, in our efforts towards equality of all human beings. Were we able to do that, things can work out better for men and women.

Gandhi showed the power of femininity when confronting the macho authority of the British Raj. His tactics were all feminine - passive resistance, fasting, etc., and they stumped the bulldog Brits. India's best sportsmen too have been at their best when they drew upon their femininity - Ranjitsinhji invented the delicate strokes in cricket - the leg glance and the late cut - and Sunil Gavaskar, who now has the record for the highest number of runs in Test cricket, could be a woman at the crease. And Ramanathan Krishnan and Anand Amritraj did not have a powerful serve, only the deft, aesthetic angle and touch to the ball. India's hockey was at its best when it displayed the ability to dribble the ball along the edge line, and delicately direct it into the goal post.

With best regards,

Sudarshan
*Policy Advisor, Legal Reform and Justice*
*UNDP Regional Centre*
*Bangkok*

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## Rea Abada Chiongson wrote:

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*Facilitator's note: Rea Abada Chiongson unravels the capacity and prerogatives of CEDAW in terms of specific obligations that go to the state, in particular, as the primary holder of obligations. Focusing on examples of recent uses of CEDAW as an effective framework for assessing laws, Rea reviews developments in Viet Nam, Indonesia and Cambodia.*

Dear Network Members and Colleagues,

### Using CEDAW to Assess Legislation

I am presently working as a consultant to UNIFEM CEDAW Southeast Asia Programme (UNIFEM CEDAW SEAP) to provide technical assistance in assessing the compliance with CEDAW of national laws in Indonesia and Cambodia. This contribution will discuss why CEDAW is a good framework for legal reviews as well as recent developments in selected countries in Southeast Asia on the use of CEDAW as a framework for assessing laws.

*CEDAW, legislative indicators and legal reviews*

CEDAW offers us a good framework for reviewing legislation vis-à-vis a rights-based and gendered lens. This is because CEDAW:

- is a human rights treaty that provides a comprehensive guarantee of equality in the enjoyment of human rights in all fields - civil, political, economic, social, cultural and other fields.
- strongly advances a rights-based approach to claiming rights.
- has a conceptual framework that takes into account the social construction of gender.
- espouses a framework of equality that examines not only equality of opportunities, but also equality of benefits and results (substantive equality).
- provides for a framework of discrimination that addresses all forms of discrimination, especially indirect discrimination.
- focuses on the state as the primary holder of obligations to enable enjoyment of women's human rights and equality, hence enabling more comprehensive reforms.

Furthermore, CEDAW sees legislation as one of the key measures to ensuring gender equality. It obligates states to embody the principle of equality in legislation and ensure, through law and other means, its practical realisation. It requires the state to establish legal protection of women, to adopt legislative measures to prohibit discrimination, and to modify and abolish existing laws that are discriminatory against women. CEDAW also mandates putting into place legislation in all fields, whether political, social, economic, and cultural, for the full development and advancement of women to guarantee their equal enjoyment of human rights.

*Some examples*

Some examples of recent work to review legislation using CEDAW as the main framework and analytical tool are ongoing in Viet Nam, Indonesia and Cambodia (*). This is being done through the development of legislative indicators, which are then used to assess compliance of existing laws and provide concrete recommendations for legal reform.

*A review of laws relating to Articles 1-16 of CEDAW: Viet Nam*

In Viet Nam, the adoption of the Law on Gender Equality in November 29, 2006, led to initiatives for the comprehensive review of legal normative documents vis-à-vis gender equality standards and to evaluate the need for amendments, revisions or repeal, or the issuance of new legal normative documents. A Directive on Gender Equality Law was issued on May 3 2007, affirming this by stating that such a review of existing legal normative documents has to be completed by the government. To assist the government review, a comprehensive legal review entitled 'CEDAW and the Law: A Gendered and Rights-based Review of Vietnamese Legal Documents through the Lens of CEDAW' has been published (Chiongson 2009). This review covers a total of 117 indicators and 34 sub-indicators (**) and is divided into specific fields or areas identified in Articles 1-16 of CEDAW. The fields/areas of the review, covering Articles. 1-16 of CEDAW, are as follows: (a) guarantee of equality and discrimination; (b) prohibition of discrimination; (c) legal protection of women; (d) institutions for implementation and monitoring; (e) incorporation and application of treaties; (f) gender based violence; (g) temporary special measures; (h) social and cultural patterns of conduct; (i) trafficking and exploitation of prostitution; (j) political and public life; (k) nationality; (l) education; (m) employment; (n) health; (o) economic and social life; (p) rural women; (q) equality before the law; and (r) marriage and family.

*A review of laws relating to marriage: Indonesia*

A legal review of the Marriage Law (Law No. 1 of 1974) of Indonesia is presently being undertaken by the CEDAW Working Group Indonesia (CWGI). Prior to this, the Marriage Law had been subjected to many calls for reform. However, the initiative to undertake the present legal review using CEDAW as the framework gained impetus from the recently concluded constructive dialogue in 2007 between Indonesia and the CEDAW Committee, wherein the latter recommended amendments of specific legal provisions to enable women's enjoyment of rights within the family and marriage, including polygamy, inability to transmit citizenship, family consent before engaging in night work, husband's consent in sterilization and abortion, minimum age of marriage of 16 for girls, identifying men as heads of households and women as housekeepers amongst others. The review identified a set of CEDAW legislative indicators, provided recommendations for reform and proposed alternative texts to the Marriage Law. The review will be used as a platform for advocacy for the amendment of the Marriage Law or for the drafting of a new one (***).

*A review of laws relating to domestic violence, trafficking, domestic workers and marriage: Cambodia*

Cambodia is also undertaking a legal review of selected laws to ensure compliance with its obligation under CEDAW. In the CEDAW Concluding Comments on Cambodia, the CEDAW Committee, expressed that Cambodia must take advantage of the ongoing legal reform process to achieve full compatibility and compliance of its laws with the provisions of CEDAW. The CEDAW Committee also provided recommendations for revisions to specific legislation, such as including a definition of discrimination against women in its laws, provision of sanctions in civil and criminal codes for acts of discrimination against women, legal provisions on temporary special measures, and raising the minimum age of marriage to 18 amongst others. To ensure the state's compliance with its obligations under CEDAW, the Ministry of Justice of Cambodia (****) is spearheading the initiative to undertake a legal review of selected legislations relating to domestic violence, trafficking, domestic workers and marriage. It foresees this initial review as a first step to a review of other laws in the future. Presently, CEDAW legislative indicators are yet to be identified to begin the process of assessing the selected laws.

I hope this information is useful to many of you. Please do let me know if you wish for further information on these matters. I will be happy to reply.

Best regards,

Rea Abada Chiongson
*Lawyer and Consultant on Gender, Human Rights and International Law*

**Notes**
(*) This took note of experiences of other regions, e.g. *Translating CEDAW into Law: CEDAW Legislative Compliance in Nine Pacific Countries and CEDAW Indicators in South Asia*. The reviews mentioned in this contribution are being supported by UNIFEM CEDAW Southeast Asia Programme (UNIFEM CEDAW SEAP) and CIDA.

(**) The term 'indicators' is used in a different sense in this review. The selected indicators are more in the nature of key questions or lines of inquiry to elicit information necessary for analysis, rather than development programming indicators. They are utilized to provide guidance as to which issues are to be focused upon and answered.

(***) This review is being written by Musdah Mulia and is expected to be finalized in November 2008.

(****) This review is being written by Chan Sotheavy and Ly Vichuta.

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## Manel Chandrasekera wrote:

*Facilitator's note: Manel Chandrasekera sees a crucial need for a large-scale educational campaign to shift attitudinal constraints, so that women get to engage with as much freedom in the political representation process as they now benefit from as voters.*

Dear Network Members,

### Politically at the Margin in Sri Lanka: The Reasons for Women's Low Participation

Women's political participation in parliament and other local bodies is lowest in Sri Lanka. But the physical quality of life of women in Sri Lanka is much higher than in neighbouring countries in the region.

Women are marginalized in the political system in my country. All parties are rather reluctant to select women as candidates in the election. There are incidents where women are promised a candidacy and asked to carry out election campaigns. Women carry out campaigns, spending their hard earn money only to find out on the day of signing the nomination that their names are omitted from the list. When such incidents take place, women are reluctant to take legal action on the grounds of breach of promise or violation of human rights. The backlash that will follow will be a threat to their life and also, women get depressed after such incidents.

The Ministry of Child Development and Women's Empowerment has taken action to introduce a quota system to elect women to parliament. Popular thinking is that women should contest elections on par with other parliamentarians and get elected, but not otherwise.

The 'Mahinda Chintanaya' policy document of the present government indicates an allocation of a 25 percent quota to select women candidates in provincial and other local government elections.

Charisma has been a main cause for women to win in an election. Women in general are very active as voters but they shy away from contesting elections. Political violence, assassination of character and family obligations have kept women away from the active political arena.

Most discriminatory laws have been amended and women friendly laws have been introduced. The Penal Code was amended in 1994 and grave punishment could be meted out to offences concerning violence against women. The number of women lawyers exceeds men. But the number of women in powerful positions of the judiciary is comparatively low.

Attitudinal change is needed to address negative attitudes towards women in society. It is the main reason why women get suppressed in the political arena. A massive public campaign has to be launched to educate the masses.

With best regards,

Manel Chandrasekera
*Research Officer*
*Ministry of Child Development and Women's Empowerment*
*Government of Sri Lanka*

## Ranjani Murthy wrote:

*Facilitator's note: Ranjani Murthy points to the need for country monitoring of conventions and optional protocols. Effects of distinct policies/ legislations that have the potential for collision between rights of different marginalised groups are also an area of concern. Personal laws in South Asia can be a barrier to gender equality. She suggests adoption of common laws for gender equity drawing from the best aspects of different personal laws, consistent with CEDAW.*

Dear Network Members,

### Gender in the Justice Systems in Asia-Pacific

My contribution is on gender in justice systems, partly touching upon issues of political participation.

**Gender in justice systems cannot be looked at in isolation from rights to development in justice systems;** that is right to livelihood, right to housing, right to education, right to water and sanitation levels and right to civil and political rights.

It is a concern that in the Asia-Pacific region, a number of countries are party to ICESCR (International Covenant on Economic, Social and Cultural Rights) through ratification/accession/succession (*) and to ICCPR (International Covenant on Civil and Political Rights) is lower than to the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women). Twenty-four out of forty-one countries in the region are party to ICESCR and twenty-one out of forty-one countries to ICCPR through ratification/accession/succession as of 26th September 2008 (**). In the case of CEDAW the comparative figure is thirty-six out of forty-one countries (***) (as of 1st February, 2008; http://www2.ohchr.org/english/bodies/ratification/8.htm). In particular, Pacific countries lag behind in signing ICESCR and ICCPR, as well as Bhutan, China, Malaysia, Singapore, Myanmar (ICCPR). See Annexure I, II and III for details (available at http://www2.undprcc.lk/ext/HDRU/EST_politico_legal_equity.php). There is no optional protocol for ICESCR, which makes it difficult for civil society actors to hold the government to account on economic and social rights. *One realistic indicator for monitoring is to take note of which countries in the Asia-Pacific region have signed and ratified which convention and those that have ratified the optional protocol.*

At the national level, there are few countries in the region which have passed legislations on rights to health, rights to livelihood, right to housing etc. The Indonesian Government passed Health Laws in 1992 on right to health, which makes it easy for women to demand rights to abortion and sexual and reproductive health services (ARROW, 2006). The Indian Government guarantees right to primary education (but not secondary education) and employment for 100 days under the National Rural Employment Guarantee Act (2005) (Government of India, 2008). *Thus one realistic indicator for monitoring is what economic and social rights are guaranteed at the national level.*

### Gender equity in justice systems

If one directly examined the issue of gender equity in justice systems, thirty-six out of forty-one Asia-Pacific governments have ratified/acceded/succeeded to the CEDAW, but only twelve have signed the optional protocol (Annexure III), which makes it difficult for civil society actors to hold the governments to account when they fail to adhere to the articles in CEDAW. The Indian Government, for example, is yet to sign the optional protocol of CEDAW as of 5th March 2008. The absence of a human rights commission or court at the Asia-Pacific level (unlike the Inter-American Commission court of justice where Latin American women seek redress) poses a problem.

An important barrier to gender equity in justice systems at the national level is the presence of separate personal laws for each religion in several South Asian countries. Any move to have uniform laws has led to an attempt to use the personal laws of dominant communities as a base, which has led to backlash (as in the case of India). The degree of attention to various aspects of gender equity varies across personal laws governing inheritance, marriage, custody of child etc. There is hence a need for common laws on gender equity which adopt the best in different personal laws, and beyond to ensure consistency with CEDAW. Women of different faiths could have the choice as to whether they would like to follow the personal or common laws.

There are gaps in legislation pertaining to areas that do not fall under the 'personal laws'. For example, there is no legislation to value women's unpaid work in the household in the region, or any mechanism to ensure that half of the husbands' wages or salaries goes to the women in lieu of the unpaid work their wives do at home. Such a legislation is a must, especially in the context where women's engagement in paid work is low. In South Asia, there is no reservation for women in parliament in India, unlike Pakistan, Afghanistan or as proposed in Nepal (UNICEF 2006). Laws on child sexual abuse are weak in India. Laws on abortion are weak in Pakistan and Sri Lanka in South Asia. With the exception of Nepal, homosexuality is a crime in other South Asian countries. Here again the system of public interest litigation was used by groups representing lesbians, gays, transgender and inter-sexed people to press for decriminalisation of homosexuality, pointing to the need for accountable legislation and independent judiciary for women to demand changes in legislation. *Hence it is important to monitor consistency between national legislation and CEDAW, ICESCR and commitments made at 1994 ICPD and 1995 World Conference on Women and rights accorded to women and LGBTIs in each country.*

**Conflict between rights of women and rights of other marginalised groups**

A last issue is the question of conflict of interests between rights of different groups. Child rights groups have lobbied in Sri Lanka for preventing women with young children from working overseas. In India, girl-child rights activists, who have campaigned against sex selective abortion, have been accused of allying themselves with pro-life lobbyists, thus restricting in practice (not legally) women's access to legal abortion. Rights to confidentiality of HIV positive clashes, with young women's rights to know the HIV status of to-be-spouses in arranged marriages. *Hence, there is a need to monitor the impact of policies and legislations governing other marginalised groups from a gender lens, as well as hold dialogue between people working on rights of different groups.*

With best regards,

Ranjani Murthy
*Programme Advisory Committee Member*
*Asia-Pacific Resource and Research Centre for Women (ARROW)*
*Kuala Lumpur*

**Notes**
(*) For a glossary of terms related to Treaty actions please refer to http://untreaty.un.org/English/guide.asp#treaties (last accessed on 28 October 2008).

(**) For further details see http://www2.ohchr.org/english/bodies/ratification/3.htm and http://www2.ohchr.org/english/bodies/ratification/4.htm

(***) Countries in the region that have not ratified, accessed or succeeded to CEDAW include Islamic Republic of Iran, Tonga, Niue, Palua, Tonga and Nauru.

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Government of India. 2008. *Eleventh five year plan 2007-2012*. New Delhi: Planning Commission.

## R. Sudarshan wrote:

*Facilitator's note: R. Sudarshan reflects on the issue of sexual harassment in the workplace and shares some relevant resources on legal rulings and public litigation in India. He draws attention to a recent ruling by the Bombay High Court on a case of sexual harassment against a private sector company. This ruling is of crucial importance as it states that "the right to gender equality is intrinsic to the right to life under Article 21 of the Indian Constitution".*

Dear Network Members,

### Sexual Harassment in the Workplace: Serious Situations

As mentioned in Geeta Ramaseshan's contribution (of 15th October), sexual harassment in the workplace is an area of concern, where the absence of legal interventions has impeded the advancement of women. A recent ruling by the Bombay High Court on a case of sexual harassment against a private sector company, however, gives us hope. The two-judge bench made observations that would encourage women who face such problems to talk about them.

As reported in an article by Kalpana Sharma (2008) the Bombay High Court's ruling is important as it reminds us that:

- "The law of the land requires that work places where women are employed must institute a committee headed by a woman and consisting of at least 50 percent of women members and a civil society representative to look into such complaints. In this instance, the company did not comply with this and instead appointed a single person to inquire into the matter".

- Women's commissions can play an important role in such cases. "Women are often afraid to go directly to court. The women's commission is often the first step. If the woman had not gone to the women's commission, perhaps her case would never have reached the court. A woman who suffers sexual harassment is in a very lonely place. She is afraid to speak out for fear of losing her job. And if she does, she faces the additional problem of not being employable as other companies might see her as some kind of 'trouble-maker'. As a result, most women silently bear harassment and sometimes voluntarily opt out of jobs or positions where they are harassed. The silence ensures that more of this kind of harassment continues."

It is important to note that in *Vishaka and Others vs. State of Rajasthan* (1997), the judgment of the Supreme Court laid down guidelines on what constitutes sexual harassment, and how complaints related to it ought to be pursued. In the case reported by Kalpana Sharma from the Bombay High Court, the court held that an inquiry by a lawyer appointed by the company was not in accordance with *Vishakha* guidelines. It ordered that a complaints committee be constituted and a fresh inquiry be held.

The quote below is a part of the ruling in the case. It is important as it highlights women's rights and the fact that gender equality is a fundamental right.

"The right to gender equality is intrinsic to the right to life under Article 21 of the constitution. The right to life comprehends the right to live with dignity. An affront to or the invasion of gender is destructive of the right of every woman to live with dignity. Article 15 of the constitution, which contains a prohibition inter alia against discrimination by the state on the ground of sex is an emanation of that right. The provisions of the constitution recognise gender equality as a fundamental right. Gender equality in all its dimensions is a basic human right which is recognised by and embodied in the provisions of the constitution. The broad sweep of the human right to gender equality traverses every facet of the position of a woman in society. The right comprehends the preservation of the dignity of women. At a basic level, gender equality postulates protection of women against all those practices which invade upon the dignity of being and the privacy of the person. A dignified existence includes the right to earn one's livelihood in conditions that are fair and gender neutral. A condition which operates to disadvantage a woman worker on the ground of gender is fundamentally anachronistic to the vision of our constitutional order. Gender as a concept has wider dimensions than sex. Gender equality postulates the realisation of societal values that travel beyond a mere notion of sexual equality. Gender in that sense denotes the realisation of every facet of personality that contributes to the fullness of life to which a woman is entitled" (http://bombayhighcourt.nic.in/data/judgements/2008/CWP2770304.pdf ).

While reading this part of the ruling, the issue of implementation of existing laws and provisions comes to mind. This is an essential issue, and unless it is addressed people's rights in general, and women's rights in particular could continue to be protected only on paper at times.

An interesting publication on the use of public litigation and international law, with reference to gender justice in India, is the book by Avani Mehta Sood (2006) *Litigating reproductive rights: Using Public Interest Litigation and International Law to Promote Gender Justice in India*. It has been published by the Centre for Reproductive Rights, New York, and it can be accessed at: http://www.reproductiverights.org/pdf/media_bo_India1215.pdf In addition, some earlier Supreme Court cases related to sexual harassment can be found on the website of the National Commission for Women at: http://ncw.nic.in/pdfreports/sexual%20harassment%20at%20workplace%20(english).pdf.

With best regards,

R. Sudarshan
*Policy Advisor*
*Legal Reform and Justice*
*UNDP Regional Centre*
*Bangkok*

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## Manoja Wickramarathne wrote:

*Facilitator's note: Manoja Wickramarathne shares statistics and explains why Asia-Pacific lags behind other regions in women's representation in national parliaments. She points to cases of recent improvements following national elections, and goes on to discuss promising initiatives on electoral reform and women's participation in countries including the Philippines, Fiji, the Solomon Islands, Republic of Korea, and Malaysia.*

Dear Network Members,

### A Snapshot of Women's Political Participation in Asia-Pacific

My contribution to the APHDR network will focus on women's political participation in Asia-Pacific countries.

Women's historic exclusion from political structures and processes is believed to be the result of multiple structural, functional and personal factors that vary in different social contexts across countries.

In Asia-Pacific, there is a general lack of laws enacted for electoral processes and in countries where there are laws, the lack of implementation of these laws hampers women's participation in politics. Five of the seven countries in the world with no female representation in national parliaments belong to the Pacific region ( Pacific Islands Forum Secretariat 2008). An incredible amount of social transformation is impacting on women inequitably in all parts of Asia-Pacific. Losses in women parliamentary representation in newly independent states in Central Asia is pronounced due to changes from a socialist to a capitalist system. Drastic changes in political leadership and governance, such as that witnessed after coups, also hinders women's participation in politics.

The figures in Table 1 show that the lowest gains in women in parliament from the year 2000 to 2008 are in the Asia-Pacific region.

| **Table 1:** | Women in parliament (Lower House and Senate) - Regional Averages | | |
|---|---|---|---|
| **Region** | **2000 September** | **2008 September** | **Difference** |
| Americas | 15.1% | 21.4% | 6.3% |
| Sub-Saharan Africa | 12.6% | 18.3% | 5.7% |
| Arab States | 3.6% | 9.1% | 5.5% |
| Europe - excluding Nordic countries | 14.1% | 19.1% | 5.0% |
| Europe - including Nordic countries | 15.9% | 20.6% | 4.7% |
| Asia | 14.8% | 18.1% | 3.3% |
| Pacific | 13.6% | 14.9% | 1.3% |

Source: Inter Parliament Unit (IPU) - data base in Women in Parliament (http://www.ipu.org/wmn-e/world.htm).
Last accessed on 28 October 2008.

*Good practices*

General elections were held in Japan, Thailand, Kazakhstan, Kyrgyzstan, and Sri Lanka in 2005. Favourable movements in the number of women participating in politics were reflected in these countries. However, it should be noted that

whilst this is a positive indicator in the numbers game, many of these successful candidates were from ruling parties not necessarily working with feminist perspectives for women in their countries (APWLD n.d.).

Many gatherings in the region are devotedly involved in reviewing electoral processes and working to realize the goal of the equal participation of women in decision-making as emphasised in the Beijing and Pacific Platform for Action.

In the Philippines, Gabriela Women's Party has successfully used the party list system to win a seat in Congress. The women's movement in Fiji have launched a '10 Year Women in Shared Decision Making Plan of Action' (APWLD n.d.; see also http://www.unescap.org/esid/psis/population/database/poplaws/law_fiji/fiji_017.htm). In the Solomon Islands, women's groups are preparing a campaign strategy that focuses on having a minimum of 30 percent women in parliament by 2015 from a current baseline of zero. Amongst other gains, in the Republic of Korea, after the comparative success of women in previous elections, there is a drive amongst political parties to recruit politically active women to represent the women's agenda (APWLD n.d.; see also Lowe-Lee 2006). A refreshing concept of a Parliamentary Gender Caucus that cuts across ethnic and party politics to address issues that curtail women's participation in politics has been put forward by Malaysian groups (APWLD n.d.).

At present, Asia and the Pacific regions have fewer levels of female political participation, especially in parliament. As a successful development strategy, more needs to be done to address this issue.

With best regards,

Manoja Wickramarathne
*Statistics Officer*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Gurpreet Singh wrote:

*Facilitator's note: Dr. Gurpreet Singh notes that despite repealing discriminatory laws against women, men continue to dominate Indian society at all levels. However real change entails interventions at family level, and Gurpreet suggests some steps.*

Dear All,

### Politico-Legal Equity: Changes Required at the Family Level

The situation in India is not very different from other countries and we remain a male dominated society culturally, socially and politically. There have been recent attempts in the politico-legal field to change the situation, but it remains difficult. Our parliament has attempted to provide reservation for women in national and state legislatures but has not been able to do so for over a decade despite an agreement in principle that this is necessary. At the lowest level, in panchayats, similar rights have been given but the majority of elected representatives are proxy candidates for men who are close relatives/family members. Wherever women have attempted to break free, they have encountered resistance from society at large.

As per Section 8 (a) and 15 (a) of the Hindu Succession Act, 1956, females have equal inheritance rights to their parents' property. But some of its provisions were discriminatory towards women. However, there have been some positive developments. In fact, the Hindu Succession (Amendment Act), 2005, addresses some of the gender inequalities in the old law. For instance it confers: *a)* equal rights to women in all agricultural land (right denied under old law) by repealing Section 4 (2) of the Hindu Succession Act, 1956; *b)* grants birth rights to daughters in Mitakshara Coparcenary property (joint family property) by amending Section 6 of the old law.

But overall, the politico-legal reality is reflective of the socio-cultural bias which exists in spite of economic and democratic progress of the nation. So I would suggest that unless we simultaneously attempt to correct biases at the family level, the situation is unlikely to change. Some of the steps that are required are:

- 100% education.
- Inculcate the importance of financial security from an early age for all women.
- Encourage decision making from an early age.
- The state can help by steps such as compulsory free education (The National Cabinet has cleared a law for this - right to education - yesterday), providing jobs on a proactive basis, ensuring representation in decision making processes and ensuring an overall environment for women to come forward and play an active role in society on the principle of equality for all.

With best regards,

Dr. Gurpreet Singh
*Municipal Corporation of Delhi*
*India*

## Ramya Solang Arachchige wrote:

*Facilitator's note: Ramya Solang Arachchige describes the ground level structures, including the school curriculum, that disincentivise most women from participating in Sri Lankan politics, unless already connected to the party hierarchy.*

Dear Network Members,

### Women's Political Participation in Sri Lanka

This contribution will focus on some factors behind the low political participation of women in Sri Lanka.

Average Sri Lankan women find it difficult to play active roles in politics. The existing political process, from the nomination to the election of a candidate, works against them. The political parties are dominated by men and the national leadership of the parties is male dominated. Hence, a woman's chance to be nominated is low, unless she is from a family with a strong political background. Furthermore, the non-democratic structure of political parties is another obstacle which impedes women's chances of being nominated for a political post. Even committed women political workers and activists have slim chances of selection by their party leadership.

The election campaign process is exposed to politically-motivated violence and character assassination of candidates - a factor which Sri Lankan women find demotivating for active political participation. Additionally, interested women candidates lack the financial resources to run effective election campaigns. This undermines women's interests in active politics.

The stereotyped education system also contributes to limit women's political participation. Even educated women are reluctant to enter politics as they consider it a 'dirty game'. The education system promotes the traditional and distinct role of men and women. The school curriculum is devised in a way to project women in a subservient role to men.

Some women politicians have capitalized on their political connection. Their fathers, husbands or close relatives have been involved in active politics. They do not have to face the challenges which other women clamouring for political power have to face. Male prejudices have also prevented women from becoming ministers of more powerful ministries such as defence or finance.

It is evident that Sri Lankan women face numerous hurdles in terms of their active political participation. Every step of the way - as party workers, candidates and elected members of the assemblies - women are at a disadvantage. For greater women political participation, the political structures of the state should provide a level-ground for women. This will ensure their equal involvement and participation in active politics.

With best regards,

Ramya Solang Arachchige
*Consultant Programme/Administration*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

## Iyavoo Ramachandran Ramasamy wrote:

*Facilitator's note: Iyavoo Ramachandran Ramasamy calls for a comprehensive policy to address a lack of minimal formal arrangements to protect migrant women working in Malaysia. An adoption of a proper legal and political perspective is needed to improve wages, employment conditions and safeguard women from severe abuse.*

Dear Colleagues,

## Dignity of Living of Migrant Maids: Regressing or Progressing

I would like to say few things about the socio-economic and political status of female migrant workers. In newly developed countries like Malaysia, more than 3.5 million both legal and illegal migrant workers are employed in various sectors (Kuppusamy 2008). Of this total, as per official reporting, women migrant domestic workers, mostly domestic maids, represent a substantial portion - not less than a quarter million (Human Rights Watch 2004). Almost all domestic maids are brought into the country legally after going through tedious immigration and health procedures. The potential employers comply with the law, primarily because they are afraid of facing a fine or jail term for harbouring illegal entrants in the country. Most of the domestic maids are from neighbouring countries, mainly from Indonesia and the Philippines and of late, a small number from other friendly nations such as Thailand, Sri Lanka and Cambodia. Despite legal entry into the country, the plight of the maids is unheeded in many ways due to a lack of proper legal and political perspective.

First of all, it is deplorable to note that contemporary immigration practices lack form and structure in comparison to immigration of labourers who were brought in large numbers during the colonial era. During the colonial periods, both sending and receiving nations had laws in place for guiding immigration activities. In particular, The Indian Emigration Act of 1922 of 5th March 1922 (No. VII of 1922) was passed by the Indian Central Legislature to help and protect Indian emigrants abroad (INTISARI, Vol. III No.4, September, 1970). Similarly, on 24th April, 1952 the Federation of Malaya and the Singapore Governments passed the Immigration Ordinance, 1952, that came into effect on 1st August 1953. It controlled the entry of unwarranted immigrants, who it was feared would jeopardize employment opportunities, wage conditions, cause congestion in schools and medical institutions and create pressure on social facilities as well as cause deterioration in the standard of living of the local population. Consequently, the living conditions and welfare of both the immigrant and local populations in terms of remuneration, passage, accommodation, establishment of institutions and representatives, Tamil Immigration Fund to facilitate return migration etc. came into effect. Thus the processes were well managed professionally. To the contrary, today such explicit arrangements are lacking in both sending and receiving countries, except for some diplomatic level arrangements. Indeed, the Malaysia Employment Act of 1955 excludes domestic workers from regulations providing maternity benefits, rest days, hours of work and termination benefits (Human Rights Watch 2004: 12).

Secondly, the domestic maids are poorly paid, ranging from RM450 for inexperienced maids to RM800 for well-trained maids, who mostly come from the Philippines. Very few in number are reasonably paid. On the other hand, the bulk of the employers -constituting wage earning middle-class families - cannot afford to pay more, despite both the husband and wife working. But the irony is that the maids are compelled to work throughout the day in comparison to workers in the formal sector, who are subject to an eight-hours-a-day working life. For additional hours of employment, the workers in formal sectors are paid over-time wages, which is lacking for home-maids. The workers in the formal sectors are subject to tasks that they are recruited for, but maids are required to do additional tasks such as washing cars, felling plants and trees in the gardens, painting the house during festival occasions etc., even though they are recruited to manage the basic cleanliness of the house and minding babies. In such cases, the maids lack appropriate institutions or channels to voice their employment conditions. Even their recruiting agents are in a helpless situation to render any help and in most instances display a 'don't care' attitude once they have collected their dues for services rendered from both parties. Such a poor and disparate employment condition is indeed an utter violation of basic human rights and dignity of living.

Thirdly, the domestic maids are prone to various forms of abuse and quite often, sexual assault, by their employers. There are no exact statistics on this. The number of incidences that come to light via police records or the media are very few. Many do not report incidences for fear of unwarranted social repercussions. As acknowledged, such victims live in fear, subject to low self-esteem and psychologically suffer in silence. Again, they lack appropriate and adequate institutions - especially of the non-governmental type - to address their concerns. Being female, poor and less educated, the domestic maids lack courage to form their own interest groups. On the other hand, high-handed organizations do not give priority to resolving their plights. For instance, the harrowing experiences of Nirmala Bonat, an Indonesian maid burnt with iron and scalded with boiling water when she was 19 years old in 2004, has still not been resolved amicably, despite making headlines in the media (BBC News 2004). Indeed, this is only the tip of the iceberg.

According to Ms. Fernandez, Executive Director of TENAGANITA, "45 Indonesian workers have died in Malaysia so far this year from a variety of causes, including torture by abusive employers; more than 1,050 human rights violations ranging from rape to physical abuse occurred over the last two years (Le Fevre 2007; CARAM Asia 2007). Without the foreign labour we would not have been able to develop so rapidly. We cannot just use and discard them as we like. There is an urgent need to develop a comprehensive policy that is respectful and humanitarian with payment of adequate retrenchment and other benefits." On another note, "It's time for Malaysia to clean up its own house by extending labour protections to domestic workers," said LaShawn R. Jefferson, Women's Rights Director at Human Rights Watch (Hu-

man Rights Watch n.d.). Though the citations were made by making due reference to Malaysia, the story line is still the same in other countries like Singapore and the Middle-East, where a large number of domestics helpers are imported. Indeed, it is a growing global concern as more countries are joining the modern and developed country ranks, requiring the import of domestic services through proper legal and humanistic frameworks.

With best regards,

Iyavoo Ramachandran Ramasamy
*Head of Policy, Capability and Research*
*The ICT Association of Malaysia (PIKOM)*

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## Kuntala Lahiri-Dutt wrote:

*Facilitator's note: Kuntala Lahiri-Dutt investigates legal protectionism, reviewing points that include the following: the divisiveness of such laws; how they categorize workers on the basis of women's reproductive functions over and against the capabilities of all adult humans; and how 'protective maternalism' thwarts women's and men's aspirations to negotiate the fullest possible range of jobs and benefits.*

Dear Network Members,

### Protective Laws and Women in the Public Sphere

In understanding gender equity in the public sphere of life, I see *four* factors are largely responsible:

- laws surrounding women's rights to work.
- gendered impacts of technology use.
- the neglect of women workers' issues by most trade unions.
- discriminatory policies corporations practice such as gender selective recruitment and the use of instruments such as Voluntary Retirement Schemes to retire women.

These factors operate in most areas of women's work and represent women purely as reproductive agents as against economic citizens of a country. Biology is crucial to the identity of women and in shaping their rights to and at work. But biology is also culturally sanctified.Both women and men are prevented legally from performing certain actions or receiving certain benefits, not on grounds of proven ability or inability, but *because* they are women or men.

Protective legislation performs precisely this role; we enjoy such protection in all aspects of life: for example, in reserved seats in trains and buses to reserved seats in electoral bodies to workplaces. Some of these legislations were developed in view of poor working conditions that existed in early industries and no doubt had good intentions behind them. But in many countries that experienced Equal Employment and Opportunity legislation, such protective legislations have been withdrawn. In India for example, there are laws around night and underground work by women; in Indonesia women are entitled to enjoy two days of paid leave every month upon proving that they are menstruating. Again, technological

improvements that make the labour process less arduous, safer and increase productivity usually push women out of jobs and represent women as unable to handle machines to legitimise men as the typical labourer whose interests supersede those of women workers.

Globally, the earliest forms of protectionist legislation were bans on night work, relating to moral protection of women. One of the first international conventions from the ILO was the 1919 Night Work (women) Convention, later revised as the C89 Night Work (women) Convention (revised), prohibiting women from working in industrial undertakings at night. Most ILO Conventions have been revised several times since; the one on night work was revised in 1934, 1948, and in 1990, introducing a clause for women to work at night 'in specific activities or occupations' (but not around childbirth, when pregnant, or when would endanger health). A 2001 ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) produced a general survey on night work conventions and concluded that although there was a need to protect the conditions of all night-workers, and that differential protection of women was not generally needed. Others include Maternity Protection Convention of 1919, Equal Remuneration of 1951, and Discrimination Convention of 1958. The original Maternity Protection Convention stated that women shall not be permitted to work for six weeks after confinement, and have the right to leave work six weeks prior to confinement, and be paid maintenance while away from work. It was revised in 1952 and 2000, indicating changes in the definition of maternity.

These laws keeping women from perceived dangerous work in certain places and times can be said to have given rise to a 'protective maternalism' in the context of women's work, which is often described as the 'maternal wall'. By predominantly defining women as subjects to be protected, the legislation characterises women's citizenship in terms of maternal duties, and comprises the primary reason from which the three other factors follow. There is obviously an inconsistency between the protective conventions and anti-discrimination conventions such as the C111 Discrimination (Employment and Occupation) Convention and the C156 Workers with Family Responsibilities Convention, which prohibit discrimination on the basis of sex and require equality of employment opportunities for workers with family responsibilities. India has signed up simultaneously to inconsistent conventions such as C111 and C89. Clearly, protective legislation is a fish out of water in view of other human rights legislation since passed, including CEDAW. Indeed, there have been moves within the ILO to try and address the inconsistency between protective conventions and anti-discrimination conventions. However, member states have been slow to recognise that conventions such as C89 Night Work (women) Convention (Revised) and C45 Underground Work (Women) Convention discriminate against women in a way that is not justified on the basis of women's special reproductive functions. In 1975, the International Labour Conference passed a motion that 'women should be protected "on the same basis and with the same standards of protection as men"' (ILO 2001, para 60). In 1985, the Conference passed a resolution calling all member states to 'review all protective legislation applying to women in the light of up-to-date scientific knowledge … and to revise, supplement … or repeal such legislation' (Politakis 2001: 406; ILO 2001, para 60). A 2002 Working Party on Policy regarding the Revision of Standards of the ILO Governing Body decided to encourage the denunciation of the C45 Underground Work (women) Convention and instead encourage states to sign C176 Safety and Health in Mines Convention (ILO 2002, para 13). Although bodies within the ILO have made some efforts towards encouraging states to denounce the protective conventions, their efforts have largely failed because of a commitment to ongoing protection for women by a bloc of states. For example, Sri Lanka has denounced the protective conventions, but India is in league with a long list of Asian countries that have not: China, Indonesia, Japan, Malaysia, Pakistan, Singapore and Viet Nam. This state resistance to denounce protective legislation has received support from trade unions that fear 'losing the ground already gained'.

This ambiguity is evident amongst the feminists themselves who have keenly debated legal protectionism, raising the question whether women need protection or equality, and whether women should be seen primarily as 'women' or as 'workers'. Kessler-Hariss *et al*. (1995) describe protective legislation as the 'central tension' around women's productive work outside of the home: 'In different forms, they occupy a pivotal position in the debates of every industrial country, pitting the demand for equality in the workplace against the well-intentioned efforts of men and women to protect family life.' This debate hinges upon the 'difference/equality' question. Are women to be protected generally? As recently as in 1991, Russian women faced the dilemma of choosing between the 'double day' for the promise of a husband supporting the family. In the same year, the Court of Justice of the European Communities decreed that national provision forbidding night work for women contradicted the Communities' regulations mandating equal opportunities for women and men. Both France and Italy had restrictions on women's night work, and whilst the laws were never rigidly applied, it was argued that women are more exposed to risks of violence or sexual assault at night. In India, we are now experiencing a similar wave of sentiment against the relaxation of night work for call centre girls. It is resented by citing the valid argument of rape and sexual harassment of young girls from call centres in Bangalore or other metropolitan centres. Is that not equivalent of discrimination? But do not all women enjoy some protection? The most widely known protective legislation is maternity leave that women lay claim to by virtue of their sex. Over 120 countries in the world now provide paid maternity leave. Maternity leave, according to Kessler-Harris, *et al*. (1995: 23) is intended to combine a woman's motherhood and related roles with productive roles in the workplace, making sure that women's reproductive labour is acknowledged in the workplace, providing an environment in which women can work and still bear and rear

children with a sense of security that women's childbearing capacity does not become a source of discrimination in the labour market. However, other forms of protection legislation focus on breastfeeding needs, also explicitly tied to women's maternal roles to valorise women's biological specificity, and 'menstruation leave' in some Asian countries such as Indonesia, Japan and Korea. When protective legislations assume an explicitly restrictive form, such as those around night work and underground work, they can have far-reaching gender-based implications for human rights and development.

Historically, protection clauses were controversial for many women activists as they were linked to definitions of women's citizenship primarily as mothers, and tied to notions of 'the family wage' in which men were regarded as principal breadwinners and hence entitled to higher wages than women. Indeed, some of the support for the protection legislation came precisely from men who argued that women should not be in the labour force on equal terms with men, and that women's primary social responsibility, their primary form of citizenship was as wives and mothers.

Much of the debate is bogged down by the equation of equality with sameness that is an inability to recognize equality under conditions of difference, as is now the core of Equal Employment Opportunity legislation (that is, compensating for specific disadvantages of particular groups in a competitive labour market). Kessler-Harris, *et al.* have widely discussed the feminist leader Clara Zetkin's view of legal protectionism for women, and feel that 'When applied to women only, protective legislation was directed less at their welfare than at reconciling the competing needs of women and families to meet a broader set of social purposes, including sustaining the family wage male breadwinner ideology; supporting a sexually segregated labour market; and enhancing the possibilities of survival for future generations of workers' (1995: 23). Because of its broad reach, the terms of legislation were frequently contested and, applied to all workers, it seemed an unwarranted intervention in the free market. Legal protectionism is divisive for the feminist cause of equality for women and men in opportunities. When it is applied to women, protection tends to create special categories of workers.

With best regards,

Kuntala Lahiri-Dutt
*Fellow, Research School of Pacific and Asian Studies*
*The Australian National University*
*Canberra, Australia*

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## Myo Lwin wrote:

*Facilitator's note: Myo Lwin endorses Dr Gurpreet Singh's observations and recommendations from India stemming from men's continuing domination of society on all levels, noting this strikes a familiar note in Myanmar also.*

Dear Dr. Gurpreet Singh,

### Politico-Legal Equity in India and Myanmar

Your findings are very interesting, not because we have not heard in the past, but because quite similar cases are happening here. So I do agree with your assessment and recommendations on the topic.

Thanks for sharing it.

Regards,

Myo Lwin
*Myanmar Times*

# Closing Message

## Jim Chalmers wrote:

Dear Network Members,

We are now closing the e-discussion on the sub-theme of politico-legal equity. We had more than twenty postings: thank you very much for exchanging valuable ideas. The session has produced a broad regional coverage and a fine balance between seeing the gaps and recommending effective strategies.

Contributions focused or touched on Afghanistan, Bangladesh, Cambodia, China, Fiji, India, Indonesia, Pakistan, Papua New Guinea, Philippines, Malaysia, Myanmar, Nepal, Republic of Korea, Samoa, Solomon Islands, Sri Lanka, Timor-Leste and Viet Nam.

Some **issues** raised are: women's engagement in political and other modalities of public life continues to be low; Asia-Pacific lags behind other regions in women's representation in national parliaments; women have been more successful in exercising power at the local than the national level. However they still remain largely underrepresented and marginalised from decision-making; quotas are means not ends, and aim to provide a 'quick fix' to fill up the numbers from groups marked by systematic disadvantage; legal protectionism, which categorizes workers on the basis of women's reproductive functions over and against the capabilities of all, is divisive and thwarts both women's and men's aspirations to negotiate the fullest possible range of jobs and benefits. Country specific issues, which were highlighted, include: subordinate roles expected of Indonesian women embedded in tradition; ground level structures, including the school curriculum, disincentivise most women from participating in Sri Lankan politics, unless already connected to the party hierarchy; in Samoa, whilst the women's committee holds specific functions within the community, decision-making power continues to reside with the village council (usually male); *de jure* and *de facto* gaps exist in Pakistan's legislative compliance with relevant CEDAW articles; significance of judicial precedents in filling legal gaps as evident in India and concern over male-dominated formal justice systems to provide legal relief to victims of gender based violence in Timor-Leste.

Contributors identified **positive if contingent developments** related to political equity such as promising initiatives on electoral reform and women's participation in countries including the Philippines, Fiji, the Solomon Islands, Republic of Korea, and Malaysia. Important developments related to legal equity include: a recent ruling by the Bombay High Court on a case of sexual harassment against a private sector company that importantly acknowledges "the intrinsic link between the right to gender equality and the right to life"; and positive developments in enactment and enforcement of sexual harassment at work places laws in Sri Lanka, Bangladesh and India. It was also underlined that action is slowly being undertaken to operationalise gender equity laws, including national women's policies/ action plans, but implementation is conditional on developing political will. Further, high profile female political representation does not imply true gender equality, while school attainment does not have a straightforward causal link with empowerment to engage in public life.

Members also recommended **strategic interventions** including: monitor conventions and optional protocols; operationalise existing conventions and legislation; use CEDAW as framework; monitor whether women's rights under CEDAW hold up for other inextricable rights; a comprehensive policy to address the lack of minimal formal

arrangements to protect migrant women; consider gender quotas or alternative tools to promote gender empowerment; promote capacity development against a backdrop of a need to work at cultural and psychological levels to evoke acceptance of women being active in public life; monitor collision between rights of different marginalised groups; develop interventions at family level; create channels so that grassroots women's and men's voices are recognized in policy making processes.

Thank you in particular to the following contributors: Winnie Byanyima, Pamela Nilan, Lanyan Chen, Julia Scott-Stevenson, Hasna Cheema, Geeta Ramaseshan, Rachel Hackwill, Anuradha Rajivan, Kevin Evans, Ramesh Gampat, R. Sudarshan, Rea Abada Chiongson, Manel Chandrasekera, Ranjani Murthy, Manoja Wickramarathne, Gurpreet Singh, Ramya Solang Arachchige, Iyavoo Ramachandran Ramasamy, Kuntala Lahiri-Dutt, and Myo Lwin.

The next topic is education (starting on 13th November). Fortunately, there has been progress on access by girls and women; but, despite this, gender inequities persist. We look forward to what promises to be a thought-provoking session on tackling this problem.

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

# Education and Gender Equity

# Opening Message

**Jim Chalmers** wrote:

Dear Network Members,

We welcome you to the e-discussion on the next sub-theme: education and gender equity. The network has grown; your messages now go out to more than 500 subscribers who have shown warm appreciation of experiences and ideas exchanged.

This new topic is about *moving beyond access to education*. The emphasis is on recognition that gender equity and freedom to make choices are the ultimate goals of education – not just access and performance. Contributors have recognised this in previous threads. They have seen how education has intricate links with economic opportunities, political participation, and decision-making within the household.

In addressing this topic, here are just a few of the questions you could respond to:

- Why is education important to promote gender equality?
- Does schooling typically translate into greater parity in social roles or jobs? For example, what is the impact of education on age of marriage, age of first child, number of children, domestic violence, etc.?
- What are some of the gendered processes that constrain peoples' choices? Do schools address these or reinforce them?
- What are the relationships between higher education, economic empowerment and gender equity? Explain, drawing from trends and experiences in the region.
- What educational policies are needed to re-work the formations that reinforce behaviours and attitudes that devalue women's choices and voices?
- Would education officers accept responsibility to create more than access to education and learning outcomes? Do current education plans actively promote girl's and women's freedom to pursue an educated life free from violence and cultural imperatives that insist on submissiveness?
- Does current education policy tackle education's links with decision-making? Are subjects taught that impact on health choices, natality choices, political participation choices, and equitable workplace roles? Is current education interested in fairness and voice in the household, the workplace, and in general relationships with others?
- Are there significant sub-regional differences/similarities (South Asia, East Asia, Pacific)?

We very much look forward to hearing from you. Your experience will help make this a valuable exchange of ideas.

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

# Contributors

Responses were received from:

- Pamela Nilan, *Associate Professor of Sociology, University of Newcastle NSW, and Vice-President Asia-Pacific Sociology Association*
- Amaya Gorostiaga, *Independent Researcher*
- Kirsty Hayes, *Hunger Campaign Consultant, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Elena Borsatti, *Economics Analyst, Human Development Report Unit, and Niranjan Sarangi, Economist, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Difei (Vivian) Hu, *Graduate Student, Master of Public Administration, Columbia University*
- Rohini Kohli, *Human Development Report Analyst, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Hyunjoo Song, *Professor, Korean Institute for Gender Equality Promotion and Education (KIGEPE)*

# On-line Discussion

## Pamela Nilan wrote:

*Facilitator's note: Pamela Nilan looks beyond access to education in Indonesia. She explains why schooled gender stereotyping entrenches the submissive role long expected of women in private domains. Thus, good progress towards gender parity in education does not necessarily result in workplace inequalities and non-representativeness in public roles.*

Dear Network Members,

### Gender Equity in Education and the Under-Representation of Women in Indonesian Public Life

My contribution is focused on gender and education in Indonesia.

There are quite a few developing countries where levels of female literacy and participation in education are high, but the status of women remains low – Indonesia and Fiji, for example (Nilan 2009). This means that the notable inequalities that persist in women's access to health, economic and political participation cannot be attributed solely or even largely to a gender gap in education at the present time.

In Indonesia, progress towards gender equality has been mixed. Gains have been made in education, but inequalities in access and outcomes for male and female students persist.

Overall, Indonesians from all ethnic groups and religious faiths favour education for both sexes. It has been claimed that where it exists, virilocality – daughters marrying out of the family - does not influence investments in daughters in Indonesia (Kevane and Levine 2003: 4). Like the other 'Asian Tigers,' Indonesia saw an increased age at marriage (Jones 2005) and significant improvements in educational attainment occurring simultaneously with strong economic growth in the second half of the twentieth century.

Indonesia has made a commitment to the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Education For All (EFA), and the Millennium Development Goals (MDGs). These conventions have specific policies to promote gender equality in education, including building the capacity of educational institutions to manage and promote gender sensitive education. Achieved or increasing gender parity at all levels of education indicates that good progress is being made towards targets being met. However, as indicated above, high levels of female literacy and participation in education do not necessarily guarantee that there will be equality in labour market status and income, nor that women will be well-represented in the public life of a country. Changes favouring gender equity in the public domain often take decades to influence change in the private domain of marriage and the family, where the submissive role of women is deeply entrenched.

While the case may be made that women and men in Indonesia are becoming more equal (Sen 2002; Smith-Hefner 2005), in many fields including education, marriage and sexuality, there still remain 'zones of conflict as women seek new roles and men continue to pursue old practices' (Utomo 2005: 122). In the new millennium, Indonesian women are

on average older and much better educated when they marry than at any other time in the past (Jones 2001), yet the discourse of *kodrat wanita* - the traditional subordinate role of women - still dominates media representation and political rhetoric. We must remember that 'laws that institute basic equal rights (…) often are not enough to eliminate persistent gender inequalities embedded in a country's institutional foundation' (World Bank 2001:108).

*Specific gains*

In Indonesia, an order mandating a compulsory nine years of basic education was implemented in 1994. Most children of both sexes enrol in primary school with no significant gender gap. At junior secondary school level there is a slightly higher ratio of girls, but this must be considered relative to the rural-urban divide. In 2002, while 71.9 percent of children in urban areas enrolled in junior high school, only 54.1 percent of rural children did so. The socio-economic status factor is also important. In 2002 for the poorest 20 percent of the population, only 49.9 percent of children enrolled in junior high school, while for the richest 20 percent of the population, the percentage was 72.2 (UNICEF 2002).

Male and female pupils proceed from primary to junior secondary school in roughly equal numbers. However, there is a gender gap in transition rates from junior secondary to senior secondary school (73 percent of males and 69 percent of females). There is also a significant gender gap in school dropout rates, both at primary and junior secondary levels. Girls are more likely to drop out. In 2002, at primary and junior high school level, for every ten children who dropped out, six were girls and four were boys. At senior secondary school level, seven girls dropped out for every three boys). However, once again this has to be considered relative to rural-urban differences 'for senior secondary education, rural-urban differentials outweigh gender ones' (DFID 2007). Literacy rates were even at 99.8 percent in 2002 (UNICEF 2002). Over the last decade the number of females has come to equal the number of males in higher education. The current enrolment rate is about 15 percent of the eligible cohort (DFID 2007).

In summary, even while acknowledging that access to education becomes increasingly more limited as children proceed to higher levels of education, Indonesia has achieved good overall progress towards gender parity in the net enrolment ratio both at the primary and junior secondary levels (UNICEF 2002).

*Unequal outcomes from schooling*

However, despite the laudable gains in education, significant barriers to achieving gender equitable outcomes from schooling include: gender biased teaching and classroom practices; sexual harassment; lack of safety in some areas for girls going to and from school; and the continued wide use of textbooks that reinforce gender stereotypes. For example, males are depicted far more often and in more active and authoritative roles than females. The names of prominent men are cited more often. Gender stereotyping still prevails in choice of subjects and study strands at secondary school, leading to different labour market incomes that inhibit the involvement of women in high profile public life. National policies certainly exist to promote gender equitable outcomes from education, but they encounter many obstacles, not least of which are old-fashioned thinking, religious conservatism, inertia and corruption.

The message for girls still tends to be that while their educational achievements remain on par with boys at school, their main purpose in life after education is to marry and be the helpmate of their husband, raising his children and meeting his needs. This is not an ideal scenario from which to build a life trajectory that includes a high profile in public life.

*Public gains, private status quo*

Moreover, despite gender mainstreaming - the concept is not well-understood – there is a significant problem in schools of inadequate contextualization of gender equity initiatives within existing Indonesian socio-cultural and religious beliefs and traditions. For example, early marriage is one of the key issues identified in some rural regions of Indonesia that still affect female access to and participation in education. Young women everywhere still tend to see their paid work and income as supplementary to that of their future husbands. This returns us to considering the important private domains of marriage and the family where gender roles still tend to be prescribed.

Paragraph one of the Indonesian Marriage Act (*UURI 1 - 1974)* states that the rights and status of the wife is equal to that of the husband, both in their married life and in society. However, Paragraph three states that the husband is the head of the household and the wife is a housewife, reflecting conventional patriarchal family structure (Ariani and Nilan 1998: 63; Mariyah 1995). This impacts upon the perceived legitimacy of married women's careers. A late 1990s CEDAW report on Indonesia expressed concern on this issue – 'the predominant view appears to be that married women might provide supplemental income for a family, but that there is very little emphasis on the right of women to develop a career of their own' (1998).

Writing of Indonesia ten years ago, it was argued that,

> The *de facto* situation is that women remain unequal to men in terms of rights and opportunities because of a combination of traditional and cultural practices and certain laws that are contrary to the spirit, if not the letter, of the principle of equality. The view that the man is the head of the family and the woman the manager of the household reflects this (CEDAW 1998: 3).

*Conclusion*

This discussion has suggested some education-related reasons why Indonesian women seem to be marginalised in public life. It is not because of low levels of education as such, but because at present, schooling tends to reinforce traditional gender stereotypes rather than challenge them.

Best regards,

Pamela Nilan
*Associate Professor of Sociology, University of Newcastle NSW,*
*Vice-President, Asia-Pacific Sociology Association*
*Australia*

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Amaya Gorostiaga wrote:

*Facilitator's note: Amaya Gorostiaga recognizes the efforts made to improve access to education. However, she highlights the need to focus on quality, which is as important as enrolment and access. Yet, quality is often undermined by social pressures and inequalities. Remedies include: promoting women's equal representation in teaching/ administrative and leadership roles in schools; creating learning environments that promote equal participation and empowerment; granting the same educational options to girls and boys to study, for example, math, science and language.*

Dear Network Members,

## Equal Access to a Quality Education

I am confident in presuming that members of this network endorse the principle that education is a basic human right. It is difficult to dispute the fact that education enhances lives and combats generational cycles of poverty and disease. Millennium Development Goal 2 calls for children everywhere, boys and girls alike, to be able to complete a full course of primary schooling by the year 2015.

The world has come a long way in increasing access to education, and is on track to meet the 2015 deadline. However, this discussion is not about universal access to education, but rather about the more complicated goal of equal access to a *quality* education. I do not intend to diminish the great strides humanity has taken to ensure more children in every part of the world are granted access to a much-needed education. In fact, I shall reiterate the 2008 MDG Progress Report, which states that "net [primary school] enrolment in almost all regions exceeded 90 percent, and many countries are close to achieving universal primary enrolment" (United Nations 2008). However, these figures do not necessarily indicate or forecast signs of enhanced female participation in the economy, in politics or in the household, simply because of the inequities that confront females even after they gain educational access. In the rush to achieve universal education, increased access to schooling can be achieved at the expense of the quality of education being offered, especially for young girls.

By now I assume many of you have heard of the recent disturbing incident that took place in Kandahar, Afghanistan. A few days ago, fifteen high school girls were on their way to class when assailants surprised them and threw acid in their faces. It is believed that the attack was most likely carried out by those opposed to the education of women (BBC News 2008). In a country that has recently granted access to education to its female citizens, this gruesome attack is an illustration of the discriminatory and in this case, violent, treatment girls may receive even after they have accessed educational opportunities. While this is an extreme case, it is a harsh reminder of the social pressures and inequalities forced upon females that may affect the quality of their education and their ambition to succeed - even if it is readily available to both boys and girls - and thus prevent their later success and constructive participation in society.

Too often, girls who are given the chance to gain an education are not given the concomitant chance in schools to thrive and reach their full potential. For instance, communities may still give priority to boys when it comes to paying for a quality education. In these communities, boys are expected to move on to secondary education, get good jobs and thus provide for their families. Girls are more often expected to contribute to household work or to watch younger siblings. In other instances, girls may be prevented from receiving the same level of education because of religious reasons. These social pressures contribute to unequal educational quality that constrain the choices and voices of women, and thus limit their opportunities.

True gender equity means that education programmes must be gender-sensitive. This means that learning environments must promote equal participation and empowerment. In schools, women must be equally represented in teaching, administrative and leadership roles.

Furthermore, girls must be granted the same educational options as boys to pursue mathematics, science and language. It is absolutely necessary that girls are provided with the same technical training as boys, in a bid to expand their range of choices. Girls must be given the same level of encouragement and preparation as boys to excel in primary levels and then move on to secondary levels. This point is crucial, as boys may receive more or different training and skills to move on to more advanced levels of education to pursue professional careers, while women are expected to work in the household. This is not a problem of the developing world alone, but is prevalent in many classrooms in the developed world. (In the United States for example, while access is not as much of an issue, quality and equity often at times can be worse than in the developing world.)

A quality education is as important as enrolment and access. Human development and the eradication of poverty can only be achieved by providing a quality education for all. If girls receive inadequate education, they are more likely to become women that are illiterate, impoverished, unhealthy, and pass on this cycle of despair to their children. Instead, girls must be empowered to realize and learn that they can help contribute to transforming societies, and become a counterforce to the attitudes and behaviours that limit women's roles, participation and ambition.

A quality education ushers in a lifetime of opportunity, which helps build a strong and diverse workforce, citizenry and society. Gender equality is essential for ending discrimination and achieving justice. The world faces a time when the need for quality education has never been more urgent.

"By combining the right to education with rights within education, we can achieve rights through education" (UNICEF 2008).

With best regards,

Amaya Gorostiaga
*Independent Researcher*

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## Kirsty Hayes wrote:

*Facilitator's note: Kirsty Hayes explains why girls' schooling matters, noting crucial regional disparities in enrolment in South Asian countries. Low girls' enrolment impacts seriously on child health and natality. Transforming this is contingent on enrolment. But a shift in quality is also vital, as shown by the success in Bangladesh following extensive recruitment of female teachers, school feeding programmes and school stipends for girls.*

Dear Network Members,

### The Impact of Regional Disparities in Girls' Participation in Education

It is difficult to make broad generalizations about girls' participation in education in the Asia-Pacific region, as there is a great deal of regional variation in terms of enrolment rates, with a particularly stark situation in South Asia. More than a third of the world's girls who are out of school are in South Asia, and the vast majority of these in three countries – India, Afghanistan and Pakistan (DFID 2005). By contrast, East and South-East Asian girls, as well as those living in many countries in the Pacific, have a far greater likelihood of attending school.

There are three main reasons why these regional disparities matter. First, women's education matters for growth. A seminal 1993 World Bank study demonstrated that high performing economies in East Asia such as Indonesia, Malaysia, Republic of Korea, Singapore and Thailand had been much more successful and quicker than others in eliminating gender gaps in school enrolment. Moreover Klasen (1999 and 2002) and others (e.g. Lagerlöf 2003) have subsequently found a high correlation between the increase in the number of years the average girl spends in school and the growth per capita GDP at a regional level.

Secondly, perhaps more than growth in itself, women's inclusion in the education system matters for development, including the attainment of many of the Millennium Development Goals. For example, South Asian women tend to have more children, at a younger age, and closer together, than their East Asian counterparts. As a result of this, combined with poor child nutrition practices, South Asia's child malnutrition rate is alarmingly high. In fact, according to India's National Family Health Survey (as cited by Saxena 2008), this figure barely changed in India between 1998-9 and 2005-6, and now stands at a shocking 46 percent for children under three. These challenges can be tackled through education. Not only can education directly teach women better and safer childcare practices, it can also have even greater impacts on child health simply through offering women more choice and power. According to the UK's Department For International Development (DFID) (2005), Asian women with seven or more years of schooling have two to three fewer children than those who have less than three years of schooling. Moreover, educated women are 50 percent more likely than uneducated women to get their children immunized (*ibid*).

Thirdly, at least in theory, girls' attendance at school should ensure that they achieve greater voice and power on a variety of levels: greater economic power, through participation in skilled and semi-skilled labour; and greater political power, through gaining the skills to participate in decision making at a variety of levels. And yet, these benefits are not always automatically realized. For example, Sri Lanka, unlike much of South Asia, has long enjoyed gender equality in terms of education. However, Sri Lanka's women have one of the lowest shares of seats of any Asia-Pacific National

Parliament (4.9 percent at 2007, source: Inter-Parliamentary Union, as cited by UNDP 2008). In fact, policies such as reservation systems seem to be far more significant in ensuring women's participation in national level politics than gender parity in education. That is not to say that the latter is unimportant, either in informing women's decisions to participate, or ensuring the quality of candidates. However education in itself may not be sufficient. This may be in part due to the *quality* of education – does it challenge or reinforce traditional patriarchal and heteronormative expectations? (Pamela Nilan in her contribution to the AP-HDNet suggests that in Indonesia it may be the latter) – but it may also be a function of broader societal expectations and pressures.

Identifying and eliminating these broader pressures is critical to achieving true equality for women in South Asia, and I would very much welcome suggestions from the community on possible answers. For example, Bangladesh has recently undergone a revolution in the way it approaches female education: it now educates almost the same number of girls as boys at primary and secondary level, thanks to an ambitious series of reforms since 1992 which included massive recruitment of female teachers, school feeding programmes and school stipends for girls (see e.g. Das 2008). But how can the full range of benefits from this approach be realized – for all Bangladesh's women and girls, boys and men?

With best regards,

Kirsty Hayes
*Hunger Campaign Consultant*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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## Elena Borsatti and Niranjan Sarangi wrote:

*Facilitator's note: Elena Borsatti and Niranjan Sarangi focus on the need for quality education and share examples of curriculum reform in the region towards eliminating gender stereotyping in schools. They also highlight that education can be instrumental in reducing violence against women and girls.*

Dear Network Members,

### Going Beyond Access to Education

The discussion now has posed a new challenge by exploring one of the three essential aspects of human capability - education. As other members have indicated, gender disparities continue to exist in education in the region, although some progress has been recorded.

As indicated in Jim's opening message, it is necessary to go beyond access to education. The instrumental role of schooling – helping individuals achieve their own economic, social and cultural objectives and helping society to be better protected, better served by its leaders and more equitable in important ways – will be strengthened if education is of higher quality (UNESCO 2004).

Quality and equality in education are, in fact, inextricably linked. The importance of quality education has been recognized internationally. In 1990, the World Declaration on Education for All identified quality as a prerequisite for achieving the fundamental goal of equity. The Dakar Framework for Action (2000) expressed the commitment to "improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills" (World Education Forum 2000: 8). This was also reconfirmed in the Asia-Pacific regional framework for action adopted by the Asia-Pacific Conference on EFA 2000 Assessment.

Curriculum reforms that work towards eliminating the gender stereotyping in schools (teaching about women's contributions in history class, eliminating sex stereotypes in textbooks, etc.) are important steps in promoting quality education and gender equality. In the region, there are very few of such interventions. For example, Indonesia, the Philippines, Singapore and Thailand have taken measures to review gender bias and sex stereotyping in school materials (Corazon 1998). The Equal Opportunities Commission of Hong Kong, China (SAR) has done research on gender stereotyping in education, not only on content analysis of text books and teaching materials with regard to gender stereotypes, but also did a baseline survey of students' attitudes towards gender stereotypes (Equal Opportunities Commission 2002).

There are examples of active civil society in promoting such changes. In Japan, for example, representatives from various women's groups sought the cooperation of publishers in eliminating gender stereotyping in text books. As a result, over the years, textbooks have been more likely to include illustrations and pictures of fathers grocery shopping or preparing meals (Atsuko 1995). But perhaps enough is not done. Because when the League of Japanese Lawyers conducted a study in 1989 to examine the extent to which gender discrimination had been eliminated in the books, it found that over the previous ten years not much had changed (Owaki 1991, cited in Atsuko 1995).

Eliminating gender stereotyping in education and greater gender equality in education can be instrumental in reducing violence against women and girls. Properly planned, coherent and coordinated interventions will contribute to the elimination of such gender-based violence (Human Rights Council 2008). The Sixth South Asia Ministerial Conference on "Commemorating Beijing" also recognized the importance of such concerted efforts (New Delhi, 17-19 January 2008). Ministers, secretaries and senior government officers, women's groups/networks, civil society, and researchers from South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) agreed to prioritize efforts/actions to prevent violence against women, and proposed the introduction of curriculum changes in schools to sensitize boys and girls on this issue as well as about the critical importance of having zero tolerance to such inhumane action (http://www.unifem.org.in/PDF/Final%20-%20INDIA%20FORWARD%20MOVING%20STRATEGIES%20 FOR%20GENDER%20EQUALITY%20%202008.pdf).

We hope that case studies/information will be shared on strategies/interventions and results obtained at the country level to promote a quality education.

With best regards,

Elena and Niranjan
Elena Borsatti, *Economics Analyst*
Niranjan Sarangi, *Economist*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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World Education Forum. 2000. *The Dakar framework for action - Education for all: Meeting our collective commitments*. Paris: UNESCO. [http://unesdoc.unesco.org/images/0012/001211/121147e.pdf]. Last accessed on 14 November 2008.

## Difei (Vivian) Hu wrote:

*Facilitator's note: Difei (Vivian) Hu describes important improvements in education attainments in China, but notes this in itself has not brought equality. A recent study in China shows gender and urban-rural disparities, despite increases in average schooling years. She points to reasons of institutionalized social thinking, visible in textbooks, classroom culture, and education policy and urges strategic interventions that integrate other empowerment approaches.*

Dear Network Members,

### Education Attainment and Gender Equality

As we know, schooling indicates education attainment which is more likely to result in good job opportunities, high social status, economic independence, resource allocation, capacity to participate in public life, as well as leadership. All of these are necessities to human rights and needs, justice, economic and social benefits, and equality. Half a century after the claim for education rights in the Women's Liberation Movement in the 1960s, there is significant global progress in women's education attainment. Yet, we are still far from achieving gender equality.

No doubt, girls and women are taking advantages of education. Education delivers knowledge and skills that make women more informed and render them the capacity to meet their needs and achieve their benefits, not only for themselves, but also for their children. Worldwide empirical evidence shows us that the schooling of women is strongly associated with more participation in the economy, low child mortality, lower fertility rate, better nutrition, and more education for the next generation. While the investment in primary education fueled the economic take-off in East Asia, more women were involved in the labour market and increased their income in combination with higher education levels. The World Bank Report on *The East Asian Miracle: Economic Growth and Public Policy* stated that high performing Asian economies closed the gender gap in education much earlier than other countries with the same level of per capita income. Although it is universal education without a specific focus on girls, the benefits for girls and women are significant (World Bank 1993: 47).

However, higher education attainment did not result in closing the gender gap in many fields. It is easy to find a bunch of studies which revealed a "Kuznets effect" between human capital, in terms of education and income (Winegarden 1979; Gregorio and Lee 2002). They show us that inequality in education actually widens the income gap while advancement in education attainment increases the general income level.

Although education is an important instrument to achieve gender equality, schooling on its own does not result in ending the gender gap. For example, the second national survey of Women Status of China in 2000 reported a greater gap in income between the two sexes and between rural and urban women, despite the fact that the average schooling years increased in all of these groups. Compared with 1990, the average schooling years of women in 2000 went up by 1.4 years, to 6.1 years, while average schooling of men went up from 6.7 to 7.6 years. The gap between two sexes in schooling was reduced by 0.4 years. Meanwhile, during 10 years, the income gap of the two sexes increased by 7.4 percent (ACWF and National Bureau of Statistics 2001).

More cases could be given. The glass-ceiling is still discouraging women with higher education. Domestic violence is pervasive in all the races, cultures and classes, whatever income and education background they have. The gender inequality in family, school, workplace and other social settings are perpetuated by bias, social norms, law, culture, public policies and exacerbated by other institutional factors. Education attainment is leading the way to gender equality. However, barriers coming from institutions, ideology and social bias are slowing progress and we need strategies and interventions integrating other empowerment approaches. In particular, we need to be aware of the gender inequality rooted in the education system itself. Education, like other social settings, is constructing and reinforcing the gender bias and discrimination. For example - the biased textbook and curriculum, gender-blinded school policies, gender stereotypes in classrooms are propagating gender inequality through education.

With best regards,

Difei (Vivian) Hu
*Graduate Student*
*Master of Public Administration*
*School of International and Public Affairs*
*Columbia University*

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World Bank. 1993. *The East Asian miracle: Economic growth and public policy*. A World Bank Policy Research Report. Washington, DC: Oxford University Press for the World Bank.

## Rohini Kohli wrote:

*Facilitator's note: Rohini Kohli urges understanding that the analytical category of 'education quality' transfers important but insufficient power to explain the roots and persistence of gender inequities. What is needed instead is recognition and strategic progress towards the goal of autonomous individuals being able to act on that recognition by challenging oppressive beliefs and practices.*

Dear Network Members,

### Re-looking at Quality of Education from a Gender Lens

Previous discussions on this network have emphasised the instrumental aspect of education. Increasing access and better quality of education have been raised as key to expanding individual capabilities in the economic, social and political spheres. No doubt these approaches are useful towards achieving tangible outcomes in narrowing the gender gaps in these fields. However they do little to explain *what* causes gender inequities in these fields (even when progress on education indicators is gender equitable) and *how* these inequities are perpetuated across generations.

Identifying reasons to explain the *why* and *how* becomes especially important when we consider that the Asia-Pacific region has a wide performance record on education indicators. While in South Asia the gender gap in primary education enrolment remains a problem, in many countries of East Asia and the Pacific, indicators related to gender equitable access to primary education and secondary education show favourable progress. Despite this progress, gender gaps in the political, legal and economic realms remain wide.

For example take the case of Fiji, raised in an earlier contribution (Pamela Nilan in the politico-legal discussion). Favourable gender indicators in education in Fiji do not show a straightforward relationship with greater gender equity. One of the reasons for this, the contributor argues, is the role of gender stereotypes in education in restricting women's career choices and pathways.

For many development practitioners, such a reason can be analytically categorized as being an issue of 'quality'. In other words, by reforming the curriculum, many gender stereotypes can be eliminated, contributing to a more gender equitable educational content and presumably more gender equity. In this case 'quality' provides a neat conceptual category (almost too neat), attempting an 'umbrella' policy entry point by which such issues can be tackled. However like many categories, it over-simplifies and often obfuscates issues that are important while devising innovative policies on promoting gender equity through education. Moreover, making or measuring progress on quality can be challenging, particularly when there are sensitive content related issues such as gender stereotyping which can take years to sort out.

For a human development approach to improving 'Quality' in education and by extension narrowing the gender gap, it could be instructive to move beyond a 'pure' instrumentalist view. In practical terms this would require cross-fertilising concepts and ideas considered by educationists and psychologists; for example, examining inter-disciplinary learnings on how gender stereotypes are perpetuated at an early stage in the class-room as well as the playground in early socialization stages. This entry-point could provide a deeper understanding of the *why* and *how* reasons, and more importantly *what* can be done?

For instance, the consideration of the ideas in works such as Paula Friere's classic on *Pedagogy of the Oppressed,* and others can be an entry point. This body of work emphasizes how a critical pedagogic approach can be of help to students to question and challenge traditional beliefs and practices that dominate. Investments in teacher-training in active learning approaches using these and other recent ideas could result in more innovative methods for catalysing the role of education in transforming gender relations. Therefore, investments beyond standard curriculum and text-book reform led thinking may need to be applied. Other 'extra-curricular' investment areas that are critical to building self-confidence and participation, such as sport, could be considered for greater policy level attention.

With best regards,

Rohini Kohli
*Human Development Report Analyst*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

**References**
Freire, Paulo. 2007. *Pedagogy of the oppressed.* New York: Continuum.

## Hyunjoo Song wrote:

*Facilitator's note: Hyunjoo Song concisely depicts the status of gender equality and gender policies in education in the Republic of Korea. Gains occurred in access to education due in large part to CEDAW-based gender education policies. Yet wide-scale qualitative gender inequalities persist. Prof. Song looks back at the role of political will in that earlier progress, notes the instrumentality of a government Gender Focal Point mechanism, and laments the disappearance of this role under the new government.*

Dear Network Members,

### The Status of Gender Policy in Education in Korea

My contribution deals with a brief explanation of both the status of gender equality and of gender policies in education in the Republic of Korea.

*A picture of gender equality in education*

With economic development in the Republic of Korea, women have been the most likely beneficiaries from the expansion of public education. As shown in Table 1, the promotion rates of female students up to secondary education in Korea indicate that female students are no longer a minority group in terms of equal opportunity in education compared to their male counterparts. Even though a compulsory education is provided just up to middle school, Koreans place a lot of value on education. This has had a positive impact on women's access to education.

| Table 1: | The promotion rates of secondary school and tertiary level by sex (%) | | | | | |
|---|---|---|---|---|---|---|

| Year | Middle School | | High School | | College, University | |
|---|---|---|---|---|---|---|
| | Female | Male | Female | Male | Female | Male |
| 1980 | 94.1 | 97.4 | 80.8 | 87.5 | 22.5 | 24.5 |
| 1990 | 99.8 | 99.8 | 95.0 | 96.3 | 32.4 | 33.9 |
| 1995 | 99.9 | 99.9 | 98.4 | 98.6 | 49.8 | 52.8 |
| 2000 | 99.9 | 99.9 | 99.6 | 99.5 | 65.4 | 70.4 |
| 2005 | 99.9 | 99.9 | 99.8 | 99.7 | 80.8 | 83.3 |

Source: Ministry of Education and Human Resources (2006).

However, if one looks at qualitative gender equalities, it is revealed that a path to the achievement of gender equality still seems to be remote. Even though the different emphases and meanings in the mottos for male students (to inspire to emulate the image of progress and achievement) and female students (to foster the image of purity, endurance, and service), which were once overtly manifested in schools, have been forcefully banned by the Ministry of Education and Human Resources, it cannot be denied that sex-role socialization is still reinforced and maintained by other educational materials and environments. For example, female characters appearing frequently in textbooks still tend to be described in traditional roles in most subjects and, if portrayed as working women, they also fall into a limited range of occupations, such as teachers and nurses. Moreover, various studies show that Korean teachers perceive sex-roles as traditionally defined. When teachers do encourage female students to pursue a career, they do so from their perspective of traditional sex-role attitudes.

*Policy debates on mainstreaming gender equality in education*

In Korea, the issues of gender equality in education began to be included in national policies in the late 1980s. Since then, the Ministry of Education and Human Resources (MOEHR)* and the Ministry of Gender Equality (MOGE) have been the main policy delivery mechanisms that are responsible for gender equality in education.

There are three laws supporting the establishment and the implementation of a gender policy in education and training. These are:

- The Basic Education Act enacted in 1997 (Article 4: the prohibition of sex discrimination in education was included). This act was modified in 2000 (Article 17: the promotion of gender equality in education) and in 2004 (the existing articles were reinforced and the committee for gender equality education was established under the MOEHR)
- The Women's Development Act enacted in 1995 (Article 20: the expansion of education opportunity for females and the promotion of gender equality in education)
- The Elimination of Sex Discrimination Act formulated in 1999, which also stipulated the need for the enhancement of gender equality in education

Further, both the establishment and the implementation of the gender policies in education are also firmly grounded in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, Article 10: education) that has had a legal force since 1985 in the Republic of Korea.

On the basis of the acts mentioned above, significant progress towards gender equality in education has been recorded, especially since a Gender Focal Point (GFP) of the MOEHR was created. The Gender Focal Point was established as a special mechanism to accomplish gender equality in the six ministries of the government (including MOEHR) in 1998. The gender focal point of the MOEHR, which was called the Women's Education Policy Division, had, until 2005, emphasized three dimensions in making and implementing policies regarding gender equality in education: (1) the full development and utilization of female human resources (2) the construction of a female-friendly environment in a formal educational setting to achieve gender equality and (3) the intensification of sex education and prevention education of sexual harassment. Each of these three areas fully addresses its importance in making gender policies, ***especially at a secondary level of education***.

However, in 2005 September, the GFP, once placed in the Planning and Administration Bureau, was re-positioned in the Lifelong Education Department, which means that GFP was moved to a smaller unit. Given that the GFP was in the Lifelong Education Department, some people were concerned that its main focus could change from school education to adult education.

Further, after the restructuring of the ministries by a new government (**) this year, both the position and functions of the GFP literally disappeared in the organization, since issues of gender equality are not an important agenda as upheld by the former administration. Therefore, it seems that in spite of many achievements that we have accomplished thus far, we do not have a bright future under the new government, both in the field of education in specific and in other areas of society in general.

This reminds us that it is ***political will*** that is required to recognize that gender inequalities still exist in every corner and every layer of our daily life. In the end, strong leadership and the value placed upon effective and accountable policy discourse made in gender equality are essential prerequisites for achieving gender equality.

With best regards,

Hyunjoo Song
*Professor*
*Korean Institute for Gender Equality Promotion and Education (KIGEPE)*
*Republic of Korea*

**Notes**
(*) Due to the restructuring of government organizations in the beginning of this year, the Ministry of Education and Human Resource was merged with the Ministry of Science Technology. Thus, its name has changed to Ministry of Education, Science and Technology (MEST).

(**) Korea had a presidential election in December 2007.

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# Closing Message

## Jim Chalmers wrote:

Dear Network Members,

To close this sub-theme on education, we thank you very much for sharing ideas and strategies. At least two key research implications have emerged. First, in South Asia, the problem of school access and attainment persists with an inference that girls' education is not as important as boys' education. Second, in Indonesia and many other parts of the region, much-improved girls' school attainments have not reduced socio-economic gender disparities.

Common to the two outcomes, members underlined social under-valuation of girls' and women's participation in society and pointed to how cultural infrastructures including schools renew and reinforce this. Members showed this in terms of women's under-representation in leadership roles, probing the reasons, and described how this adversely affected both women and men.

Members described the multi-faceted nature of education's role in gender equality, and how people's long-held habits and behaviours often obscure this. In part, we have seen how shifts in formal education could address this. In this vein, members underscored the instrumental value of education: the importance of attending to quality (textbook content, teacher training/ pedagogy). A recurring thread is that education can be instrumental in reducing violence against women and girls.

Focus on the institutionalisation of education and its practices have shown how education is fundamental in shaping modern societies and its effects on people's abilities to make use of opportunities. Members have made frequent references to how school subjects are designed, organised and examined, often in stereotypical and constraining ways. In other words, the quality of education is a vital issue in terms of its technological, inter-generational impacts (the kinds of books, language/ stereotypes used, staffing ratios, policy objectives, etc.).

Members emphasised the importance of international recognition of causal links between education quality and gender equality. It may be of interest to note that the Asia and Pacific launch of the 2009 Education For All (EFA) Global Monitoring Report took place on the 24th of March 2009 in Bangkok (http://www.unescobkk.org/index. php?id=5862&tx_ttnews[pS]=1224750709&tx_ttnews[pointer]=1&tx_ttnews[tt_news]=1219&tx_ttnews).

Subsequently, members stressed the further value of education as an end goal. Beyond instrumentality, they urged us to grasp the intrinsic value of education in the context of bringing about gender equality. A key implication is the significance of the capability perspective in which education enables people to be active agents in the evolving social consciousness or resources that humans piece together. For this approach, inherent value surrounds an educated individual whose recognition of the social situations she is born into has stimulated her powers of agency. Such conditions stimulate her to act as a member of a group, emerging from original narrow perception to active self-identity in terms of the wellbeing of her social grouping.

For strategic interventions, the key implication is the integrated or comprehensive nature of interventions required. Beyond schools, the fuller social picture is largely an unconscious education that shapes what societies expect of people. A girl inherits the whole human intellectual and moral resources of civilization, including its disorientations like gender inequality. Almost from birth, this process continually shapes individuals' powers, flooding consciousness, forming habits, disciplining ideas, and motivating feelings and emotions.

For strategic interventions, formal education could strive to organise this general process, taking as its foundation the premise of human motivation. Integrated with informal education, interventions could tap into aspirations, enable people to take command of themselves so that they have full and willing use of all their capabilities, using their own powers, values, and interests. In this way, they could continuously act to remedy disoriented messages so that their judgment could be up to the task of tackling the social conditions they face.

For their postings, special thanks to Pamela Nilan, Amaya Gorostiaga, Kirsty Hayes, Difei (Vivian) Hu, Elena Borsatti, Niranjan Sarangi, Rohini Kohli, and Hyunjoo Song.

Please note that changes have been made, based on request, in two postings from previous discussions. These can be viewed respectively at http://www2.undprcc.lk/ext/HDRU/EST_politico_legal_equity.php and at http://www2.undprcc.lk/ext/HDRU/EST_Gender_Economy.php

The discussion will now focus on gender mainstreaming. We will give you a couple of days to think about the new sub-theme and will be back on Monday 1st December. We look forward to a lively debate!

Best regards,

Jim Chalmers
*AP-HDNet Facilitator*

**Gender Mainstreaming**

# Opening Message

**Jim Chalmers** wrote:

Dear Network Members,

Welcome to the next sub-section of this e-discussion on gender equality. We warmly invite your generous exchange of experiences and learnings on *gender mainstreaming.*

Gender equality is the goal of gender mainstreaming. Mainstreaming requires the integration of gender equality concerns into every aspect of the development process, including the functioning of institutions of governance and development agencies.

The starting point for mainstreaming is gender analysis, i.e. an assessment of the differences in the ways that women and men are likely to experience a particular project, programme, policy or law. This analysis provides the basis for reshaping institutions and redesigning interventions in ways that enhance gender equality.

Gender mainstreaming is a potentially powerful tool for social change because it takes account of and responds to the intersections between power, wealth, knowledge, capabilities and rights in creating and sustaining gender inequality.

However in practice, the strategy of gender mainstreaming has fallen short of achieving social and institutional change. Instead, typical outcomes include significant portions such as gender policies, gender awareness workshops, gender staffing ratios, etc. These are necessary but insufficient milestones towards gender equality. How then could gender mainstreaming become an unambiguous strategy for institutional transformation? How could gender mainstreaming become a manifest strategy for gender equality and social change? These are some of the questions we invite you to discuss, along with an exchange of experiences and cases on the following topics:

- What are some cases of effective strategies that address gender mainstreaming, not simply within a sector (health/education/social), but more broadly across the full range of human experiences where gender power relations function and intersect?
- If policy/programme formulation is the key challenge, what are the specific institutional features that block change? What are useful strategies to make bureaucracies effective agents of social change?
- What is your experience of working to change the policy environment – the variety of beliefs, norms, organisations, attitudes and actions – which shapes gender mainstreaming processes?
- Is the institutional environment the key constraining factor? To overcome this, are there examples of donor agencies adopting strategies/programmes that make gender equality a priority at all levels of the donor institution?
- If implementation – not policy formulation – is the stumbling block, what are useful ways to implement gender mainstreaming processes? What are effective strategies to increase resources allocated to gender mainstreaming? How could this avoid gender mainstreaming undercutting priority of women's programmes, units? What strategies could avoid gender mainstreaming dissolving gender units within development agencies?

We look forward to hearing from you!

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

# Contributors

Responses were received from:

- Radhika Behuria, *Programme Analyst, Asia-Pacific Gender Programme, UNDP Regional Centre, Bangkok*
- Roohi Metcalfe, *Gender and Governance Specialist, UNDP Regional Centre, Bangkok*
- Lekha Chakraborty, *Fellow (Associate Professor), National Institute of Public Finance and Policy, New Delhi*
- Sara Ahmed, *Chair, Gender and Water Alliance*
- Kuntala Lahiri-Dutt, *Fellow, Research School of Pacific and Asian Studies at Australian National University, Canberra*
- Manel Chandrasekera, *Research Officer, Ministry of Child Development and Women's Empowerment, Government of Sri Lanka*
- Annalise Moser, *Gender Policy Advisor, UNIFEM Viet Nam*
- Taimur Khilji, *Policy Specialist, Inequality and the MDGs, MDGI, UNDP Regional Centre for Asia Pacific, Colombo Office*
- James Chalmers, *AP-HDNet Facilitator*
- Ranjani Murthy, *Programme Advisory Committee Member, Asia-Pacific Resource and Research Centre for Women (ARROW), Kuala Lumpur*
- Iyavoo Ramachandran Ramasamy, *Head of Policy, Capability and Research, ICT Association of Malaysia (PIKOM)*
- Anushree Sinha, *Senior Fellow, National Council of Applied Economic Research, India*

# On-line Discussion

## Radhika Behuria wrote:

*Facilitator's note: Radhika Behuria emphasizes that it is vital to consider gender mainstreaming not as an end but as a means – but a thoroughly integrated one. Herein lies a big challenge: to view gender mainstreaming as a fundamental part of the architecture requires considerable and a concerted effort to understand the context and power structures that are involved.*

Dear Network Members,

### Mainstreaming Gender: A Challenging Process

Gender mainstreaming is a means and not an end in itself. It allows for the integration of gender equality concerns into every aspect of the development process, thereby contributing to gender equality. However, this approach has often failed to work, and is perceived by many as the burden of the 'mainstreaming fatigue', and in the process focus on the goal of gender equality is lost. The concept of gender mainstreaming is perceived by some as being on the periphery, or just an 'add on' rather than being "value added'. Similarly, gender equality is viewed very much as a separate goal, a singular project and not a part of the framework within which overall development work operates.

Mainstreaming gender equality concerns into a particular sector such as health or education may be easier, given the amount of technical and substantive work that has been carried out by several gender practitioners and advocates. The greatest challenge lies in creating the willingness and attitude associated with working towards gender equality. How does one influence the culture of a society, of an organization, or even of an individual towards the action designed to bring about positive change? This sort of influence and change is needed at all levels and it is important to enter any situation with caution and modesty. The UNFPA State of World Population Report (2008) on *Reaching Common Ground: Culture, Gender and Human Right,* highlights that as a natural and fundamental dimension of people's lives, culture must be integrated into development policy and programming. It then becomes our responsibility as development practitioners and advocates to tread with caution and apply a cultural lens to our work. It becomes imperative to understand the context and power structures, to listen and not preach, to respect and most importantly, to demonstrate patience. Change will happen slowly and will happen not on our behest, but on the willingness and the ownership of those who want it, when they want it. Our work can only be seen as a contribution towards this change.

Another unresolved problem with gender mainstreaming remains that although everybody is supposed to be doing it, very often no one is accountable for the process. While everyone needs to feel responsible and contribute, it is also

important to be careful that we do not de-skill gender skills to a generic value. Just like any other area of specialization, issues related to gender and development should be treated as needing specialized skills and knowledge and the ability to apply this in particular contexts. The last thing one wants, should it happen, is to pull back on resources and expertise for work on this issue.

Gender equality raises some of the most fundamental and sensitive problems. Several issues such as unequal wages for men and women, high maternal mortality rates, feminization of the HIV/AIDS epidemic, gender-based violence etc., can be traced back to the legacy of unequal power relations between men and women, and the lower status accorded to women in society. With such a complex issue at hand, riddled with cultural, political and social intricacies, we cannot relegate working on gender equality to an either-or situation of gender mainstreaming or a separate specialized function, programme and/or unit. As the problem is so grave, all our efforts put together can only hope to make a small contribution.

With best regards,

Radhika Behuria
*Programme Analyst*
*Asia-Pacific Gender Programme*
*UNDP Regional Centre*
*Bangkok*

## Roohi Metcalfe wrote:

*Facilitator's note: Roohi Metcalfe outlines pragmatic means that could ensure gender mainstreaming endures. As an entry point to political participation, this includes quotas for women. More broadly, successful strategies demonstrate the importance of extensive consultation (a "Concept Note" or similar assessment of stakeholders' gender sensitivity), followed-up by an action plan that encompasses a comprehensive set of gender-specific indicators for all goals and targets.*

Dear Network Members,

<div align="center">

### Gender Equality: Part of the Equation!

</div>

"Gender mainstreaming makes a gender dimension explicit in all policy sectors. Gender equality is no longer viewed as a 'separate question,' but becomes a concern for all policies and programmes" (UNDP 2005: 5).

Based on observations and findings it is clear that effective strategies that address gender mainstreaming are formulated *to establish mechanisms for ensuring that gender concerns are mainstreamed during project and programme conceptualization and design;* and that the strategies are pursued with the cooperation of key stakeholders and partners. For example, strategies promoting quotas for women both at the legislative and local level in many countries have provided women with a strategic opportunity to set and implement local government agendas and given a boost to women in terms of political participation.

Effective strategies need to be followed by time-bound action plans with clear budgets and gender-specific indicators, limited not just to r the gender goal, but a comprehensive set of indicators for all the goals and targets. Given specific country situations and the availability of sex-disaggregated data and qualitative information, effective strategies for gender mainstreaming act as a practical entry point to address the political, social and economic status of women.

The scope and mechanism of gender mainstreaming programmes, projects and innovative initiatives for successful implementation and impact require extensive consultation between governments, donors and stakeholders which includes civil society, women's groups and the marginalized. Without the strong "ownership" of the government and the stakeholder "buy in" the best of strategies, programmes and projects do not achieve the desired results. Some good examples and clear methods followed to acquire stakeholder "buy in" and get policy makers on board are when a "Concept Note" is prepared for an intervention, and this is followed by feedback, and a dialogue, conducted to solicit ownership and interest in taking the intervention forward. Another key step that has been found to be useful is to gauge the gender sensitivity of the partners and the implementers. Sets of actions and activities may be desirable to be undertaken related to gender sensitivity and awareness-raising to make the audience understand the "gender concern/issue/question". It has been observed in many countries, that once "the gender concern/issue/question" is clearly understood by the audience and any perceived threats to "status quo" explained strategically, then the intervention addressing gender equality stands a greater chance to produce results.

It is extremely important that the seen/perceived "preacher," in this case a donor, has undertaken steps to institutionalize gender mainstreaming within its own mandate. In many cases, governments have questioned the importance of achiev-

ing gender equality if it sees no clear mandate in the donor agency striving to reach gender equality in a country through gender mainstreaming strategies and approaches.

Policy making processes should not be divorced from the reality on the ground. If the policy is based on gender analysis, then implementation should not be a stumbling block. It is also imperative that policy is made with a budget available for interventions; this is why Gender Responsive Budgeting (GRB) plays a major role in promoting gender equality. "Budgets Count", as a national budget, is a policy tool that demonstrates a government's political commitment to enhance gender equality and human development.

With best regards,

Roohi Metcalfe
*Gender and Governance Specialist*
*UNDP Regional Centre*
*Bangkok*

**References**
UNDP. 2005. *Gender mainstreaming in practice: A handbook*. UNDP. [http://www.undp.org/women/docs/RBEC_GM_manual.pdf]. Last accessed on 20 November 2008.

## Lekha Chakraborty wrote:

*Facilitator's note: Dr. Lekha Chakraborty shares some hypotheses and other research and macropolicy experiences on gender budgeting. Focus includes India's initiatives in creating a sustainable institutional mechanism for gender budgeting. Dr Chakraborty includes an explanation of the challenges of decentralised gender budgeting initiatives, noting Kerala's successes as well as early analytical attempts to evaluate such initiatives.*

Dear Network Members,

### Institutional Mechanism for Gender Budgeting: Prior Evidence from India

There is a growing recognition of gender budgeting as a significant socio-economic tool to mainstreaming gender at the macropolicy level. Given that gender budgeting is neither making separate budgets for women nor an analysis of the earmarking of funds for programmes exclusively targeted for women in budgets, a few compelling hypotheses firm up in my mind at this point on mainstreaming gender into fiscal policy making. First, mandatory earmarking of a certain percentage of budgetary allocation for women could, at best, be only a *second principle of gender budgeting*. Second, homogeneous '*one-size-fits-all*' gender budgeting policies set at the national level (top-down approach to gender budgeting) cannot ensure gender equity in a heterogeneous nation. Thirdl increasing feminization of governance can make variations in the public expenditure decisions corresponding more to the revealed preferences ('voice') of women. Fourth, the advent of fiscal decentralization provides a logical entry point to introduce *spatial mapping* of gender needs, which is a step ahead from homogeneous '*one-size-fits-all*' budgetary policies set at the national level.

Empirical evidence on gender budgeting reveals that worldwide, India is taking the lead in the process of creating a sustainable institutional mechanism for gender budgeting (Commonwealth Secretariat 2005: 2). I have been part of the team since the start of the process in 2000, initially at the National Institute of Public Finance and Policy (NIPFP is an autonomous research institute of Ministry of Finance, Government of India; the pioneer institute in the country on gender budgeting) and later with the Ministry of Finance. The first visible outcome of the NIPFP research on gender budgeting was the inclusion of a chapter on 'gender inequality' in the *Economic Survey of India* (*), 2000-2001, based on the Interim report of NIPFP. NIPFP completed the study in 2002, in which it encompassed the '*gender diagnosis'* to examine the existing degree of gender asymmetry in socio-economic variables; valuation of existing non-SNA unpaid care economy work of women using global substitute method; econometric investigation (panel data analysis) of the link between fiscal policy and gender development using pooled data of developed and developing countries for the early nineties; gender disaggregated benefit incidence analysis of public expenditure; analysing the gender intensity in budgetary allocations through a gender lens and identification of policy alternatives to build-in a gender-sensitive national budgeting process (**).

Subsequently, in 2003, the Ministry of Finance (MoF), Government of India commissioned an Expert Group on the 'Classification System of Government Transactions' under the chairmanship of the Chief Economic Advisor to the Government, where one of the TORs of the Committee relates to gender responsive budgeting process and priorities at national level (***). I was one of the members of the Committee specifically convened to examine this TOR (Section II of the Report is on gender budgeting). The Committee prepared various analytical matrices to examine the gender intensity of existing budgetary allocations and also suggested plausible institutional mechanisms to integrate gender budgeting into the budgetary process in India.

In the 2004 Union Budget Speech, the Minister of Finance stated that the Government of India would examine the Expert Group's recommendations in this regard, and he hoped it would be possible for him to implement some of them in the Budget for 2005-2006. The historic moment in the process was the inclusion of a separate '**Statement on Gender Budgeting**' in the 2005-2006 Union Budget which included the gender sensitivities of budgetary allocations under ten demands for grants. It also required all departments to present gender budget statements. Within three consecutive years, the gender budgeting statement increased to include more than thirty-three demands for grants in 2008-09, contributed by twenty-seven ministries/departments and five Union Territories. The number of ministries/departments with Gender Budgeting Cells (GBC) increased to fifty-four. The Statement on Gender Budgeting has also dichotomized the gender sensitive allocations into specifically targeted programmes for women and mainstream public expenditure with pro-women allocations (****).

The early success story of gender budgeting in India inspired other nations in the region to conduct gender budgeting within the MoF. A gender budgeting study was carried out in Sri Lanka with special reference to non-interest expenditures in 2003, which has been translated into the vernacular language by the Government of Sri Lanka and disseminated across governmental agencies (Chakraborty 2003). Subsequent to this study, in the budgetary policies of 2004, there are two specific announcements related to gender. One was that Ministry of Women's Affairs has prepared a set of guidelines on allocation and disbursement of funds to women under various sector development projects. The other related to ministries allocating ten percent of expenditure in their budgets towards programmes for improving the status of women (http://www.eureka.lk/fpea/pdf/2004/English/Budget%20Speech%20-%20Parts%20I-III%20-%20Final.pdf - Budget Speech 2004, Part II, page 15, Ministry of Finance, Government of Sri Lanka).

These are just examples of a good beginning. The challenges ahead are multifold, especially with the advent of fiscal decentralisation.

Fiscally decentralised gender budgeting initiatives within governments are rare across the globe. One successful initiative to institutionalise gender budgeting was in Kerala.in 2008. The state budget in Kerala -, one of the states in India -, where the human development indicators are good compared to the low level of per capita income of the state, which is widely referred to as the 'Kerala Model' of development in development economic literature. Against the backdrop of budgetary announcements in 2006 to initiate gender budgeting in the state, a report was prepared by an academic institution in the region and submitted to the Finance Minister on February 2008 (Chakraborty, Lekha 2008). This CDS Report not only attempts an ex-post gender analysis of the Kerala State Budget 2007-08, but also provides a roadmap for institutionalizing gender budgeting within the Department of Finance, Government of Kerala, thereby introducing a *Statement on Gender Budgeting* in the budget documents. Subsequent to the recommendations in the report, a significant move in this direction has begun in Kerala, with the announcement by the Finance Minister in his Budget Speech 2008 that from next year onwards a special *Statement on Gender* would be submitted to the legislature along with the budget as is done at the central government,level along with other policy announcements for institutional mechanisms. However, the initiatives in terms of the Women Component Plan (10 percent of total State Plan Outlay) began in Kerala in the early nineties at the third tier.

Despite the growing recognition of fiscal decentralisation in gender development and its growing prevalence in public policy making, there have been relatively few attempts to empirically analyse these initiatives of *fiscally decentralised gender budgeting*. The few related attempts one could find were a series of studies done in NIPFP in coordination with UNIFEM-EU initiative on local level gender budgeting (*****), in Mexico, Morocco, the Philippines, South Africa and in India which involved a series of studies done in NIPFP in co-ordination with UNIFEM-EU initiative on local level gender budgeting (*****). The overall message that comes through from these studies is that if gender concerns are to be attended to effectively through the budget process, there must be decentralization in its true form i.e., with adequate powers and functions for the local bodies and with adequate representations of women in running them.

This note is based exclusively on the author's research and macropolicy experience with gender budgeting and could have led to an inevitable exclusion of the civil society microlevel initiatives in the region on the same, which could be forthcoming from the other network members.

With my best wishes,

Lekha Chakraborty
*Fellow (Associate Professor)*
*National Institute of Public Finance and Policy, India*

**Notes**

(*) A document prepared by Ministry of Finance placed before Parliament annually a day before Union Budget of India.

(**) For details of NIPFP Report, refer http://www.nipfp.org.in/genderbudgetlink.asp

(***) Refer to http://cga.nic.in/pdf/Classification%20Report.pdf for details of the Report.

(****) For details, Expenditure Budget, Volume 1, Union Budget 2008-09, page 56 [http://indiabudget.nic.in/ub2008-09/eb/stat20.pdf]. Last accessed on 3 December 2008.

(*****) For details, see the NIPFP Working Paper Series on Fiscal Decentralization and Gender Budgeting; viz., Rao and Chakraborty (2006): Chakraborty and Bagchi (2007), Chakraborty (2006 a, b and c) at www.nipfp.org.in/

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## Sara Ahmed wrote:

*Facilitator's note: Sara Ahmed describes the strategies and challenges facing the Gender and Water Alliance in working globally towards the goal of gender mainstreaming. She explores their next steps, focusing on awareness-building and, what is needed to improve the limited progress made thus far.*

Dear Network Members,

### How do Networks Mainstream Gender? Learning from the Experience of the Gender and Water Alliance

I would like to share with you my thoughts on gender mainstreaming and the challenge for water policy and practice.

Created at the Second World Water Forum (The Hague 2000), the Gender and Water Alliance (GWA) is a global network that aims to promote women's and men's equitable access to and management of safe and adequate water for domestic supply, sanitation, food security and environmental sustainability (www.genderandwater.org). Today the GWA has more than 1000 members from 104 countries, including organisations and individuals from NGOs, donor agencies, government water bureaucracies and grassroots groups. It is coordinated by a small secretariat based in the Netherlands, governed by an elected, regionally representative steering committee and funded by a range of donors as well as through partnerships with strategic actors in different regions.

Gender mainstreaming is a strategic objective for the GWA and it works towards this goal through communication and networking, capacity building, knowledge dissemination and informed policy advocacy. However, despite the growing body of evidence on the benefits of mainstreaming gender in water policy and practice (efficiency, effectiveness, equity, sustainability) and various international commitments on facilitating women's participation in decision-making on water governance, progress has been limited. Why?

I believe that change happens from both from the bottom-up and the top-down approaches. Therefore while we need institutional space to facilitate the articulation of voice by marginalised women and men (for example, through quotas for women in local government and village water committees), capacity building on gender as a concept and operationalising gender analysis skills are equally important. For the past three years, I have been involved in GWA's capacity building initiatives in South Asia, both in Training of Trainers (ToTs) and in workshops on gender perspectives and skill building with other regional partners (NGOs, research/teaching institutes). Certainly, the feedback has been tremendous and encouraging, but it has been very difficult for us to monitor the translation of learning into practice. Committed participants who continue to stay in touch are trying to integrate gender in their curriculum (teaching institutes) and water management work, but one workshop does not make a person gender aware or enable her/him to confidently nudge a water bureaucracy into thinking about gender sensitive water policies.

In January 2007, as part of its regionalisation strategy, the GWA held its first South Asia strategic planning workshop in Kathmandu to build a collective vision and action plan for strategizing gender mainstreaming in Integrated Water Resources Management (IWRM) in the regions. Here we discussed the development of a cascading gender sensitisation strategy with need-based training at different levels: from the grassroots to the meso-level of NGOs and other social change catalysts to macro-policy. However, implementing such a strategy across different organisational interests or diverse socio-economic contexts requires strong leadership by GWA members and 'ownership' for network priorities. Unfortunately, we have a dearth of good trainers or facilitators who are well-versed with both gender concepts, frame-

works and tools as well as have a sound knowledge of the water sector in the region. Those of us, who are involved in designing programmes and course content on gender and water, do not have the time, energy or indeed resources to follow-up with those we train despite numerous promises to visit their organisations, help, etc. Yet some amount of hand-holding is important for our trainees to take the next step and make change happen. Participants who attended an international ToT on gender mainstreaming in water and sanitation which we conducted with Utthan, an NGO based in Gujarat, India (April 2007), are beginning to take those first steps. Members in Bangladesh are translating and contextualising our Resource Guide on Gender Mainstreaming in IWRM in Bangla – one of the most widely spoken languages in the sub-Continent.

A similar strategic planning workshop for South East Asia and the Pacific was held in July 2007 at the Asian Institute of Technology (AIT), Bangkok with the support of the Gender and Development Studies department. Subsequently, we have signed an MoU with AIT for collaboration on institutionalising gender mainstreaming in teaching curricula, knowledge development and dissemination as well as work with our members and partners in the region on strategic gender issues in the water sector. However, at the moment, for want of funds, both the Action Plans for South and SE Asia are moving on a priority project basis – like the translation of our resource guides into regional languages and the development of a data base on gender and water resources. With AIT we are planning a two weeks Gender and Water Summer Institute (early June 2009) for mid-level professionals, women and men, to understand gender concepts and develop analytical skills for operationalising gender mainstreaming in their work and workplaces.

We have also just signed a Cooperative Agreement with UN-HABITAT to work with their partners in South and South-East Asia to engender the Water for Asian Cities programme. The country-level workshops that we are planning for Lao PDR, Viet Nam , Cambodia and Nepal will enable participants to critically examine challenges to gender mainstreaming in their organisations and programme environment. Participants will attend two rounds of national workshops, in-between which they will have time to implement learning and best practices around gender mainstreaming in urban water and sanitation – and share the results of the same with their co-participants.

At a meeting with GWA members in Bangladesh (January 2008), many NGO leaders (elderly men) thought that the GWA had the organisational structure of a national mission, namely that we could send out spearhead teams to each and every village to educate women and men on the importance of gender mainstreaming both for gender equality and gender rights and to ensure gender-just and equitable community water alternatives. This is the kind of demand that we are facing for capacity building on gender (and water) issues throughout the region and unless we start with individuals questioning their own attitudes, values and cultural norms we cannot even begin to challenge our hierarchically embedded, male dominated water bureaucracies.

The director of a fairly successful demand-responsive water management programme in the state of Gujarat, western India, told me that while women's participation in village water committees had been integral to the effectiveness of their interventions, regrettably his staff (the water board) had not had any gender-awareness training. So the gains we are beginning to see at the micro-level through the articulation of voice by strong women leaders on many fronts are not being translated into significant policy or structural changes. Women are still being seen as 'victims' of water scarcity and while they are being acknowledged as social actors, this is largely in their role as 'naturally privileged' environmental carers, extending unpaid household work to the community arena. Moreover, sector reform policies are ignoring the real concerns that women and men have with user fees for unreliable water services or the fact that many poor families and indeed villages are getting excluded from water coverage data.

While we have some very fine individual bureaucrats and water engineers, they remain individuals who may be shifted to their next posting before we can start working with them on substantive change. And that remains a critical challenge for us – how do we take all the good work that we are doing on gender capacity building in the water sector to the scale that is needed from communities to policies to make an impact on the lives of poor women and men and the environment?

With best regards,

Sara Ahmed
*Chair, Gender and Water Alliance*

## Kuntala Lahiri-Dutt wrote:

*Facilitator's note: Kuntala Lahiri-Dutt explores different views of the effectiveness and the meaning of mainstreaming. As a key strategy to transform gender inequality, mainstreaming implies a focus change away from positive discrimination towards systems and structures that necessitated this. Yet, its malleability in thought (e.g. means or end), and in practice, where the extent of institutionalisation is locally influenced by the preferred view of gender relations, means much work remains on women's inclusion in decision-making.*

Dear Network Members,

### On Gender Mainstreaming

Building on the contribution from Dr. Sara Ahmed, I would like to highlight the different views expressed on gender mainstreaming in this note. Gender mainstreaming is a new and dynamic process and the concept is highly contested in the development field. Mainstreaming gender within institutions and policy can be complicated because understanding about what it involves or looks like in practice is mixed. There has been a proliferation of definitions of gender mainstreaming and an even greater abundance of methods and interpretations on how it is best achieved. That mainstreaming gender equality can be completed as a development goal at all is contested. As a consequence of the rapid rise in the prominence of gender mainstreaming and the subsequent controversy that has accompanied its growth, few people feel confident in assessing what it really means. Another common problem is that while much is said about gender mainstreaming the growing body of literature on the subject remains fragmented. Here is a brief glimpse of the debates.

Gender has become something of a popular 'add-on' to discussions ranging from governance to reproductive health. Issues relating to gender have been brought to the fore of development practice. Gender analysts and feminist researchers have also contributed in a large part to the way women's empowerment and gender mainstreaming have risen to prominence in corporate and international development contexts. Academics and practitioners such as Kate Grosser (2005a, 2005b), Cecile Jackson (1998, 2006), Caroline Moser (1989), R. Tiessen (2007), Shahra Razavi and Miller (1995) and Silvia Walby (2005a, 2005b) have provided a vital and ongoing critique of gender mainstreaming and how it is manifest in the activity of governments, multilateral agencies and NGOs. This diversity has benefited the development of the gender mainstreaming movement but as a consequence there have been a number of interpretations of gender mainstreaming that have been popularised.

Gender mainstreaming is considered by many authors to be the institutionalisation of equality. This is achieved by "embedding gender-sensitive practices and norms in the structures, processes and environment of public policy" (Daly 2005: 435). This is to reduce gender mainstreaming to its most fundamental form. Academics and feminist authors continue to contend the semantics and specifics of gender mainstreaming and the connotative meaning of 'gender mainstreaming' as a functional term. Such debate by "theorists and change agents" is beneficial in developing the relationship between theoretical concepts and the practical setting in which they operate (Eveline and Bacchi 2005). The way in which ideas, such as 'gendering-awareness mainstreaming' espoused by Eveline and Bacchi, are developed and rationalised will continue to shape the form of mainstreaming in reality. There is then a degree of importance on how such etymological development in the literature is crystallised in an organisation's corporate body.

How principles of gender equality are realised is guided by an organisation's interpretation of gender relations. Locally dominant gender ideology then, shapes the degree by which gender-sensitive practices are institutionalised. Gender mainstreaming is also sometimes perceived as an end, rather than the means, of achieving gender equality. The European Union, in rapid response to the 1995 Beijing Declaration, quickly established gender mainstreaming as the basis of its actual gender policy. From this reactive position, the EU has subsequently been deepening and become more wide-ranging in its approach to gender equality. This is an example of how gender mainstreaming itself, despite its newness, is an adaptable concept capable of being modelled. The flexibility of its construction enabled the shift in its focus from being the origin of a gender policy to being, within the same organisation, a dynamic starting point in policy formation. Once again, organisations' unique gender perspectives determine the usefulness of such an approach. The idea is essentially that from inception, all policies and programmes should be analysed for their gender impact. This is to take a view that gender perspectives are instruments to be applied *to* or *on* policies and governance structures. This stance is critically evaluated as being very transparent, but less sustainable and more remedial in focus. In the absence of more progressive objectives, or where no such gender framework exists, gender mainstreaming itself can be a significant achievement.

Alternatively, gender mainstreaming can be seen as an organisational strategy to be applied internally, a means of bringing a gender perspective to all aspects of an institution's policy and activities, through building gender capacity and accountability (Reeves and Baden 2000, Walby 2005a). This view is especially supported by organisations that are particularly driven to be perceived as gender sensitive. For instance, the United Nations Development Programme (UNDP) - produced toolkit, Gender Mainstreaming in Practice (published online in 2007), defines gender as the integration of

a gender perspective and analysis into all stages of design, implementation, and evaluation of projects, policies, and programmes. This focus suggests that when gender is mainstreamed within the corporate structure itself, principles of gender *equality* are instilled in the products and outputs of that structure. This approach to gender mainstreaming is favoured by development agencies and donors alike and their definitions of gender mainstreaming follow accordingly. According to Walby (2005a: 467):

*Gender mainstreaming has involved new forms of political practice and alliances. In particular, it involves elected women in parliament, the development of specialised gender machinery in government, as well as gender expertise in civil society from universities to grassroots organisations. Expertise is a form of power, often neglected in conventional analysis, which is increasingly deployed by those representing gendered interests in and against the state. Practitioners report the importance of building the appropriate expert capacity in order to implement gender mainstreaming.*

In summary, gender mainstreaming has been popularised as a key strategy for overcoming gender inequality, and the confusion over women's exclusion and the monopolisation of decision-making in development by men is yet to be fully sorted out. Rather than question the decision-making process itself, the proposed solution is for "similar numbers of women to join the decision-making 'mainstream' with men" (Corner 1996: 1). While this can be interpreted as a call for political reform focused directly upon women (the WID approach), through mainstreaming women's concerns, for example through gender training of men, women's needs and interests may be upheld (the recent GAD outlook).

In one sense, we have arrived at gender mainstreaming because it is not supposed any to be exclusively about women any longer. Rather, mainstreaming is concerned with how policies are assessed for their impact on women and men. Mainstreaming shifts attention from individuals and rights (equality and equity) and from groups and their special needs and disadvantages (positive action), and focuses instead upon the systems and structures that give rise to those needs and disadvantages in the first place (Rees 2002). The frequency of change in gender perspectives historically suggests that we are yet to reach a final verdict on this subject. However gender mainstreaming is firmly embedded within GAD and has become uniformly recognised as a mandatory element of strategic global objectives such as the third Millennium Development Goal on women's equality and empowerment, and local development settings alike. There has long been an absence of a suitable vector for establishing gender sensitive practices in development settings and with the rise in prominence of gender mainstreaming as a concept, the framework, its strategies and methodological tools, may represent the catalyst required for sustainable and significant progress toward gender equality.

I thank my student Mr. Roscoe Craven for assisting me with the literature search for part of this piece.

With best regards,

Kuntala Lahiri-Dutt
*Fellow*
*Research School of Pacific and Asian Studies*
*The Australian National University*
*Canberra, Australia*

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## Manel Chandrasekera wrote:

*Facilitator's note: Manel Chandrasekera grounds the discussion with a reminder that gender equality will never happen if the plan is to simply set up a national body for women's issues. The full spectrum of duty-bearers must grasp responsibility and comprehend that the real aim is to uproot discriminatory social attitudes and end violence against women. This will only happen when gender equality strategies and tactics are inculcated into all levels of policies and programmes from the very beginning and at every stage.*

Dear Network Members,

### Gender Mainstreaming: Some Key Issues

Popular thinking among many policy makers and, public officials in various sectors, is that gender concerns are the responsibility of the Women's Ministry or national machinery established for women's concerns. This popular misconception in the society is the main obstacle to gender mainstreaming.

Gender is viewed as 'for women and on women'. Therefore it is important to eliminate misinterpretations related to gender mainstreaming in the society.

Gender mainstreaming is vital to promote equality and equity in the society. Gender mainstreaming needs to be incorporated, into policies and programmes of the government from the very beginning and at every stage. It should be integrated from national to grass root level programmes in order to make a difference to the lives of women and men in the society. Gender mainstreaming programmes should be very tactical and innovative to penetrate deep- seated discriminatory attitudes in the society. A legal-aid association in Sri Lanka broadcasted an impressive message on the urgency of breaking the silence and reporting incidences of domestic violence. It is broadcast over the television during peak hours, and employs popular cricketers and actors to deliver the message. That message, which goes to many living rooms, influences viewers to understand that violence is a gender issue that affects the well being of every member in the family.

Gender mainstreaming will be a powerful mechanism if used tactfully to control the gender discriminatory elements in the society.

With best regards,

Manel Chandrasekera
*Research Officer*
*Ministry of Child Development and Women's Empowerment*
*Sri Lanka*

Annalise Moser wrote:

*Facilitator's note: Annalise Moser recounts the experiences of the UN Gender Coordination Group supporting the institutionalization of gender equality in Viet Nam. She shows how coordination is greatly assisted by prominent legal mandates in place. This helps ensure policy-makers incorporate gender issues into national plans. Yet, in everyday practice, Annalise explains, people are not in a position to profit from this, often because of capacity, compounded by the fragmented nature of Viet Nam's policy-making institutions.*

Dear Network Members,

## From Policy to Practice: Achievements and Challenges in Mainstreaming Gender in Viet Nam

On behalf of the United Nations Gender Programme Coordination Group in Viet Nam , I would like to share with you some of the experiences of mainstreaming gender in Viet Nam .

Viet Nam has made significant progress on the road to gender mainstreaming over the past two decades. A number of legal mandates have ensured that gender mainstreaming is, in theory if not in practice, a part of the legislative process. However, certain barriers, however, preclude an effective and comprehensive system of gender mainstreaming across all policy sectors. These challenges include:

- A lack of understanding of the goals and principles of gender mainstreaming amongst key policy makers.
- A lack of co-ordination, monitoring and implementation.
- A lack of institutional and individual capacity.

The policy and legal framework of Viet Nam has provided a clear mandate for gender equality. The country acceded to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1980. The 1992 Constitution of Viet Nam stipulates clearly that all citizens are equal before the law (Article 52).

Further positive developments came in the form of the Prime Minister's 1999 announcement that gender issues had to be incorporated in the national economic development plan and overall socio-economic development plan for the period from 2001-2010; the Communist Party's Resolution 11 on work for women (2007), and the Law on Gender Equality in 2006.

However, implementation of such policies and legislation has however proved challenging. A recent United Nations/World Bank report found that existing legislation and initiatives were not properly implemented and lacked an effective accountability structure (Kabeer *et al.* 2005). Similarly, in considering Viet Nam's Fifth and Sixth periodic reports (in 2007), the CEDAW committee regretted "that the State Party did not provide sufficient information or data on the actual impact of these laws and measures and the extent to which they have resulted in accelerating the advancement of women and girls…" (UN 2007). A further concern was expressed with respect to the process by which gender mainstreaming was to be delegated to agencies, and the specific obligations placed on the different agencies to collaborate in this process (UNIFEM 2009).

Previously, the National Council for the Advancement of Women (NCFAW) played a central role in promoting gender equality across government. Charged with co-ordination functions, NCFAW was highly visible, ensuring gender issues were considered in policy making processes. Following a period of uncertainty about the specific arrangements for the national women's machinery, a Department of Gender Equality was established in 2008 within the Ministry of Labour, Invalids and Social Affairs (MOLISA) (*).This department now has responsibility as a state managing agency for the implementation of the Gender Equality Law.

In promoting gender mainstreaming, one of the principal challenges has been the lack of capacity by individuals and government institutions to undertake gender mainstreaming. There is a clear need to further develop capacity across a broader range of policy actors in Viet Nam. Gender sensitive thinking has not been adopted as a strategy amongst mainstream institutions, in part because there has been a reliance on the National Women's Machinery (NWM) to provide this expertise and use it in influencing policies and programmes. Both men and women in line ministries have expected this machinery to monitor all programmes despite its limited resources and authority.

This has resulted in a lack of identifiable champions on gender issues. Whilst a number of gender mainstreaming trainings have been delivered to increase capacity, such training has tended to be offered only once, to a few selected staff. A 2005 assessment of the previous NWM, NCFAW, found that staff were either inexperienced or uncommitted. This points to a lack of adequate, comprehensive training in gender analysis and gender mainstreaming techniques, not only for those who are to apply them, but for those with whom these 'specialists' are to work (e.g. in line ministries).

What is needed to ensure that gender mainstreaming has optimum success in Viet Nam now that the Gender Equality Law has been passed, is for key staff and institutions to develop a clear road map to implement and measure the progress of gender equality. The up-coming United Nations-Government Joint Programme on Gender Equality will address this need, focusing on support for the implementation, monitoring and evaluation of the Gender Equality Law and Domestic Violence Law. Until there is adequate capacity, gender mainstreaming will remain as rhetoric.

Best regards,

Annalise Moser
*Gender Policy Advisor*
*UNIFEM Viet Nam*

**Notes**
(*) Government Decree N70/2008, dated 03/6/2008.

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## Taimur Khilji wrote:

*Facilitator's note: Taimur Khilji calls for a clear position statement on what gender equality means in human development conversations. He adds to Kuntala Lahiri-Dutt's observations that contested views prevail on what gender mainstreaming means. Noting there is no singular view on this in the broader international community, let alone among proponents of cultural relativism, Taimur questions whether basic freedoms, expressed in outcomes such as school enrolment or leadership representation, are actually achievable through the diffused approach of gender mainstreaming. An additional question is who do they represent? Do they represent those who are working to institutionalise gender equality? Where is the consensus and where is equality of representation in the group of transmitters?*

Dear Network Members,

<div align="center">

Gender Mainstreaming: Some Questions of Definition

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Having spent just over five years at UNDP I speak with limited experience on the topic. I just have a few observations to make.

I still am unclear on what gender mainstreaming means and what it wishes to accomplish. The facilitator, Jim Chalmers writes:

*Gender equality is the goal of gender mainstreaming. Mainstreaming requires the integration of gender equality concerns into every aspect of the development process, including the functioning of institutions of governance and development agencies.*

Gender equality in and of itself is an unclear concept. The 'benchmarks' of gender equality may differ from one community to the next, and from one country to another. If we accept the relativist position, then our work should reflect that aspect. If there is some absolutist concept of gender equality that we ought to strive for then the underpinnings of gender equality should be articulated. Presently, it is not clear where the international community stands on this. There is of course room for more than one definition of the concept, but this should then be acknowledged and projected as such.

The facilitator points out that '*mainstreaming requires the integration of gender equality concerns into every aspect of the development process'*. What are the gender equality concerns? If the above problem of definition is resolved, perhaps we can move towards giving some semblance to the specific concerns. Presently the notions floating around have to do with equality of opportunity between genders, the results of which are outcome based, such as equal representation of males and females in parliament, equality in terms of enrolment and educational attainment rates, equality in terms of basic freedoms. These are laudable outcomes that require a more focused approach rather than one of 'mainstreaming'. I say this, as the outcomes mentioned are very specific to either a sector and/or a theme. Mainstreaming as defined above tends to dilute the nature of the message rather than strengthen it.

Finally, I think it matters who is (are) the carrier(s) of the message of gender equality - is it the people themselves or the parliamentarians who represent the people, or only development practitioners? It could very well be all of the above: the broader the stakeholder and political base the greater the likelihood of gaining consensus.

The composition also matters. It is important that there be equal representation in a cause that, at its very heart, represents equality between genders. The irony is stark as 'gender teams' are often comprise composed only of women and are hence fundamentally unequal. Broad and diverse support is needed at every level to accomplish outcomes that champion diversity and equality at the same time.

With best regards,

Taimur Khilji
*Policy Specialist*
*Inequality and the MDGs*
*MDGI*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

## James Chalmers wrote:

*Facilitator's note: James Chalmers clarifies what gender equality means.*

Dear Network Members,

### Equality in the Pursuit of Meaningfulness

I provide a brief clarification of what gender equality means when stated as the end goal of mainstreaming gender. The human development and capabilities approach enables a view that all human beings are born with the capability of practical wisdom (Aristotle). Among other things, this encompasses the vital importance of equal rights of all humans as a basis of freedom, justice and peace in the world (UDHR). This is not to ignore that what could be socially just in one context might be unjust in another (Aristotle). Rather, it is a universalism based on the conviction that reason and imagining are universal and that all persons have similar access to the same capability of being-in-the-world -: and this constitutes the possibility for global conversations. While such claims are expressed by means of cultural specificity, the process itself does not rely on local variables. Further, this kind of universalism involves the notion there is some shared human essence that has different definitions but commonly refers to striving for meaningfulness as a basis for cultural expression (Sahlins 1976). An often-heard objection by proponents of anti-universalism is that such notions of human essence misrepresent what they consider culture to be ….. as if it were monolithic and ageless; but to propose that they are discrete this is a particularly harmful political myth, to propose that they are discrete. Local cultures all cross-fertilise, as Isaiah Berlin understood.

Yet, humans are neither defined by just innate capacities nor by actual behaviours, but rather by the vital connection between them (Geertz 1973). Human beings are "symbolizing, conceptualizing, meaning-seeking animals". And Martha Nussbaum, a central figure in the human development and capabilities project, provides the link between them with her ten "Central Human Functional Capabilities". To list just some of these, they include being able to make use of senses, education, and expression; being able to have attachments to things and persons outside ourselves; being able to form a conception of the good and reflect critically about organising one's life; having social grounds for dignity and self respect, and ability to live in some connection with others; being able to live with concern for and through the natural world; being able to laugh, play, and enjoy restorative activities; make choices that govern one's own environment and material choices with being able to hold property, having right to seek equal employment, and exercising meaningful relationships (Nussbaum 1999: 41).

The social goal is the capability of all humans to carry out significant functions. It has essential universal applicability for human beings, to apply their potential capabilities to live a meaningful life not oppressed by traditions that sustain injustice. Not a prescriptive code of practice but a tool that could be engaged by males and females toward equality.

With best regards,

Jim Chalmers
*AP-HDNet Facilitator*

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## Ranjani Murthy wrote:

*Facilitator's note: Ranjani Murthy notes the term 'mainstreaming' implies unwanted ties with neoclassical economics. She discusses cases that effectively 'institutionalise gender' beyond a single sector: UNICEF Nepal's approach pitched at three levels (community, district and national); ARROW's intra-regional approach that gets policy-makers to meet the evidence head on; and UNIFEM's gender budgeting that encompasses tracking whether the money follows policies.*

Dear Network Members,

### Strategies for Institutionalising Gender

I prefer the term 'institutionalising gender' to 'gender mainstreaming', as in the case of the latter phrase it appears that the mainstream is fine, and what needs to be done is add gender into it. The mainstream emphasis on unfettered market driven economic growth is part of the process of marginalising women (Murthy and Kappen 2007).

One effective strategy of moving beyond sectoral gender institutionalisation is what I have seen UNICEF in Nepal do, which is 'Decentralised Action for Children and Women' (DACW) at the district level and below, supported by sectoral gender policy advocacy at national level. Under this DACW umbrella, women's rights are addressed at an inter- sectoral level through building a cadre of para- women legal committees from village to district level (which addresses gender based violence and violations of girls and boys rights), community monitoring groups (comprised of women and men) which monitor gender inequalities in health, education, nutrition and ensure marriage registration and take corrective actions, and engendering district budgets and policies (Murthy and Sachdeva 2007). While one may not like to adopt the term women 'and children', the approach itself is rather interesting.

A partially effective strategy for institutionalising gender at the national policy level is ARROW's approach of holding regional policy dialogues on MDGs and sexual and reproductive health and rights, calling policy makers from different South Asian countries. The policy makers from the countries, which are not doing that well, feel pressured to report better progress in the next meeting. This is an indirect form of the public praise and public shaming approach to institutionalising gender (ARROW 2006). At the national level, ARROW uses evidence based monitoring of ICPD commitments to press for institutionalising gender, SRHR in the health sector. Creating an evidence base of the consequences of not addressing these issues is important.

Another strategy is gender budgeting and expenditure tracking. UNIFEM has taken the lead in many countries of South Asia in strengthening gender budgeting. Tracking whether the money follows policies is important. However, gender expenditure tracking has not received as much attention (UNIFEM n.d.).

For ensuring that gender mainstreaming does not detract budget from women's rights, it is important that 75 per cent of programme budgets go to women/girls for women's and girl's empowerment and development activities, and the remaining 25 per cent for addressing gender specific concerns of men and raising awareness amongst men on their roles and responsibilities related to women's and girls' empowerment.

Oxfam GB in Sri Lanka has institutionalised an Open Access Learning System under which comments of the Gender Advisers on each and every regional strategy document and project document is tracked and available to all Oxfam GB Sri Lanka staff. Thus it becomes possible to monitor progress in implementing the same (Murthy and Peiris 2008).

With best regards,

Ranjani Murthy
*Programme Advisory Committee Member*
*Asia-Pacific Resource and Research Centre for Women (ARROW),*
*Kuala Lumpur*

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## Iyavoo Ramachandran Ramasamy wrote:

*Facilitator's note: Iyavoo Ramachandran Ramasamy highlights the need for a working definition for gender mainstreaming and for giving due consideration to the cultural and religious aspects of a society.*

Dear Network Members,

### Gender Mainstreaming and Mind-set Changes: Need for Societal Buy-in

Gender mainstreaming requires a holistic and pragmatic working definition. The definition needs to differentiate public policy perspective from cultural and religious perspectives. As acknowledged, the public policy perspective is very much within the control of national governments -, of course with the support of the masses. But, practices that involve cultural and religious elements pose great difficulties for national governments or even societies to manage. or streamline development. The issues become more complex in multi-ethnic or multi-religious environments like in Malaysia. I believe, it will be even more complex and complicated involving regional or global countries.

For example, since the days of colonial rule Malaysia has been registering a steady progress in the provision of equal access to education and health by eliminating gender discriminating policies. Even in rural areas, children have adequate access to good education and health unless the family forbids or prevents the female due to cultural reasons. For example, of 1,486 enrolled in rural Tamil schools in 1950, 50.3 percent were females. This proportion increased to 70.4 percent in 1965 *(*Intisari 1970*)* and now enrolment reflects the sex ratio at the national level for all ethnic groups. Similar, success stories were registered amongst the Malay population especially after 1970, with the induction of the New Economic Policy, that was explicitly implemented to upgrade the levels of living of poor Malays who were once engaged in predominantly low paying agricultural jobs in the rural areas. This success was mainly attributed to "buy-in" from all members of societies, especially the parents, irrespective of race or religion or creed. Everybody wanted their children to receive a good education, a good job and live healthily.

But, such a "buy-in" is hard to come by in other areas of societal living. Despite high levels of education attainment, practices such as caste system, arranged marriages and dowry are still highly prevalent among the Malaysian Indian community. Practices of gender discrimination in property, land and heritage distribution favouring male siblings, relatively lower participation of women in the labour force, religiously and culturally allowed multiple marriages practiced by some men, male chauvinistic approach in job and promotion placement at work places, poor representation of women in decision making processes and public offices inherently exist, even in relatively advanced and educated societies like in Malaysia. People generally lack the courage to debate such issues openly, due to perceived sensitivities and counter productive elements. Indeed, these are some of the issues that are directly affecting mainstreaming of gender activities and require societal "buy-in" in some stages, similar to what has been achieved in the case of education and health. Allow me to quote a current example of a gender mainstreaming effort currently going on in Malaysia.

"Women account for 50 per cent of AIDS infections" as reported in *The Sun paper (*Ramanathan 2008*)*. To date, 82,704 AIDS cases were reported to the Health Ministry and the number is growing at an alarming rate of 1,766 every half-year. Women aged between 20 and 49 have the highest number of infections. Recognizing the growing danger, and to prevent women from becoming victims, the Department of Islamic Development Malaysia *(*JAKIM, local acronym*)* is proposing to make HIV testing compulsory for Muslim couples before they proceed with their marriages. But the, Malaysia AIDS Council (MAC) president, Prof. Dr. Adeeba Kamarulzaman is objecting to the move (see also Ramanathan 2008) for various reasons such as lack of expertise among the implementers, portraying unnecessary stigma on virus carriers, creating unwarranted fears among the wider masses and counter effectiveness of the programme approach *(*Ramanathan 2008*)*. Due to cultural reasons, The Malaysian Hindu Sangham also registered concerns, citing cultural reasons, on the government's recommendation to people of other faiths to also to consider the pre-marital HIV testing. Indeed, this is one of the current on- going national issues in Malaysia. I am not here to deliberate who is right or wrong; everyone has a right to their opinions. But, the issue is relevant to mainstreaming gender in that not only does it require a public policy approach, but also cultural and religious inputs involving all segments of the population.

Some of the obstacles to mainstreaming gender are embedded into the "mindsets" of the society which can only disappear or be minimized when societies are directly engaged and receive the "buy-in" through stages of development.

With best regards,

Iyavoo Ramachandran Ramasamy
*Head of Policy, Capability and Research*
*The ICT Association of Malaysia (PIKOM)*

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## Kuntala Lahiri-Dutt wrote:

*Facilitator's note: Shortly after the close of discussion for the mainstreaming thread, we received a further posting. Kuntala Lahiri-Dutt provides a selection of readings for readers interested in an overview of the literature, analyses and critiques involving human development's core proposition that evaluation of development ought to be focused on peoples' freedoms or authentic opportunities to make choices concerning the kind of life they value.*

Dear Network Members,

### Robeyn's Survey of Capability Approach

Following on from James Chalmers' note about capability approach and gender equality, I offer this note to assist the readers to delve deeper into this interdisciplinary approach, literature on which seems to be widely scattered. Whilst some economists have discussed issues around operationalising and the applications of capability approach which are difficult for me to explain here, Ingrid Robeyns in her various works (2006; 2005; 2003) provides a well-rounded theoretical survey of the field from a sociological perspective. She has also clearly brought out the differences between Amartya Sen's and Martha Nussbaum's work on capabilities. In the space of this short note, I will try to summarise her perspectives and encourage the reader to explore the literature on this subject.

Capability approach as developed by Sen, and later Sen and Nussbaum, Nussbaum places emphasis on the individual's real freedom to choose something he or she considers as worthwhile or that provides a substantial basis for the recognition and valuation of all the domestic and informal work. This reflects a well-accepted trend in western welfare towards a reworking of the relationship between social provision and employment, as the policy-makers try to shift the emphasis from rights to responsibilities, and from 'passive' to 'active' welfare (in which those taking advantage of the welfare system are 'encouraged' into work, i.e. that is paid work). Robeyns brought out the main differences between Sen and Nussbaum's approaches – Sen's approach lies closer to economic theory while Nussbaum pays more attention to people's skills and personality traits,.Nussbaum's mentions three capabilities (basic, internal and combined), and offers a concrete list of ten capabilities (life, bodily health, bodily integrity, senses, imagination and thought, emotions, practical reason, affiliation, other species, play and control over one's environment), Nussbaum views capabilities as providing citizens with a justification and argument for constitutional principles that citizens have a right to demand from their government, and her rejection of agency-well-being dichotomy.

Some feminists – particularly the post-modernists - have critiqued the capability approach for its assumed view of the state as a benign entity and the approach as being entrenched in the structuralist paradigm. This is because the capability approach argues that the design of social policies and institutions, and the evaluation of well-being, inequality, poverty and justice should focus primarily on people's capabilities to function. However, it is precisely from this perspective that the capability approach differs from earlier welfarist and resource-based models of gender and development, and helps us to deeply analyse gender inequality that exists all around us. The unjust gender division of labour in particular, arising from social norms, social institutions and features of the labour market can be addressed on the basis of capability approach.

I would strongly suggest the readers to go through Robeyn's various works for a survey of the field if interested.

With best regards,

Kuntala Lahiri-Dutt
*Fellow*
*Research School of Pacific and Asian Studies*
*The Australian National University*
*Canberra, Australia*

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## Anushree Sinha wrote:

*Facilitator's note*: This is a contribution on gender mainstreaming that we have just received (after the closure of the discussion on this theme). Dr. (Ms.) Anushree Sinha raises the problem of shortcomings in macro forecasting. This hinders addressing strategic priorities. It also reduces the scope of potential policy outcomes, e.g. forecasting how economic shocks alter choice sets differently for women and men. Dr. Sinha calls for a quantitative framework that formulates differential gender aware indicators and behaviour functions. For instance, she notes countries - including India - are undertaking time use surveys, invaluable in informing on gender distinctions in areas of unpaid and paid work, health, income support, education and training and such data should be linked with national accounting to help formulate policy focused macro models.

Dear Network Members,

### Gender Integration in Macro Analysis for Better Policy

There is an urgent need to integrate the gender differences into policy advice, design and implementation, in line with the objective of gender equality and poverty alleviation. Understanding "where women are" would make it possible to make gender sensitive policies. Economy wide models are critical to assess the impact of economic shocks that reverberate across sectors and, in some cases, regions of a country or even the world. They are capable of producing disaggregated results at the microeconomic level, while providing a consistency check on macroeconomic accounts.

Such models, when made gender focussed, help in understanding "where women are" as linkages of women's contributions to the economy needs to be spelled out in such models. This indicates the major need for having macro data disaggregated by sex, and other data such as household data distinguished by gender. Apart from information on market related data, the need for information on women's contributions through Non-Market-Work (NMW) (Harrington 1999) becomes obvious when a structured framework is used. Various studies have shown that a large percentage of women are involved in NMW. Such work has not been included in national accounting and the value-added generation cycles and thus makes such work of women invisible. When governments design policies, there is no information on how a policy can impact women who are mainly involved with such work. Hence, scarce resources cannot be allocated for improving the welfare of non-market workers.

Policy changes such as trade policy reforms through reduction of tariff, technology transfer, foreign capital inflows for capital intensive production, introduction of export incentives and creation of export promotion zones, etc., will affect women and men differentially. One reason for this is the nature of participation in work. Moreover, women and men respond differently to economic and trade policies because they have different sets of private resources and levels of access to public ones. Meanwhile, the social and human development impact of reforms and globalisation must look at how choice sets have been altered and how alterations have affected women and men.

Another important area of study while examining the impact of reforms and globalisation on women is the study of household behaviour. Households operate in an environment structured by economic incentives and institutional constructs. Greater competition and a need to reduce production cost generally lead to 'informalisation' (Portes et al. 1989; Sinha et al. 2003; Sinha and Munjal 2006). It is observed that most of the female workforce is involved in informal activities and that there are indications of an increase in the labour force participation of women in the informal sector (Cagatay *et al*. 1995). The concern expressed by these studies is that the burden of non-market work undertaken by women has increased with such policies. The studies generally indicate that the quality of life has deteriorated for women with structural adjustment, mainly because gender relations and outcomes are not considered while implementing such policies.

Basically, a gender framework should be able to spell out how, for instance, improved food security creates effective demand and wider markets for consumer goods and how that might affect women workers. The composition of government expenditure is also important. This applies particularly to infrastructural investment, which encourages rather than crowds out investment by the private sector and which increases the likelihood that the price incentives provided by liberalisation will lead to faster growth. Development expenditure on rural infrastructure may be particularly beneficial to women by increasing the supply response and reducing transport and storage costs. Raising living standards of rural households in the immediate future will reduce the damage to the future human and physical capital that results from pressure on livelihoods when people, and in particular women, live in poor conditions.

Good quality data is especially important for this process to have integrity. Currently, many countries, including India, have carried out (or are in the process of carrying out) time use surveys. Data from time use surveys is especially significant for gender analysis as well as for a better quality of policy advice across all sectors of the government. Such data would enable strategic priorities to be addressed better and will improve the accuracy of the forecasting and scope of potential policy outcomes. The main policy issues which time use data would inform and where gender distinctions could be made are unpaid work, paid employment, health, income support, education and training.

Policymakers are interested in studying the impact of particular policy measures, like changes in income tax on the welfare of people below the poverty line and other socio-economic categories of households. It is possible to study the impact of policies that are targeted and are not likely to have major indirect impact on the other variables in an economy. Economy-wide analysis is essential when the indirect impact of policy changes are wide and other groups and other markets are affected as a result of a trade or financial policy. Such a model should distinguish between men and women in its variables and behavioural relationships (Duchin and Sinha 1999). The Fontana and Wood model (2000) allows for capturing the interactions between productive and 'reproduction' sectors of the economy. Female wage rates rise when the leisure and 'reproduction' sectors are omitted.

In a gender aware multi sector model developed by Sinha and Sangeeta (2000), the authors distinguished by gender a total of six factors of production which were further distinguished by regions such as rural and, urban, and sectors such as formal and informal. Further Sinha et al. (2003) augmented the CGE model by differentiating factors of production by twelve categories while identifying home-based workers within informal workers as a separate category. Another study (Sinha and Adam 2006) has shown that in the case of labour market segmentation, informal workers - which include a high share of women (see Sinha et al. 2003) - face a dampening in their wages during period of reforms. and hence flanking policies for women are necessary to mitigate exclusion of women from the benefits that are attributed to reforms.

Macro analysis that recognizes the above gender concerns and translates this in quantitative/modelling framework is very important. There is a need to develop a framework which would facilitate decomposition of the effects of policy changes and could evaluate feasible policies or "policy packages" in a systematic fashion. Further, the benefits of using such models lies in its use for gender analysis by formulating differential gender aware indicators and behaviour functions into the framework.

With best regards,

Dr. (Ms) Anushree Sinha
*Senior Fellow*
*NCAER*
*New Delhi, India*

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# Closing Message

## Jim Chalmers wrote:

Dear Network Members,

To close the discussion on gender mainstreaming, we thank you for generously sharing experiences and ideas. The APHDNet is committed to the fullest possible ownership by all with an interest in gender equality, and these discussions are proving to be a vital thoroughfare towards this goal.

The goal of institutionalising equality, as contributors urged reflection on, is a debated one. Members surveyed the conflicting definitions, and pointed to implications of the term 'mainstreaming', with its unwanted links to underpinnings of neoclassical economics that inform the process of marginalising women.

Contributors noted both the persistence of doubts whether a mainstream strategy is apt for seeking outcomes that by definition are sector-specific, as well as cases that are proving successful in 'institutionalising gender' across sectors.

Conceptual issues can be seen as teething pains given how the effort to institutionalise gender equity represents an historical shift in focus. It pushes off from a platform that earlier tools built to try and alter residual discriminatory practices. In its present incarnation, it involves steps to change systems and procedures that conserve discriminatory practices, which made the earlier actions necessary.

Yet, a big challenge remains to take account of and respond to the whole range of places where power, wealth, knowledge, capabilities and rights intersect. Contributors insisted this result will only happen when the fullest possible range of duty-bearers grasp responsibility, with clear comprehension of what is intended. But the concept's open-endedness encloses its potential, not just for change but also for conserving locally-held preferred views of gender relations. This often reduces the extent to which gender equity is institutionalised. Thus a wide variety of beliefs, norms, organisations, attitudes and actions are shaping the actual processes of institutionalising equality that is occurring in different countries.

As evidenced by the above cross-sectoral case studies, contributors pointed out gender equality will never fully reach full potency if reduced to a plan to merely establish a national entity for women's issues. Similarly, gender policies, gender awareness workshops, gender staffing ratios, etc. are all essential portions but represent insufficient milestones towards gender equality. In particular, much work remains on including women in decision-making. A big part is to guard against tendencies for gender mainstreaming to catalyse dissolution of gender units within ministries, agencies, etc.

Frequently, too, the institutional environment blocks change. Fostering capacity of the people within is a big challenge, along with instilling recognition that the idea is to build strategies and tactics into all levels of policies and programmes from the outset at every point. Mainstreaming gender equality requires integration into every aspect of the development process. This includes the ways that institutions of governance and development agencies function, so that they make gender equality a priority at all levels.

Also a problem is the oft-fragmented nature of policy-making institutions with outmoded harbouring of research and strategy decisions, created and conserved by hierarchical structures and politics. Special efforts are needed to understand the context and power structures that are involved. Knowledge does not move without motivating force.

When it comes to motivation, contributors pointed out that a vital means to moving gender mainstreaming forward are legal mandates such as CEDAW and constitutional authority. They greatly assist implementation and coordination, ensuring policy-makers incorporate gender issues into national plans – as a starting point.

However, the actual starting point, as contributors reminded, begins with gender analysis to provide assessment of differences in how women and men are likely to experience a particular project, programme, policy or law. A key outcome is architecture to rebuild institutions and redesign interventions to enhance gender equality.

We heard that an effective entry point - towards greater political participation – includes quotas for women. Again on

participation, we saw the importance of extensive consultation, supplied by components such as a "Concept Note" or similar assessment of stakeholders' gender sensitivity, and followed-up by a time- and duty-bound action plan.

Gender responsive budgeting in India was shown to be a success story, including initiatives to create a sustainable institutional mechanism to help transform an economic system that undervalues 'feminized' activities. In the state of Kerala, decentralised gender budgeting has been effective, as early analysis shows. We saw too that UNIFEM's notable successes in gender budgeting involve initiatives to track whether the money follows policies.

These are just some of the important points of theoretical and policy value that contributors sent. For these we send warm thanks to Radhika Behuria, Roohi Metcalfe, Lekha Chakraborty, Sara Ahmed, Kuntala Lahiri-Dutt, Manel Chandrasekera, Annalise Moser, Taimur Khilji, Ranjani Murthy, Iyavoo Ramachandran Ramasamy and Anushree Sinha.

We look forward to mid-January when the next thread begins. It is focused on gender identities, including masculinity and gender minorities, together with the associated issue of gender-based violence.

Meanwhile, the AP-HDR team wishes you peace and time spent with friends.

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

**Gender Identities**

# Opening Message

## Jim Chalmers wrote:

Dear Network Members,

Welcome to the next sub-theme discussion on *gender identities*, that includes masculinity and gender minorities.

Once more, your valuable experience will help add much needed light to an important topic. The examination of gender identities and its social, economic, political and cultural formations is vital for understanding the reasons for the persistence of gender inequality.

Guided by priorities in different Asia-Pacific countries, the end goal is investigating areas strategic for transformation at both individual levels (private and public) and aggregate level, which together carry concrete potential for policy.

Unequal power is fundamental to differences in people's unequal opportunities. In all spheres, public and private, actual and perceived gender and power differences between males and females are built on the basis of historical norms and values. Socialisation of males and females begins at an early age. It shapes masculinity and femininity and their social roles, household relationships, control over bodies, and gender-based violence.

A useful starting point for analysis is the notion that identity is social. Our possibilities, options, freedoms as women and men are strongly influenced across the generations through social means and products. Conduits include workplaces, institutional practices, and conflicts in these sites. Other media of expected behaviour and change are gestures, body decoration, vernacular expressions, and television, press and print media that transmit creeds and codes of belief.

Yet, while concepts like female and male are social products, neo-classical theorists view them in individualist terms. They ask us to believe the path to freedom is paved by contest between individuals. An implication, for example, is that the traces left from domestic violence are typically individualized – which leaves the victim invisible. Individualism leaves the injured party hushed, leaving just traces in the violator's story.

Silence associated with exclusion demands alternative analysis to recover denied capabilities and to evaluate policies according to their impact on people's capabilities. When a person's functionings as a female are deprived by another's social possibilities as a male, the essence of confrontation goes beyond simple analysis of gender identities. The essential part of analysis lies in the formations of social self-identification. Self identification, as well as the identities thrust upon us, form a dichotomy that needs to be explored.

An important way to understand and transform power that is intrinsic to gender identity is through assessing strategies of participation in development. The valuable ideas and methods are those with an emphasis on facilitating emancipatory capabilities through inclusion in significant decision-making in economic, social, political, and family settings.

Changes in thinking and attitudes toward sexual and gender identity are taking place in society. This is happening through a material struggle of social ideas about what kinds of work females and males 'should' do, inclusion in decision-making, and women's struggles for a meaningful valuation of their productive value. But it is important to know more from the Asia-Pacific region about strategic examples that have worked or are being considered to help bring about more gender-equitable norms and values.

We especially encourage contributions on how culture influences gender identity and how culture conditions behaviour and creative responses at both formal and informal levels:

- In relation to gender, what are some of the key political processes and responses to ways that power operates through and shapes who is included and who is not?

- What particular choices or options are required that could get us from current power relations to more gender equitable ones? How important are knowledge relations? What are some of the primary tools of knowledge that conserve but also could shift conditions that exclude people?

- Are there cases of integrated interventions that have effectively supported women to shift the power relations through a blend of enhanced recognition and collective force?

- Learning attainments do not guarantee participation, but choices enlarge in scope when voice, knowledge/awareness and information accessibility are present in combined forms: what are some examples where such strategies have shifted conditions?

- Members have previously noted that socialisation impacts negatively on access to learning. What are some of the adverse effects and creative responses of the gender identity process on making use of opportunities (getting jobs and pursuing livelihood options, unequal assets, political participation and legal recognition)?

We look forward very much to your contributions.

Thank you and warm wishes for the Lunar New Year.

Jim Chalmers
*AP-HDNet Facilitator*

# Contributors

Responses were received from:

- Prof. Sanjay Srivastava, *Professor of Anthropology and Cultural Studies, Faculty of Arts, Deakin University, Melbourne, Australia/Professor of Sociology, Institute of Economic Growth, Delhi University, Delhi, India*
- Revati Chawla, *Programme Officer, HIV/AIDS Practice Team, UNDP Regional Centre for Asia Pacific, Colombo Office*
- Ruwanthi Senarathne, *Programme Associate, Human Development Report Unit, UNDP Regional Centre for Asia Pacific, Colombo Office*
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# On-line Discussion

## Sanjay Srivastava wrote:

*Facilitator's note: Prof. Sanjay Srivastava starts the discussion rolling on gender identities. He calls attention to oppressive knowledge relations uncovered in two studies from Lao and Indonesia. He points to a key context that controls and restricts the gains possible for women in urban work: market liberalization. It opens ostensible options/freedoms, but in the women's experience it ultimately renews oppressive norms. These prescribe the (only) ways to behave to be seen as a good daughter or wife; and the ways are inconsistent with their workplace and life quality choices. Prof. Srivastava calls for a framework that could provide an inroad into the predominating ideology, for women to make their workplace choices stick as 'respectable' bread-winners.*

Dear Network Members,

### Gender, Work and the World of Liberal Economies and Restrictive Norms

In my contribution I would like to focus on the issue of how ascribed gender identity affects the relationship between women, work, and the market.

The recognition that there are significant gender dimensions to the ways in which globalization and 'liberalization' processes impact upon the practices of work opens the way for a more nuanced understanding of social and cultural change. Hence, it is important to recognize that that in the context of market liberalization, 'The cultural restrictions on and the definitions of women's work limits the gains that women can make through employment and business opportunities' (Kusakabe 2004: 583). Two case studies illustrate this aspect.

The province of Sayaboury Lao PDR is located along the Thai border and is home to many women who take part in both cross-border trade as well as the manufacture of traded goods. The historical ties with Thailand were severely curtailed during the Viet Nam war (1964-73). From the early 1990s, however, a policy of trade and border liberalization has resulted in the opening of checkpoints that allow for the movement of people and goods. An aspect of this has been the revival of the historically important activity of weaving and trade in woven goods. However, the effect of the revival of weaving upon women's social position is interestingly linked to the ways in which weaving is perceived as a *gendered* activity. So, in villages with a previous history of weaving, it continues to be regarded as a 'woman's work' which can

be conducted when women have 'free time' on their hands (Kusakabe 2004:587). In villages where the activity has been newly introduced, however, 'there were few preconceived notions attached to it' (Kusakabe 2004: 587), and weaving was 'considered a major source of income' (ibid, p. 587). Ironically, in villages with a longer history of weaving, women's involvement with weaving makes a much higher contribution to the household income than in the new, weaving areas. In the latter, however, men were much more willing to share in domestic work as well as excuse women from other work such as gathering forest produce.

Gender and labour come into play as twinned aspects in another way. Hence, of those women who turned traders – buying from other Lao women and selling across the border in Thailand – the most successful are those who were able to travel with their husbands. This was so as 'it was difficult for single women to have socially respectable relationships with their buyers' (Kusakabe 2004:589).

The second example concerns Export Promotion Zones, where, globally, women form between 60 – 90% of the workforce. The Indonesian economic crisis of the late 1990s had very specific consequences for the women workers of the Makassar Industrial Zone (KIMA) in South Sulwaesi. The downturn intensified the sense that KIMA – and the urban milieu itself – was a threat to its workers' 'reputations' as 'good' and 'virtuous' women whose key role – to be dutiful wives – was increasingly under threat. As it is, young migrant women did not have access to a discourse – available to migrant men – that would situate them as 'respectable' bread-winners for their families. The rise of sex-work as a source of supplementing falling incomes during the crisis period, and urban riots which might lead to women's sexual victimisation, were further contexts that added to the rising chorus that the only way the young female worker's 'sexual purity' could be maintained was through bringing her back to the village. Indeed, many among those who remained in the city thought of themselves as 'bad' women for continuing to stay in 'morally tainted' KIMA. They lamented at having failed to live up to the ideals of the 'good daughter' / 'dutiful housewife'. Hence, ideas of morality, migration, and work combined upon the grounds of patriarchal and masculinist politics to constrain the decision-making abilities of women in ways that did not apply to male migrant workers. There was no sense that men's 'moral purity' might be affected, either by their continuing residence in the city, or liaisons with single women and sex-workers.

It is important, then, to understand how gender ideologies might be significant. Ideologies are crucial to the ways in which the contexts of women's work are constrained. A framework that explores the mutually reinforcing networks of oppressive gender norms that circulate at different social levels – the state, the family, etc. – is also crucial for our understanding of issues of equity and social justice.

The period of economic downturn in Indonesia – dating from mid-1997 – was, however, to have differing impacts upon the male and female labour force of the EPZs. Rachel Silvey (2000) suggests that prior to the crisis, the young women who migrated from the villages in South Sulawesi to work in KIMA in the city of Ujung Pandang were motivated by the sense that urban life and work would provide independence and 'freedom' from familial control. However, simultaneously as the Indonesian State promoted industrial activity that employed a vast number of migrant young women, it also propagated gender norms where women's roles were primarily articulated in terms of being supportive wives and dutiful daughters. That is, 'it implemented development policies that involved disciplining the population along gender lines' (Silvey 2000: 146), thereby being in-synch with the patriarchal ideologies that governed women's lives in their home-villages and families. They were frequently perceived – and perceived themselves – to be doing something that fell outside the ken of idealised femininity. This was reinforced by a concurrent notion that EPZs were sites of 'loose' morality, allowing for free mixing of unattached women and men. Subject to the mutually reinforcing gender ideologies of the family and the state, many women chose to describe their migration decisions as a quest for finding a husband.

Hence, at the very outset, young migrant women did not have access to a discourse – available to migrant men – that would situate them as 'respectable' bread-winners for their families.

With best regards,

Sanjay Srivastava
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## Revati Chawla wrote:

*Facilitator's note: Revati Chawla explains why it is important not to rely solely on law reform to overcome societies' fears of non-heteronormative persons. She suggests that societal change can be more effective when mainstream movements and media join the effort at the same time. For instance, lobbying and advocacy by LGBT groups for greater economic and political empowerment has taken place in Nepal and India. Noting that this implies governments and societies are ready for change, Revati points to successful examples of law reform in practical action across the three social sectors in these countries.*

Dear Network Members,

### Combating Homophobia: Is Legal Reform the Only Way Forward?

I would like to consider how feminist movements, women's interest groups and LGBT/non-heteronormative movements have negotiated and advocated with governments and society at large for measures to enhance political and economic empowerment. In fact, are governments in the region ready for this?

*Law reform needs to be accompanied by societal change in individual beliefs, norms, and values.*

What we sometimes forget is that a government is comprised of individuals who are part of society. While there is increasing acceptance and acknowledgement of the need for Victorian law reform, what is emerging more and more is the Victorian mindset of people has to change. Homophobia is a universal problem and law reform alone cannot erase this fear.

LGBT groups have been trying to negotiate and advocate with governments, not just for law reform and empowerment, but also for the right to stop being treated as criminals. (Even adult consensual sex between people of the same sex is a criminal offense in all of South Asia except Nepal). Advocating for and changing existing discriminatory laws will be met with little success unless there are simultaneous mainstream movements directed towards changing societal attitudes towards non-heteronormativity persons and shifting people's values and beliefs.

One way of doing this is through the media: by bringing the discourse on sex and sexuality into mainstream media newspapers, television etc. India is an excellent example of this: while Voices Against 377 have been advocating for the decriminalization of same sex relationships (the case rests with the Supreme Court at present) this was accompanied by debates, surveys and panel discussions in every possible mainstream media outlet. In Sri Lanka the law reform process in 1999 was attempted in isolation and resulted in more regressive legislation.

*Successful examples of law reform in practical action: Nepal*

Another way in which LGBT groups have negotiated and advocated with governments to enhance political and economic empowerment is through intensive lobbying at every level of society. A good example of this is what has happened in Nepal. In Nepal, LGBT movements have been successful in having the third gender recognized by the state. Last year, Nepal's Supreme Court decision issued directives to the Government of Nepal to recognise gender minorities for the first time. The government has now taken a stand to include pro-poor and inclusive government policies for sexual and gender minorities and has a national budget allocation for the first time in Nepal.

In fact, in Nepal, it is not just the government and Supreme Court that are becoming more inclusive. Now a private bank - "Everest Bank" - has changed its account opening form and made it possible to open a bank account as a third gender. A semi government corporation - "Handicraft and Small Industry Corporation" – has started providing baking, sewing and tailoring training to LGBT persons.

So are governments ready for this change? Yes, societies and governments are ready for change and "it is only a few vocal fanatics on the grounds of 'politics or religion' who wish to think that society is not ready. The reality, however, is that society in general is always ready to respect one another, support each other, live in harmony together - regardless of whom we choose to love." - Mr Sunil Pant, current member of the Constituent Assembly and Parliament, Nepal (APCOM 2008).

*Successful examples of law reform in practical action: Tamil Nadu in India*

In March 2008, the Tamil Nadu Government for the first time, legally recognized the existence of transsexuals (Narayan 2008). Individuals can now receive ration cards where the sex column is marked T instead of M or F. This would allow an estimated 40,000 members of the community to avail of government welfare schemes and lift themselves out of poverty. Other documents such as passports and voter identity cards are the next in line.

Although groups of transsexuals in Tamil Nadu have been lobbying with governments for over a decade, their cause was given a global voice when the athlete Soundarajan who won a silver medal in the women's 800m race at the 2006 Asian Games held in Doha, had to undergo a 'sex test' to prove her womanhood. The results indicated that she "does not possess the sexual characteristics of a woman" and she was stripped of her silver medal. Since then, it has been reported that she attempted suicide.

Let us also consider what the relationship is between normative attitudes about masculinity and femininity and gender inequality. To what extent is gender identity a matter of choice or a set of customary rules imposed on individuals? In other words, are choice and socialization the only factors that influence gender identity? Does biology play a role?

*Nature or nurture?*

Sexual orientation and gender identity are largely influenced by society. Although there are age old debates on whether ones sexual orientation is based on nature or nurture, looking for answers in biology alone (such as trying to isolate the 'gay gene') can be dangerous as we run the risk of attributing people's sexual orientation to genes and chromosomes instead of trying to understand the complexity within which we live and the multiple factors that affect human sexuality; that it is constantly changing and evolving. So is it nature or nurture? I believe it is both.

With best regards,

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## Ruwanthi Senarathne wrote:

*Facilitator's note*: *Ruwanthi Senarathne provides examples from popular culture and history in Sri Lanka. Within the realm of power relations, women's contributions are often obscured, but a closer reading of popular stories can reveal the pivotal role of women. She touches upon the role of biology in influencing gender roles in ways distinct from culture (e.g. in maternal care). She also draws attention to other spheres such as the economic - where boundaries are not clearly marked and where opportunities are evolving (such as in higher education and career advancement opportunities).*

Dear Network Members,

### Gender in Sri Lanka: The Role of Biology and Culture

In my contribution I would like to consider how culture and history influence male-female roles in Sri Lanka and how gender specific roles such as maternal care are strongly affected by biology.

*Mother is the Lord Buddha at home* - this is the popular way the mother is depicted in general Buddhist households in Sri Lanka. Within Buddhism, the most respected being in the entire world is Lord Buddha. Therefore, this reveals the place that a mother is given in our society. This implies that a mother is respected even more than the father. As commonly thought, all girls are expected to be mothers one day, and society urges that this view applies even to sisters. Though there are many incidents where mothers and sisters are insulted, this is the attitude young children are imparted in the cultural arena.

Sri Lankan society is widely accepted as a patriotic society. With the advancement of education, health and economic spheres, women have achieved a bit more power and voice too.

In our society, it is important to be either masculine or feminine. A man is expected to be to be fully equipped with masculine characteristics and women are believed to possess many feminine features. In this aspect, I believe men are discriminated against as females are accepted when clad in men's suits. But if a man tries to apply make-up or wear

clothes or items that are commonly accepted to be women's, this is not accepted, and he may be teased or insulted. It is my view that it is not only choice and socialization that influence gender identity; biology also plays a dominant role in this context. If there is a choice for a baby girl and a baby boy to select toys, girls select toys like dolls and puppets, whereas boys select jeeps, cars or some types of vehicles.

Sri Lankan society is largely a patriarchal society, where the male is believed to be the dominant character. But in many households in Sri Lanka, the female is the dominant actor who influences the decision making process, irrespective of her educational level or economic empowerment. But this feature might not be very visible as power is exercised in a very subtle way, so both parties at home are satisfied.

Sri Lanka enjoys high literacy rates without gender bias, and many women have been empowered through economic progress. Sometimes gendered attitudes become a deciding factor in recruitment. Generally, women are believed to have much more patience and can thrive in harsh conditions and are known to be good at multi-tasking. In my experience, these ideas about the character of women have been rewarded by recruitments for higher positions. This is an example when gendered attitudes can work positively for women.

In relation to more visible changes, there has been some progress in equitable employment rights. For example, there used to be restrictions on getting married in some employments such as nursing. Women were prohibited from getting married in the first seven years of employment. Now, these regulations have been lifted and women are allowed to enter married life and enter motherhood before they overcome the fertility period. There are other positive movements - such as extended maternity leave up to ten months and few days off for the father as paternity leave. However, certain gender roles such as maternal care are still largely limited to women.

In the political arena, Sri Lankan history shows male dominance, with a few exceptions of female queens. It is widely known that King Dutugemunu, one of the most famous and respected kings of our history, united and governed the country based on the advice of his heroine mother, Vihara Maha Devi. There is a folk story that once King Dutugemunu fled in disguise from a war and came to a small cottage in a remote village. There, upon his request, he was served some rice to eat by a lady. While he was eating he was told by her that he was eating the same way he conducted the war. This woman told him not to eat here and there, but have his food little by little, gradually. So it became well known that King Dutugemunu carried out the war gradually, taking a village lady's advice which turned out to be a success. Such examples show that though women don't directly engage in politics, they do contribute behind the scene. In fact, their contribution is very vital and critical. Ultimately this example illustrates that women's role may be recognized and respected in arenas traditionally dominated by men.

In conclusion, there are some gender roles where male-female boundaries are not crossed by each other (such as maternal care). These roles are derived from biological roots. But for some roles, which don't have any biological connection (such as opportunities for higher education and advanced career opportunities), the boundaries are not clear.

What is evident in Sri Lankan society is that women's freedom in accessing education, health and the economic arena is more protected than in other South Asian countries. But there are limitations on women to entering politics. Other roles mainly connected with biological roots remain gender specific. While not very visible, women share in political life and household decision making in notable ways. Culturally women enjoy a respectable and sacred life at the household level, though it can be violated by the other party. Therefore any movement towards uplifting women's status should be handled carefully and sensitively and the importance of culture should be recognized.

With best regards,

Ruwanthi Senarathne
*Programme Associate*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

Arpita Das wrote:

*Facilitator's note: Arpita Das shares some observations on the persistent issues and changes that surround recognition of the fluid, non-fixed notion of gender in India. She points out that while 'gender' has different aspects (assignment, role, attribution and identity), the concept is commonly used as if these were one and the same. Yet, people are opening up spaces in India. This includes a transgender welfare board and third gender category for student admissions in Tamil Nadu; and Indian passport forms include a third gender category. At the same time, official and non-official stigma and discrimination/violence persist.*

Dear Network Members,

## Understanding Gender: Expanding the Discourse

First of all, I find it interesting that the facilitator's opening message mentions gender identity as "including masculinity and gender minorities". This is very welcome as ironically, gender to date is viewed as being synonymous with and often limited to discourses on women. Gender is about how societies and cultures construct notions of men, women, transgender people and other gender variant individuals.

There are various aspects to gender – assignment, role, attribution and identity. Gender *assignment* is when a gender is assigned to a new-born in accordance with the child's biological sex. Gender *role* is the performance of an assigned gender identity. Therefore, expressions of masculinity or femininity are part of gender roles that are expected of people in accordance with their assigned gender - of male or female. Gender *attribution* is how society attributes certain codes and conducts as designated to a particular gender. Gender *identity* is how a person identifies or engages with one's own gender, which may or may not be in consonance with the biological sex or the gender attribution by society. Unfortunately, despite differences in assignment, role, attribution or identity, they are used interchangeably to mean the same thing.

Gender is a social construct and is experienced differently in different cultures, societies and contexts. For example, whereas it may be the norm in some societies for men to be the heads of households, in certain other matrilineal households, the lineage could be traced through women. Attitudes about masculinity and femininity differ across contexts. If men are supposed to sport short hair as part of the gender norms in a particular society, these norms may not be acceptable in another. There are cultures where men are known to have long hair as well. Also, norms around gender are also known to vary over time. For example, in present day urban India, many young men feel it is 'cool' to have long hair. Gender is therefore not a fixed notion. It is fluid and varies across individuals, societies, contexts, cultures, time and even within the lifespan of the same individual.

Although gender identity is a person's choice or engagement with one's own gender, it is very often not left to the individual to decide one's identity. Most societies operate on a strictly binary notion of sex and gender – male and female. However, we know that that's not wholly true, whether from a biological or a sociological point of view. If biology be the determinant of one's gender, would it be based on the genitals of the person, the chromosomal make-up of the person or the hormonal make-up? It is difficult to make any or all three the determinant(s) of one's gender. There are people who are born not with the chromosomal make-up of XY or XX but also XXY, XYY, XO. There are people who are born with genitals that are difficult to be categorized as either male or female. In these cases, it is very often medical professionals who get to decide the sex and therefore also the gender of the person by performing 'corrective' surgeries without the consent of the person and often without the consent of the parents.

The biological sex of a person may not be the only determinant of one's gender identity. Very often there are people who may be born as either male or female, but do not adhere to the gendered notions attached to their bodies. Over time, gender and sexuality have also tended to overlap. In one of the meetings that I attended recently on discrimination on sexual and gender minorities, the categories of male, female, transgender, male sex worker and men who have sex with men were spoken of in the same light. It is therefore important to gain more clarity before making rights claims.

The fluidity of gender is being increasingly recognized by various movements in India, including the women's movements, the LGBT and queer ideologies. In 2006, the National Conference on Women's Movements held at Kolkata, for the first time included discussions of issues of transgender women and the participation of transgender women in the conference (South Asia Citizen's Web 2006). Around the same time, a consultation on men who have sex with men included issues of transgender people in their agenda. Attempts by the government of Tamil Nadu to include issues of transgender people are also a case in point: the Tamil Nadu Government has attempted to create more spaces for transgender people e.g. by providing ration cards for transgender people (Malarvizhi 2006), constituting a transgender welfare board (Mujtaba 2008) and also creating a third gender category for transgender people seeking admissions in schools and colleges. New passport forms in India also allow for another gender category other than male/ female (http://passport.gov.in/). While spaces such as these are opening up and issues of gender variant people are being acknowledged and addressed, there are instances of stigma and discrimination or cases of abuse and exploitation of transgender people by society at large and even by state authorities that we read or hear about every day.

There are differing views on how gender may be performed or experienced. It is therefore difficult to have an over-arching and comprehensive definition of gender. Before discussing issues of gender identity, there is a need to interrogate notions of what is male and what is female. It is then that we notice that the boundaries between the two get extremely blurred, thus creating possibilities of many categories which evade the strict binaries of male or female.

With best regards,

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## Omar Siddique wrote:

*Facilitator's note: Omar Siddique invites discussion on the point that women's movements and LGBTIQ movements share a common goal concerning choices and freedom - which is the struggle against patriarchy. Norms of patriarchy that ask us to see "feminized" masculine identities as degrading are equally harmful to men and women. The extent to which sexuality and other components of identity shape freedoms/choices, (as other contributors have shown for women), can be seen in the everyday lives of men, where norms of masculinity restrict choices of education and livelihood; and in health, it often leads men to engage in risk taking behaviour.*

Dear Network Members,

### Masculine Identities and Patriarchy

In my contribution, I would like to briefly discuss masculine identities, sexuality and its relevance to patriarchy.

There is a familiar scene in some Bollywood films which we see over and over again - a coach for a male sports team reprimands poor performance from his players by calling them "a bunch of girls" or "sissies." Why is this considered an insult? Why is a man being called a woman inferior? It is because many societies view being a woman and "feminized" masculine identities as being inferior. Mainstream masculine identities have been constructed and negotiated within a patriarchal space which not only subordinates women but also the "other" which can be a man who does not fit society's prescribed criteria of what a man should be. Masculine identities are constructed through patriarchal norms anchored in existing power structures and relationships in a very strict sense of what is valued as being "manly". Although this is harmful to women, I would like to highlight that it is equally harmful to men if perspectives moves away from homogenizing notions of men toward that of 'hegemonic masculinity,' where all men, depending on numerous other factors, are not equally privileged. A man does not exist in isolation from these factors which can be social, political, religious, economic and legal characteristics of his existence. For example, in the United States, if you are a Caucasian middle class educated married heterosexual male, you are more or less at the top of the food chain; but this is not true for other men who do not meet this criteria, such as immigrant men or men of colour. In our own region - Asia-Pacific - masculine identities which are characterized through certain behaviours (aggressiveness, physical strength, drive, ambition, competitiveness and self-reliance) are encouraged in males but discouraged in females. Understandings of men and masculinity need to intersect with issues of class, caste, race and other criteria to give an accurate picture of the challenges faced. These norms are reinforced by both men and women within society through popular representations of what a man should be as an individual, in the home, at work or when holding public office.

Sexuality is also an important, although not the sole part, of identity which influences the freedoms and choices a person can exercise. Why are non-heterosexual men or even heterosexual men (*) who do not display stereotypical traits considered less than their mainstream counterparts? The answer is the inherent idea that societies often view a man being "like a woman" as disgraceful and not fitting the status of what a "man" ought to be. In this way, the struggle for sexual

freedom and rights is also the struggle against patriarchy. I would therefore suggest that women's groups and those fighting for sexual rights hold this common adversary in their cause for gender equality.

How can something as complex as masculine identities impact daily lives? For example, masculine identities in health often lead men to engage in risk taking behaviour such as alcohol and substance abuse and joining youth gangs. Men are encouraged to be the overpowering figure in sexual relationships with women. Media in the region (for example, the popular Japanese *anime*) promotes men to perform violent sex and young men and boys are encouraged to compete with each other on the number of women they have "conquered." Masculine identities also restrict the choice men have in terms of choice of education choice and livelihood, particularly in fields such as nursing and visual creative industries. Although men are found in these industries, it is usually not without society placing stigma or a negative label on them.

The main message I would like to put forth for this discussion is two fold: that all men do not equally benefit from patriarchy and this is evident through the stratification of masculine identities where there is a hierarchy amongst what is seen as socially valued in terms of appearance, behaviour traits and attitudes. In fact, certain groups of men within a given society also suffer from patriarchy. These men find their choices, freedoms, physical and mental well-being restricted and/or prohibited. Second, that the struggle for sexual rights and freedoms is the struggle against patriarchy and that women's movements and LGBTIQ movements have a common goal in this regard. As respect for diversity is a fundamental tenet to the Universal Declaration of Human Rights, people who do not necessarily fit societies' mould of what are "masculine" or "feminine" identities should be taken into account. Complimenting advocacy, a lot can be done to work with these issues to change mindsets and behaviours. Media representations, educational institutions/instruction, workplace expectations and regulations, legal definitions and gender programmes on the ground pushing for holistic gender empowerment all have a role in integrating this understanding of allowing for multiple identities and working toward addressing patriarchy.

Cordially,

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*Colombo Office*

**Notes**

(*) It's worth pointing out that sexuality is not a static concept. The noted biologist Alfred Kinsey's work was instrumental in this regard. In pursuit of empirical evidence on sexuality, Kinsey and his team collected 18000 sex histories in 1930s America. These made up his two books, which became phenomenal bestsellers, even though they were academic tomes. Kinsey developed a heterosexual-homosexual rating scale that suggested sexual preference was not exclusive, that men could have both heterosexual and homosexual feelings. During this work, he developed a scale measuring sexual orientation, now known as the Kinsey Scale which ranges from 0 to 6, where 0 is exclusively heterosexual and 6 is exclusively homosexual; a rating of 7, for asexual, was added later by Kinsey's associates. His results indicated that 37 percent of the total male population had had at least one homosexual experience. Perhaps most important, the results of the "Kinsey Reports," as they became known, showed that Americans engaged in a large variety of sexual acts.

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**Pamela Nilan, Alexander Broom, Argyo Demartoto, and Mike Donaldson** wrote:

*Facilitator's note: Pamela Nilan, Alexander Broom, Argyo Demartoto and Mike Donaldson share their research on Indonesian masculinities. This responds to why social values largely shape human choice, and how power operates and shapes social inclusion. They point to migrants' strategies/values of belonging, strong shared emotional experience, as being instrumental in identity. But behaviour is linked to experiences of previous networks too. Values mirror a mix of new and older pressures. They suggest that oppressive social relations could be transformed by clearer understanding of the interplay between local and other social networks.*

Dear Network Members,

## Masculine Identities of Indonesian Muslim Men in Indonesia and Australia

This contribution addresses masculine identities of Indonesian Muslim men in Indonesia and in Australia. We have been researching the construction of Asian-Muslim masculinities before and after moving to Australia. Since 2001, a series of terrorist attacks worldwide under the ostensible banner of Islamic jihad - especially the Bali bombings and 9/11 - have intensified mainstream Australian suspicions of Muslim migrants, men in particular. Despite our proximity as nations, there seems to be little understanding of Indonesian cultural identities.

For example, throughout their six years of imprisonment the three Bali bombers (all from Java) presented confident smiling faces and devout, yet light-hearted personas - at odds with both the seriousness of their crimes and their looming executions. Western observers found this incomprehensible, even psychotic. However, even though the vast majority of Indonesian Muslims condemned their crimes outright, the 'smiling assassin' persona would not have struck them as incomprehensible, but credible in terms of the discourse of hegemonic masculinity enshrined in Javanese culture. Accordingly, though in circumstances of proven guilt and imminent death by firing squad, the convicted bombers, as Javanese men, were exhibiting masterful self-control - conquering fear by depicting the opposite and - bolstered by their unyielding religious conviction - appealing to the "ummah" (worldwide congregation of the Muslim faithful) in solidarity.

Like most other migrants arriving in Australia, Muslim Indonesian male migrants gravitate to the suburbs and workplaces dominated by Indonesians and/or Muslim migrants. The mosque provides a place of cultural refuge and resources for social and economic networking. In the sense that such networks build confidence, prosperity and social capital for Muslim Indonesian male migrants and their families, they are very positive. However, in the sense that such networks foster extremism, strengthen insularity from mainstream multicultural Australia, and encourage conservative adherence to strict patriarchal orthopraxy, they may act against the interests of the nation as a whole. We need to develop understandings of Indonesian masculinity that can inform community interventions leading to greater social and cultural inclusion through building, in a well-informed way, on the positive aspects of existing Muslim Indonesian male migrant social networks.

Australians' fear of Muslims focuses around two core 'male' issues: men's attitudes to women and terrorism (Poynting and Mason 2007). Both make fundamental assumptions about the attitudes and behaviour of Muslim men. There is a contrast between the type of masculinity Australians regard as 'normative' or hegemonic, and the actual or imagined masculinity practised by Muslim migrant men, as the Cronulla race riots demonstrated.

Our research so far has uncovered the following themes of difference:

*Self-regulation*: Muslim Indonesian men were surprised that almost all the Australian men they encountered - regardless of age and class - lacked self-control and demonstrated kasar (unrefined, lower class) behaviour: joking around, exhibitionism, talking loudly, sexual boasting, grunting and yelling while watching sport, getting drunk, arguing and fighting. Interviewees claimed that Australian men were curiously unregulated, even animal-like in their behaviour. Their reaction highlighted the significance of self-regulation as an important characteristic of Muslim Indonesian masculinity (see Sen 2002; Clark 2004; Nilan 2006; Boellstorff 2005). Self-regulation is a virtue enshrined in Koranic teaching (Ahmed 2006: 22). Javanese ideals of masculinity also enshrine the notion of power gained through inner self-control.

*Sexuality*: The men made a strong link between self-regulation and sexuality. They said they were shocked at the unregulated, shameless sexuality of Australian men. They were offended by: Australian men's sexual boasting, public displays of affection between couples, availability of pornography and sex aids, and lack of media censorship. The identification of unregulated sexuality as dangerous and the confinement of sex to marriage are significant moral tenets of Islam. They inform the social/political pressure for anti-pornography laws recently passed in Indonesia. The new laws reflect the extraordinary resurgence in public Muslim piety and devotion across South-East Asia (Smith-Hefner 2005), arising partly in reaction to western cultural hegemony. The construction of masculinity here is one of male sexual passions that must be controlled and should not be tempted, so that public morals and family life are protected (Gerami 2005; Ahmed 2006). In Australia the mosque was considered by some of our interviewees as a refuge from anxiety about sexual im-

ages and ideas - among many other stresses and conflicts. All interviewees were pre-occupied with how they might be seen and judged by other Indonesians, demonstrating a strong collective orientation and a desire to avoid shame.

*Family Life*: Interviewees thought Australian men behaved irresponsibly towards their parents, wives and children. They did not often visit or socialise with their own and their wives' families, and were not in the habit of teaching their children correct moral values. There was little respect for family life and the role of the father. Islamisation in Indonesia is attempting to strengthen the centrality of the family, even while women are moving more and more into paid work (Bennett 2005). Muslim teaching stresses that in marriage, the man is equally responsible for the moral education of children (Roded 2006; Nilan, Donaldson and Howson 2008). Interviewees were committed to their moral regulatory role as family leader.

*Solidarity*: Interviewees criticised Australian men for being 'selfish' and individualistic, for lacking solidarity and common cause with peers. Solidarity here is understood as based on shared feelings, purposes and interests. They implied that their solidarity with each other as men enabled them to maintain the tenets of their faith and their sense of cultural identity.

From our subsequent research on masculine identities with men in Central Java in 2008, some new themes have emerged:

- Western men were thought to have a more industrious work ethic, even though Islam teaches men that working is an act of devotion.
- Western men were thought to treat women equally, while Indonesian men dominate women, even though in Islam men and women are equal in the eyes of God.
- The mosque was considered a place for men, not women.

It is clear that local masculinities, and in this case Indonesian masculinities, can no longer be understood simply from within national boundaries. In the Muslim male migrant context in Australian cities, targeted interventions to bring about greater social inclusion and harmony need to address the social construction of masculine identity in devout, insular migrant communities. Such interventions need to build on the positive aspects of male social networking around mosques.

With best regards,

Pamela Nilan, Alex Broom, Argyo Demartoto and Mike Donaldson

Pamela Nilan, *Associate Professor of Sociology, Research Training Convenor, Vice-President: Asia Pacific Sociology Association, School of Humanities and Social Science, Faculty of Education and Arts, University of Newcastle, New South Wales, Australia*

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## Manisha Mishra wrote:

*Facilitator's note: Manisha Mishra reflects on her experiences in both co-educational and all-girl schools in India; she combines her observations with a review of some of the literature on the different benefits and detriments. She draws attention to the key schooling processes that power operates through, and how this shapes who is included and who is not. Specifically, she points out how socialisation by co-educational schools impacts negatively on girls' adequate access to the processes of learning, identity and sexuality, and on making satisfactory use of opportunities (getting jobs and pursuing livelihood options).*

Dear Network Members,

### Gender Differentiated Experiences in Schools

In response to the terms of reference laid out by the facilitator, I just wish to make a few observations leveraging a few studies and drawing on critical reflections of my experiences as a student both in co-educational and single sex schools in India. I would like to draw attention to the role played by educational institutions in shaping a person's identity. Many scholars have argued that educational systems serve as instruments of social and structural reproduction (Althusser 1971; Bourdieu 1977). My observations are limited to women's socialization resulting from their experiences in educational institutions that have a direct bearing on their identities and the way men and women learn to identify themselves. In this regard, I would like to draw attention to the difference in experiences for women in single sex and mixed schools.

Studies have shown that the experiences of girls in co-educational and single sex schools are qualitatively different (American Association for University Women 1992). Traditionally, as part of the western education system, there were different schools for men and women. However, over the years, co-educational systems have earned more favour as they are viewed to be means of promoting educational opportunity and gender equality. Contrary to popular belief, studies indicate that mixed gender classrooms to do not result in equality of educational opportunity (Mblizi 2008). And these studies reinforce my own experiences as a student in India.

Gender bias and stereotyping in educational institutions can limit girls' opportunities and girls often feel inhibited and constrained in mixed classes. In co-educational institutions, girls feel more bound to confine themselves to gender stereotypical images, as was confirmed by a study conducted on Malawian school girls (ibid.). Often, there is gender bias and inadequate attention from teachers. The study also showed that graduates of all girls' institutions are more likely than their co-education school peers to choose careers in fields that are not traditionally dominated by women. Another study conducted on girls in Northern Ireland also indicated that self esteem of girls differs in different school types (Cairns 1990). In addition, a recent study by Sax (2005) has demonstrated that girls and boys learn differently; hence, putting them in so called "gender-neutral" education systems favours the learning cycle of one sex over the other. Though, at this point, I would like to acknowledge that this is more relevant in today's educational institutions; the old day missionary girls' schools were also perpetuating stereotypical notions about gender roles and were serving as finishing schools for girls. I remember my mother telling us how the nuns in their schools used to discipline them by telling them they have to learn to behave in "certain ways" so that they can one day be wives of magistrates and governors (and not magistrates and governors themselves).

Educational environments also have an influence on sexuality as it is dependent on the interaction of a person with the social arena. This is more so true with respect to girls in the Asian context, where their sexual affairs and sexual self-expression also fall within the domain of the public arena. Girls' hostels in educational institutions are a case in point, where through the rules and regulations, there is attempt to control their sexual interaction to preserve their virginity, which is considered to be an indication of a woman's modesty. Similar and corresponding controls are not to be seen in boys' hostels. Similarly, there is no such public interest in preserving the virginity of boys, creating a very different space for interaction with the social environment. This duality of public and private spheres results in different representations of different genders and in turn, gender identities.

The type of educational institutions, hence, has a huge bearing on how women learn to perceive themselves. Research and policy thus needs to focus on making available educational spaces where gender representation and self expression can be more free.

With best regards,

Manisha Mishra
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## Rohini Kohli wrote:

*Facilitator's note: Rohini Kohli urges policy to catch up with new thinking in social science and activism in developing more precise analytical terms, categories, and methods. This is essential for reasons that include measurement issues. Currently, many persons are not counted if not free to proclaim their identity. Identities can be obscured, suppressed, and discriminated as 'minority'; and people become invisible in the counting. On methods, Rohini calls attention to how policy conversations are dominated by 'either/or' categories and too few shades in between. Plus, whose categories are these? The result is that imprecise categories and conceptual grounds are not conducive to the goal of evidence-based policy decisions. This is especially so against a backdrop of sensitivity associated with gender identity links with the predominant models of 'family' and 'society'.*

Dear Network Members,

## Gender identities: Issues for Measurement

I would like to raise some 'methodological' points on the theme of gender identities and human development, which in my view beg further scrutiny. This theme is linked to evolving discussions and concepts, and there are fertile opportunities for sharpening analytical terminology. These may have implications for current gender debates that can inform socio-economic policy changes.

For policy purposes in particular, special attention may need to be paid to *categorization*, *issues of measurement*, and *sensitivity*. The first two areas may require greater cross-fertilization of concepts from the domains of economics, anthropology, feminist critique and LGBTIQ movements (although discussions within these domains are constantly evolving).

The last area, the issue of sensitivity and the fallouts through politicisation of discussion, is critical, and one that is likely to raise the maximum ire from 'so-called' mainstream thinking and from cultural or religious quarters. Gender identities seem to be highly vulnerable to fallouts from such quarters as they are seen as intrinsically connected to the domain of family and society. For example, the vote in the UN on decriminalizing homosexuality is one such concern (http://news.bbc.co.uk/2/hi/europe/7791063.stm). This is one example of the way gender identities confront contested ground and may be largely dependent on action and dialogue between a variety of different actors drawn from diverse walks of society.

To go back to the first issue of *categorization* - categories help lay the conceptual foundation for analysis and for policy. At the current time, much of dominant social policy discourse is dominated by common categories such as the 'man' 'woman' binaries (without greater attention to age, class etc.) or 'sexual minorities' (with the implication that individu-

als' sexual orientations and gender identity can be clubbed together). This discourse seems to be lag behind the fast evolving arena of gender activism, gender debates, feminist and queer discourses.

Categorisation remains a vexed issue on many dimensions. In particular when it comes to self identification or group identification (i.e. do individuals have the liberty to define their gender, or does the group or the 'other' have the monopoly for defining or accepting an individual's gender identity?). For example, the generic term 'man' (or 'woman') in most policy documents obfuscates many recent developments around gender identities.

'Self-identification' can refer to how a man or a woman or a transgendered individual sees themselves (*). However 'group identification' refers to how the world at large sees us (society, community, colleagues, etc) as 'masculine' or 'feminine' or displaying attributes deemed 'manly' or 'sissy' or 'feminine' or 'girly' (see Omar Siddique's contribution). In reality, what we see ourselves as is our gender identity, but it is only when we voice or proclaim it in the public space - 'come out' - are we counted as such. In this context, where some individuals are unable to 'come out' due to fear of social, political or economic exclusion, they become part of the 'silent' majority. For example, employment benefits extended to family are usually not extended to the same gender spouse or partner, as well as for immigration, nationality or naturalisation- gender identities are rarely accommodated (this is changing in a few instances - see Revati Chawla's and Arpita Das's contribution).

In other words, tension between the ascribed identity (how society or groups see us as) and what we see ourselves as, presents a conundrum for measurement. My colleague, Revati Chawla quite rightly pointed out the inappropriateness of using 'sexual minorities' as a term in this E-Discussion – with the inherent abnormal nuance or discrimination that it implies. To paraphrase sociological basics, Durkheim defined the 'normal' – as that which occurs most often. In the popular mainstream arena of social and cultural production (films, newspapers, theatre, everyday life), 'minorities' is taken to connote a variety of individuals and groups, not seen to be following the 'norm' - i.e. a woman boxer is manly, 'a stay at home dad' is understanding/unusual or a 'gay' man is alternative or away from the norm (although this is changing). How the value (and repressions) that society and culture attribute to the issue of Sexual Orientation and Gender Identities (SOGI) means that these identities become obscured or even worse, suppressed, marginalized and discriminated as being 'non-mainstream' or minority.

From that coin, what is mainstream and what is minority becomes a sticky issue to 'count'. Those individuals with a different sexual orientation or gender identity, unable to voice or proclaim their identity, become invisible to counting in number and are deemed as 'minorities'. Whether it comes to behaviour (e.g. the 'manly' woman) or sexual orientation (for e.g. the Queer Man or Queer Woman), 'sexual minorities' becomes a misleading and inaccurate term. To 'count' the invisible SOGIs, is therefore an extremely challenging issue for measurement. Unless all individuals have the capability for 'self identification' or 'coming out of the closet' freely, it is impossible to count accurately all the different gender identities.

In conclusion, it is therefore useful to demarcate areas where there is broad consensus, and draw categories from there while establishing areas where the debates are extremely polarized. It may be fair to generalize however, that gender identity as a human rights concern and its relationship to policy making remains heavily contested and sensitive.

With best regards,

Rohini Kohli
*HDR Analyst*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

**Notes**

(*) In the film, *Boys Don't Cry,* the journey of one such protagonist, who believes that she is a man though born a woman, is compellingly related. Her resolute conviction about her true gender identity, over a long period of hardship and travails, describes how family and society's beliefs can impact the individual's quest for identity.

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# Closing Message

**Jim Chalmers** wrote:

Dear Network Members,

This message closes the discussion on gender identities. Many thanks to all of you for sharing your thoughts and experience. Your efforts have helped us to a better understanding of why gender inequalities persist in Asia-Pacific. Before we move to the final leg of the journey, *folkloric dimensions of gender equity,* let's pause to take stock of the major issues that emerged from the *gender identities* discussion. The contributions received have provided evidence from Australia, India, Indonesia, Lao People's Democratic Republic, Nepal, and Sri Lanka.

Social systems that give supremacy to fathers and sons over mothers and daughters, and men over women, in official as well as in unintended ways, socialise us in ways that are equally harmful to men and women. The struggle against patriarchy brings women's movements and LGBTIQ movements close together to expand choices and freedoms.

Sexuality and the other components of identity shape women's and men's freedoms/choices; and in the case of men's health, this shows up in risk-taking behaviours. In education and livelihoods, there is further evidence that norms of masculinity restrict men's choices and freedom to act.

In India, there are issues that persist because people have not yet grasped that 'gender' is a fluid, non-fixed notion. 'Gender' has different aspects, but people invariably use the concept as if its different aspects (assignment, role, attribution and identity) were one and the same thing.

Governments and societies have the potential for policy changes involving economic and political empowerment for LGBT groups. However, a combination of measures is required. In Nepal and India, there are successful examples of law reform blended with practical action taken across the three social sectors. It is, however, critical not to rely solely on law reform to overcome societies' fears of non-heteronormative persons; socialisation initiatives are a crucial part of the programme mix needed.

Advocacy and lobbying appear to be more effective when mainstream movements and media join the effort at the same time. This is shown in the Nepal and India cases of LGBT groups working to gain economic and political power.

In India, people are opening up gender spaces in ways that include a transgender welfare board and a third gender category for student admissions in Tamil Nadu. Also, Indian passport forms now include a third gender category. At the same time, interventions are needed to address stigma, discrimination and violence, both official and non-official, that persists and accompanies these changes.

In spite of these developments, policy overall needs to catch up with new thinking in social science and activism in developing more precise analytical terms, categories, and methods. This is essential for reasons that include measurement issues. Currently, many persons are not counted if they are not free to proclaim their identity.

The link between education and the construction of gender identities is fundamental for the discussion. For instance, formal education processes, also in India, continue to reinforce the inequitable ways through which power operates, and how this shapes who is included and excluded. Evidence-based education policy needs to factor in the co-education school system. In particular, it needs to evaluate data on how this variety of socialisation impacts negatively on girls' adequate access to the processes of learning, identity and sexuality, and on making satisfactory use of opportunities (getting jobs and pursuing livelihood options).

In Sri Lanka, in spheres where gender boundaries are not always clearly marked or applied, e.g. in some labour markets, further opportunities for women are evolving. This can be seen in opportunities within higher education.

The opening up of gender spaces can have mixed consequences. Two studies from Lao People's Democratic Republic and Indonesia show the importance of understanding the ways that market liberalization controls and restricts potential gains for women in urban work. Women consulted for these studies refute claims that the 'free market' system frees up women's options. In their experience, the market reinforces or even prescribes oppressive norms. It does so through the market's adherence to how daughters or wives should behave as commercial actors. The roles that the market dictates for women, in terms of behavioural expectations, is wholly inconsistent with what women choose, prefer, or aspire to in their workplaces and in their quality of lives. The market's reinforcement of institutionalized and unspoken expectations shut down choices and put boundaries around women's social mobility.

While women face one set of constraints, elsewhere the construction of masculinity throws up other issues. The evidence on construction of Indonesian masculinities is that social values play a large role in shaping choices and in how power operates and shapes social inclusion. In populations of migrant men, researchers have found direct links between

the strategies and values of belonging and the shared emotional experience of migration. This turns out to be instrumental in their identity formation. It is important to understand that behaviour in such populations is linked to experiences of previous networks as well as the new; thus the need is to grasp that their values mirror a mix of both sets of pressures.

In Sri Lankan popular culture, the role of women's active contributions is often an obscured force in the dynamics of power relations. A closer reading of popular narrative accounts that de-familiarises (or sees the gestalt) in everyday situations can show that women have a more pivotal role in decision-making than commonly perceived or acknowledged.

An operationalising framework is needed to open up workplace choices and overcome discrimination that restricts choices. Specific interventions are needed to transform the socialization/ideology that currently strips women and men of identity as 'respectable' bread-winners if they choose to work in certain spheres or sectors.

Evidence-based social inclusion policy needs to include in its calculations data that comes not just from local interpersonal networks, but also from beyond the local: it is increasingly important to collect and analyse evidence from a wider range of networks, as shown in the context of Indonesian migrant men.

Our special thanks go to Sanjay Srivastava, Revati Chawla, Ruwanthi Senarathne, Arpita Das, Omar Siddique, Pamela Nilan, Alexander Broom, Argyo Demartoto, Mike Donaldson, Manisha Mishra, and Rohini Kohli.

We will begin the discussion on *folklore* next week. Until then …

Warm regards,

Jim Chalmers
*AP-HDNet Facilitator*

**Folklore and Historical Stories**

# Opening Message

## Jim Chalmers wrote:

Dear Network Members,

Welcome to the next sub-theme: it is on *folklore dimensions*. Up until this point, the network has been focused on pointing out values and norms that renew gender and power differences and unequal opportunities. Now, the emphasis shifts to folklore and stories, which occupy spaces that exist between historical realms and other possibilities of more equitable human relationships.

So this discussion brings a very different kind of potential or force to the transformation of gender inequalities. Martha Nussbaum (1995) has previously brought attention to the importance of reflecting on 'stories of communal self-definition and self-clarification.' The 'bearers of intrinsic values' sit at the centre of these stories; but what makes it tricky to see them is that the narrative intent is often distorted. Folkloric stories are always in a state of 'version change' according to the predominating ideology. Sometimes it takes an archaeological dig to discern the authentic 'folkloric intent'. 'Folkloric intent' refers to the idea that story cycles often provide the core of silenced or unofficial histories. Oral media such as creation narratives and other story cycles are precious sources of memory. The evidence they provide might be considered 'soft' in mainstream development economics, but it validates memories that are critical in the process of identity-clarification, participation and transformation of power inequalities.

The realm of folklore can be seen as driven in particular by what the ethnographer Victor Turner (1982) has called 'liminal' moments. At such times, people strive to understand their lives in terms of their main relationships and how these processes shape their opportunities to do useful things with their lives. Uncovering or recognizing other possibilities from the mythopoeic or collective imagination can play a crucial role in rejecting oppressive social identity markers and being able to participate in meaningful ways.

Folkloric dimensions are not simply imaginative. They link directly with historical events. These performances help to uncover connections between ideology and cultural conflict in power relationships. Typically, the story cycles preserve and transmit spontaneous insight into the norms that limit ideas, behaviour and self-clarification; and they can lead to new perspectives.

Yet, again, it is challenging to try and uncover the folkloric intent. In some country contexts, the present-day story-tellers are women and their audiences are women, and the tales portray the experiences of women, yet transmit the behaviour expectations of the dominant patriarchal culture. The same is true when the word 'women' is replaced with 'men', in patriarchal contexts. As an example of the former situation, stories often tell of compliant (good) girls, wicked stepmothers, jealous wives and dangerous (assertive/bad) girls. Here the *historical use of the folkloric sphere* is to condition the child for a domineered social role. Yet, dreams and aspirations of breaking imposed boundaries persist. In other versions of a story, we see emergent traces of resistance and fissures in the symbolic order.

Sometimes the 'traces' inform comprehensive and effective unofficial resistance. The tradition of shadow puppet theatre and associated performances provides an excellent example of a historically material process of people saying they won't conform to values that oppress, and which great numbers of people encounter 'everyday' and which is widespread – probably in every country in our region.

Do you have experience of situations or projects where performance media (street theatre, story-telling, to adults, to children) have been used in interesting ways to transform gender inequalities?

Do you know of any story cycles or performance arts that preserve human dignity and the equal worth of all individuals? Perhaps these too could be of use in transforming relationships in the workplace, in homes, and in schools.

Please do share folklore or historical stories from any country in the region. **Stories should be of women's intelligence, courage, empowerment, strength, unusual roles of men and women, and transformation of gender roles**. Myth, folklore, tradition, oral stories and histories from the Asia-Pacific region help to shape culture and identities. They can be a valuable resource to illustrate different male/female roles and often provide examples of empowerment and strength that are extremely powerful.

As for any contribution to the network, we would request that these be referenced to the greatest extent possible. Stories or write ups that can be converted into stories of up-to 1000 words can be submitted. Web-links or other references to relevant material are also welcome. In this case we understand that some of the material may be oral. However, to the greatest extent possible, contributions should provide a source – the title of the book with a date, online web-site URL (with the date last

accessed). If the contribution is recorded from an oral narrative, an appropriate citation should be provided - for e.g. re-told by/translated by/ personal interview with Mr/Ms .XXXX, with title, date, place.

Your contributions will be highly appreciated and stimulating.

Thank you very much in advance.

Jim Chalmers
*AP-HDNet Facilitator*

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# On-line Discussion

**Anuradha Rajivan** wrote:

*Facilitator's note: Anuradha Rajivan shares a story about a woman who had the courage to speak the truth to the powerful ruler. Her refusal to accept misrule caused the overthrow of an ancient despot in Afghanistan.*

## A Young Woman Saves Kabul Society

It was the time before Islam came to Afghanistan, more than one thousand five hundred years ago. The cruel king Zanburak Shah was on the throne in Kabul. He wanted to build a wall around the city to protect Kabul from invasion by foreign troops. Zanburak Shah ordered all men and young boys in his jurisdiction to work on the construction of the wall. He assigned some of his toughest soldiers to supervise the work of the civilians. It was very hard labour – all day the men toiled, bending and lifting and cementing stones together, adding to the wall bit by bit. Women brought food and drink for their sustenance or the men would have collapsed. No one was paid for the work. Injustice was rampant. The men were expected to obey the royal command. Those who did not or could not work well, or were weak or lazy were buried alive in the wall – cemented in from all sides to die.

Among those working on the wall was a young man engaged to a woman from the city. It was time for them to be married. However, the young man refused to get married just then. So long as he was working on the wall, he was hesitant to ask for leave for fear of being buried alive. His young fiancée heard this. She put on working clothes and decided to join the working group, bringing mud, water and stones to the wall. That was the day Zanburak Shah had come to see the work in progress. The Shah was surprised to see a woman among the men. He went towards her to find out more. She immediately covered her face as was the custom - Afghan women did not show their faces to men who were strangers.

At this, the puzzled Shah became very curious and asked her, "How is it that you veil your face from me but have no problem showing your face to these men?"

Angered by the Shah's injustice, the young woman answered, "Among all present here there is only one man – that is you, who so cruelly work these people by force!"

Then she turned her face to all the other men working there. Challenging them she said, "And all these other people working here are not even fit to be women!"

Picking up a stone, she flung it at Zanburak Shah. The stone hit the Shah on his head. He fell to the ground. Seeing him

fall triggered an immediate group reaction. Pent up anger among the people for the continuing injustice was released by the young woman's brave act and they were prompted into action by her stinging words. They attacked the king. He was overthrown, ending Zanburak Shah's misrule. The young woman not only spoke the truth to the king, she also challenged citizens against accepting his misrule. Thus Kabul society was saved.

Anuradha Rajivan,
*Regional Programme Coordinator,*
*Human Development Report Unit,*
*UNDP Regional Centre for Asia Pacific,*
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**Source**
Written by Anuradha Rajivan based on a narration by Mohammad Sediq Orya

## Elena Borsatti wrote:

*Facilitator's note: Education can empower women. This is highlighted in a Cambodian folktale shared by Elena Borsatti. The story features a female protagonist who successfully combats greed, duplicity, faithlessness, and skulduggery through perseverance, innovation, wisdom, grace, and loyalty.*

### Princess Amaradevi

In Cambodia there once lived a wealthy princess by the name of Amaradevi who was an educated and talented young woman. There were four old grand ministers of the palace who all wished to marry her, as they were attracted by her riches. Princess Amaradevi turned down their proposals and chose to marry Mahoseth, a fine young man.

Amaradevi and Mahoseth loved and respected one another and lived happily. But the four grand ministers were very bitter and resentful and started vicious rumours.

One day, they decided to tell the king that Mahoseth was plotting to kill him and seize the throne. This time, their arguments and false proofs were so convincing that the king believed them. The king ordered Mahoseth to leave the palace, never to return.

The four ruthless ministers congratulated each other and began plotting their next step. They decided to ask for Amaradevi's hand one at a time. They also agreed that the one who would marry her would share with the other three ministers her riches.

Amaradevi passed the days in sorrow. She tried to think of a way to prove the truth.

Two weeks after Mahoseth was banished, the first grand minister came to visit Amaradevi with his proposals of love and marriage. Amaradevi listened to him quietly. She replied, "Yes, my dear man. Perhaps I could love you and marry you. Why not return later this evening, at seven o'clock?" The first grand minister was delighted. He bowed and bowed, and promised to return at the appointed time.

During the same morning, Amaradevi was surprised by the visits of the other three ministers. They all praised her beauty, professed their love, and begged her to marry them. Amaradevi was polite to all of them. As they left, she invited each one to visit with her that same evening at different timings.

Now, Amaradevi had been educated not only in music, painting, and the fine art of poetry but also in government, law, the sciences, and engineering construction. Soon after the last grand minister left, Amaradevi summoned her servants. First she instructed them how to dig a huge pit under the floor of her small back parlour, and how to prevent it from caving in. This she knew how to do from her studies in engineering construction. Next, she told them how to make a special mixture of mud, hot water, and sticky rice in a large cauldron. The rice, she knew, would expand and swell when it was mixed for a while with hot water. The servants then poured this mixture into the pit, filling it halfway. Finally, Amaradevi taught the servants how to construct a trap door to cover the large hole. The trap door could be opened by a rope that was secretly hidden behind a curtain.

When the construction work was finished, Amaradevi dismissed the servants and asked her maid to bring all of her precious jewels and scatter them about on a table near the trap door in the small back parlour. When that was done, Amaradevi told the maid that she expected the four grand ministers to visit that evening. The maid was to welcome them respectfully and ask them to wait for the princess in the small back parlour. Then she had to inform Amaradevi.

That evening, promptly at seven o'clock, the first grand minister arrived. The maid greeted him politely and led him to the small back parlour. Then she walked softly to Princess Amaradevi.

They both went to the small back parlour. They slipped silently behind the curtain, waited, and watched. The first grand minister was bending over the table of glistening jewels. He put his hand out to touch one. Then he quickly pulled his hand back to his side and stepped back. The jewels were like magnets. He looked around the room and through the doorway. Then, quickly reaching out, he grabbed a huge ruby and stuffed it deep into his pocket. At that moment, Amaradevi signalled her maid. Both women pulled hard on the rope. The trap door opened, throwing the First Grand Minister screaming into the large pit of warm mud and sticky rice. Then the heavy trap door closed neatly and tightly.

The three other grand ministers arrived at their appointed times. Each one in turn was asked to wait in the small back parlour. And each one in turn became bewitched by the table of shimmering rubies, emeralds, and diamonds. None of them could resist the temptation of stuffing at least one of the jewels into his pocket. And at that point, the two women pulled the trap-door rope. As each grand minister was added to the pit, the mud and swelling, sticky rice rose higher and higher.

Amaradevi kept the trap door tightly closed all night. The next morning, she told her servants to take the mud-caked ministers out of the pit, bind their hands, and lead them to the royal court. When they reached the throne room, the princess bowed before her father. "Your Majesty," she said, "I ask your permission to prove to the royal court the treachery of these four grand ministers of the palace. I refused their proposals because they were greedy for my riches. They plotted against Mahoseth and finally convinced the royal court that he was disloyal and dishonest. Now the ministers have come to me once again with proposals of love and marriage. But the only thing that they really love is our royal jewels. I trapped them as they were stealing our sacred treasures from my apartments. I will prove this to you."

Amaradevi signalled her maid who, reaching into each grand minister's pocket, pulled out a precious royal jewel.

The king was furious. He ordered the palace guards to tie the mud-caked ministers to elephants for all the people to see.

Amaradevi bowed to the king and returned to her palace rooms. Mahoseth was summoned from exile, and he returned home to his loving and clever wife.

Elena Borsatti,
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*Human Development Report Unit,*
*UNDP Regional Centre for Asia Pacific,*
*Colombo Office*

**Note**
This is based on the story "Princess Amaradevi."

**Source**
The story "Princess Amaradevi" is based upon the story "The Story of Princess Amaradevi" from *Cambodian Folk Stories from the Gatiloke,* retold by Muriel Paskin Carrison (Charles E. Tuttle Company: Vermont, 1987) pp. 23-30. Revised by Elaine Lindy. [http://www.storiestogrowby.com/stories/princess_cambodia.html]. Last accessed on 13 March 2009.

Rohini Kohli and Omar Siddique wrote:

*Facilitator's note*: *Rohini Kohli and Omar Siddique address questions that go beyond the tales themselves. If narrative control of the oral tradition of 'grandmother tales' relies on the emblematical kind of sense-and-understanding that grandmotherly figures possess, what happens when younger women venture to tell stories? Two examples are shared of women who drink from different ponds and present multilayered roles as heroine, narrator, and woman: Shahrazad, the teller of the 'One Thousand and One Nights' stories, and 11th century Japanese novelist Murasaki Shikubu, writer of 'The Tale of Genji'.*

Dear Network Members,

## Women Storytellers: Negotiating Multilayered Roles

In this contribution, instead of presenting the story, we concentrate on women story tellers – the meta-tale rather than the tale itself.

Women's roles as story tellers are not unusual. In fact, 'grand-mother' stories are a part of children's upbringing in most cultures. Tales from grandmothers are often oral and handed down from the ages and across generations. Not rigid in form or structure, the content can involve monsters, ogres, wise men, fairies and witches - moralistic fables, a kind of fluid knowledge that is part of our childhood.

What is the reason for their almost universal character and acceptance? The hallmark of these tales is that they are told by a wise woman (often grey haired, bespectacled) or grandmothers that have the experience of life. This gives the story much more weight while we are growing up. The fact that our grandmothers render them leaves us secure in the knowledge that they are tempered by wisdom and experience.

What happens when two younger women set out to tell a story? Perhaps their biographies start to become more complicated.

Two examples come from opposite corners of Asia and the Pacific. The first is of Shahrazad, the daughter of the vizier (royal advisor), betrothed to Shahryar, the Sassanad King (modern day Persia). She is the story teller of *Tales From the Thousand and One Nights* (Persian, Indian and Arab tales), armed with the challenge of ensuring that the King, convinced of the unfaithful character of women, does not murder her as he has all his wives before him.

The second, Murasaki Shikubu, from Japan, wrote the world's first novel – the *Tale of Genji*. Murasaki's life is instructive in that as a spinner of stories, she has to be very discrete or be negatively labelled a woman of solemn character who would find few suitors (Dalby 2000). As time goes by, her work gets recognized and she is promoted to a position in the court of the regent Michinga in the 11th century.

### Shahrazad: A beguiling storyteller

Why is Shahrazad so interesting? Shahrazad makes a very brief entrance and exit in the '*The Tales*'. But her presence is pivotal to the stories. She enters the prologue after the King and his brother have had a rather disturbing illustration of the "cunning" of women (*).

As opposed to this kind of subversive quality, Shahrazad appears to be possessed of many accomplishments and was versed in the wisdom of poets and legends of the ancient kings. She volunteers to marry the king, with the challenge that she will either die or be the cause of deliverance of the kingdom. Her resolute nature, fascinating stories and the king's sleeplessness offers a passport to this deliverance.

The second fateful appearance takes place in the epilogue. After all of the 1001 stories are told by Shahrazad, she appeals to the king's nature to spare her the fate of all his other wives by bringing forward her young children. She projects her role as their mother as the reason to let her live. Whereupon the king tells her that she is "pardoned" already – because she is "chaste and tender, wise and eloquent".

In all these episodes, the portrayal of Sharahzad is unusual, even if judged by modern day standards. If not an intellectual, it is her intelligence and wit that gets her out of the sticky corner. Yet throughout the nights, there are more sinister undercurrents about women and their minds in general. Women use their wit to trap men; their beauty and their sexuality is a lure in which men can become lost or foolish (**). The overwhelming impression after such representations reveals that beauty is *de rigueur* for most of the protagonists, and the hidden quality of their intelligence is their capacity to beguile. There is no unqualified sense of outpouring of approval for the women's intelligence.

Would it be different if the story teller or protagonist was a man? Most probably.

Even within the *Tales*, the adventurous nature of men such as Sinbad the Sailor, his habitual voyages and his reception by the King and Caliph is very different from the portrayal of women. Sinbad is rewarded for his travels with assignments such as being "a trusted courtier" to the king.

### Murasaki: Writerly discretion

Liza Dalby offers insights of the author of *The Tale of Genji*, situating her in the context of 11th century Japan. Murasaki, (a woman with a "male" education who knows "unladylike" Chinese - something that may not endear her to potential suitors), keeps her writerly instincts discrete. The stories become famous through circulation among an intimate circle of friends.

Though intelligent, her life is not without its travails. As a young woman, her father praises her intelligence, but laments that she was not born a man. Early on, Murasaki starts to master the *waka* (poems (***)) and communicates with men (and women) she is acquainted with in a dialogue about seasons, emotions and other aspects of the human condition.

She takes it much further by writing about Genji, a character from her imagination - a projected ideal romantic man, the sort that can't be found in real life. In doing so she constructs a certain prototype of masculinity, an individualized reflection rare for the time. In doing so, she provides a social commentary upon court life, which eventually elevates her to a high courtly station. Murasaki becomes a celebrated author, even lending an ear to the Regent Michinaga and serving the Empress.

**Negotiating spaces through Storytelling**

In a departure from the 'safe' character of benign grandmothers, Shaharzad and Murasaki provide a window into how women negotiate patriarchal spaces previously not trod upon or open before at the time. In these cases, story telling provides the entry point for reflections about unusual male-female relationships and social morality. Stories themselves provide the space for individualized reflections within an overwhelmingly male dominated context. The characters of both women can further be seen to illustrate the value of female literacy and education to present day audiences. Individuals such as Murasaki achieved this competency despite paternal resistance and societal taboo. Story tellers like Shaharzad were able to save their very lives through their abilities to record and project cleverly crafted tales. Both women achieved immortality through their ability to form part of the literary legacy of their time.

With best regards,

Rohini and Omar
Rohini Kohli, *HDR Analyst*
Omar Siddique, *Programme and Policy Analyst*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

**Notes**

(*) Both, fleeing from their unfaithful queens, encounter a "beautiful radiant girl" through a genie. All three are worsted by her. As the king says, "If such a thing could happen to a mighty genie, then our own misfortune is light indeed"

(**) Among the tales told by Shaharzad, The Young Women and her Five Lovers, The Porters and the Three Girls of Baghdad, reveal this aspect.

(***) Poem of 5 lines and set number of principles in the pattern 5,7,5,7,7.

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R. Sudarshan wrote:

*Facilitator's note: R. Sudarshan shares an account of the crucial role of Aisha, the young wife of Prophet Muhamma), during the early years of Islam. This contribution is based on a piece written by Denise Halel, which was published in the September issue of Islamic Reflections 2002. As always, the views expressed in the postings do not necessarily represent those of the United Nations, including UNDP and its Member States.*

## A Woman for All Seasons: Aisha bint Abu Bakr

According to the historical records, Aisha was born in 614 C. E., after her parents had embraced Islam. She was the daughter of Umm Ruman and Abu Bakr (the first *khalifa* in Islamic history), a close friend, constant companion, and strong follower of the Prophet. Abu Bakr, who was well liked and respected for his vast knowledge and pleasant demeanour, raised her. Muhammad (pbuh) was a frequent caller to their home from the early days of his mission.

The Prophet's marriage to Aisha was an exceedingly happy one for both of them. Numerous sources disagree about the actual age of her marriage, but the fact remains that Aisha was quite young when she was wed to Muhammad (pbuh).

Muhammad (pbuh) married a number of other women, not due to reasons of sexuality, but rather due to several other reasons including furthering the cause of Islam, strengthening the ties of kinship, and helping a woman in need. During the early years of Islam many battles were fought and many men died. The Prophet married widows or women that had been abandoned and were in need of a home to give them a place of respectability in the community and to ensure that they were cared for. In the pre-Islamic days, widows were not allowed to remarry freely; they were treated as possessions by the family and not as respected community members. The Prophet, by example, taught us that women are to be respected, are individual beings, and have the right to live their lives freely.

Gifted with tremendous intelligence, extraordinary wisdom, and a formidable memory, Aisha was one of the Prophet's most devoted pupils and followed his every action and example. She was skilled in medicine, poetry, mathematics, and speaking. Aisha was never too reserved or shy to ask questions. This in itself teaches us the importance of questioning that which we do not understand. As Muhammad's (pbuh) wife and close companion, she gained insight and knowledge

such as no woman has ever acquired. She was an eyewitness to a number of revelations and had a clear idea of the circumstances in which they were revealed.

Aisha did not study in any school, college, or university, yet professors and students of literature, law, and Muslim history study her eloquent words. She not only possessed great knowledge but also was active in education and social reform. Under her care and guidance, Aisha took boys and girls (some of them orphans) into her custody and educated them. She was a pioneer in promoting education, and in particular the education of women.

Aisha, the wife of Muhammad (pbuh) was also a brave, young, politically active woman who was present on a number of battlefields, including the battles of Badr, Uhud, and Al-Khandaq, three major battles that shifted the balance of power into the hands of the Muslims. Aisha participated by bringing water to the Muslim warriors and tending to the wounded.

She also taught many things related to women, but many learned men, companions, and followers of the Prophet also benefited from her wisdom. It is the claim of Islamic scholars that without Aisha, half of the *Ilm-I-Hadith* (understanding and knowledge of the Hadith and Islam) would have perished. Because of the strength of her personality, she was a leader in every field in knowledge, in society, in politics and in war. Aisha helped to preserve and protect the ways and behaviour of Muhammad (pbhu), not only by embodying it herself, but also by teaching it to others.

As a teacher, Aisha had a clear and persuasive manner of speech and her power of oration has been described in superlative terms. Arwa Bin Zubair said, "I did not find anyone more proficient than Aisha in the knowledge of the Qur'an, the Commandments of Halal (lawful) and Haram (prohibited). That is why even senior companions of the Prophet used to consult Aisha in resolving intricate issues." Her significant example of being highly regarded, especially among the men, plays an important role in removing beyond a shadow of a doubt uncertainties regarding women to be inferior to men in aspects of faith or false notions condemning women from earning a high status in society, especially in terms of spiritual growth and morality.

Aisha lived in honour for almost fifty years following the death of the Prophet. Most of this time was spent learning and acquiring knowledge of the Qur'an and Sunnah. Furthermore, she memorized the Revelation, understood it, and had her own script of the Qur'an written after the Prophet died. Aisha is deemed to be an authority for the interpretation of the Qur'an and as a transmitter of *hadith* (sayings of the Prophet). Her narration of at least 2000 *hadith* (many of these pertaining to some of the most intimate aspects of personal behaviour) gave Muslims valuable insights into the Prophet's daily life and behaviour, thus preserving the Sunnah of Muhammad (pbuh). Aisha died in 678 C. E. and was buried beside other companions of the Prophet.

Aisha is positive proof that women can be more learned than men and can be the teacher of scholars; she can exert influence over men and women and, at the same time, be a loving source of joy and pleasure to her husband.

Although Aisha was a childless widow at a young age, she is known among Muslims as Mother of the Believers. Aisha was the most knowledgeable and pious Muslim woman of her time and continues to be a role model and source of inspiration for Muslims and non-Muslims around the world.

**Note**
This is based on "A Woman For All Seasons: Aisha bint Abu Bakr" by Denise Halel, published in the September issue of Islamic Reflections 2002.

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*Sirat-I-Aisha*, on the authority of Tirmidhi.

Chatrini Weeratunge wrote:

*Facilitator's note*: *Chatrini Weeratunge shares the story of Mahaprajapathi Gothami who fought for the rights of women to be ordained in the Buddhist way of life. This was during a time when perceptions ruled that such participation would have a negative impact on the institution of families.*

## Story of Mahaprajapathi Gothami

Mahaprajapathi Gothami was the maternal aunt and foster mother of Prince Siddhārtha, who, after enlightenment, was known as Gautama Buddha. Having followed the Buddha's teachings, she wished to enter the holy order and approached the Buddha, and requested permission to establish an order for women. This request was turned down by the Buddha, and although the request was made again a second and third time, the response remained negative. As 'Nirvana' or liberation was a gender neutral process, the Buddha did not at any time believe that women could not attain liberation. It is stated by the Buddha that "*be it women, be it man, for whom such chariot doth wait, by the same karma into Nirvana's presence shall they come*" (Ratnapala n.d.). Joining the holy order entailed giving up a householder's life and leaving behind families. Therefore concerns had been raised regarding the fate of wives and children left behind by men who chose to become ascetics. Thus, Buddhist scholars attribute the Buddha's reluctance to establish a holy order for women to the possible adverse impact on families. However, Mahaprajapathi Gothami persisted and in her final attempt, she, along with five hundred Sakyan women, shaved their heads, wore yellow robes and followed the Buddha to Vesāli on foot. During this time, she received the support of the public and many women joined her in support of her cause. Mahaprajapathi Gothami was able to demonstrate, by the support she received, that there would not be a negative perception of Buddhism by women joining the holy order. She approached Venerable Ananda, the chief disciple of the Buddha and requested his intervention and gained permission for the establishment of an order for women.

At a time when women were relegated to an inferior position in Indian society, the establishment of a holy order for women was considered revolutionary. "Mahaprajapathi Gothami who inaugurated the Order of Bhikkhuni on a Binara Full Moon Poya [the holy order for women] proved to the world that women, too, had the capacity like men to attain the highest position in the religious way of life by attaining arhathood [enlightenment]" (Wettimuny 2008). Her achievement in establishing the equality of women in Buddhism is illustrated in the Buddha's words to her "*O Gothami perform a miracle in order to dispel the wrong views of those foolish men who are in doubt with regard to the spiritual attainments of women*" (Dhirasekera 1991, in Ratnapala n.d.).

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Ramesh Gampat wrote:

*Facilitator's note*: Ramesh Gampat contemplates questions about folklore that have been taken for granted. Why is folklore common to all societies throughout history and why are women the main story tellers, for example? He notes that folklore precedes the gender discourse, which is only of recent origin.

Dear Network Members,

## Folklore: Is There a Larger Significance Beyond the Obvious?

I'd like to step back and ask questions about folklore that have been taken for granted. My questions are three in number: (1) Why is it that folklore is present in all cultures and societies, everywhere and throughout history? (2) Why is it that folklore is mainly narrated by women – mothers, grandmothers, aunt or any female who shares in the caring of children? (3) To what extent does folklore bring out gender dimensions and why – is this the main purpose of folklore or is it incidental and perhaps an unintended consequence? I do not pretend to have answers to any of these questions.

Folklore or folktales is a general term for a variety of traditional narrative. Folklore appears to be a cultural universal, common to basic and complex societies alike through time. Even the forms folklore takes are certainly similar from culture to culture, as comparative studies of themes and narrative ways have demonstrated.

Folklore is essentially an oral tale told to children in particular, but also to adults (perhaps to illustrate the point of an argument or a discussion or just for entertainment). It is the body of expressive culture, including tales, music, dance, legends, oral history, proverbs, jokes, popular beliefs, customs, and so forth within a particular population comprising the traditions (including oral traditions) of that culture, subculture, or group. Clearly, folklore is an active cultural category rather than static classificatory items, and there are different genres (cultural modes of communication). Genres are not objective categories but become "part of a politics of interpretation in which meaning and the authority to propose and ascribe categories is contested" (Schuman 1993: 71). The boundaries and interpretations of genres are flexible and inevitably shift over time with changing cultural and historical contexts, which may cause some folklore to disappear and others to metamorphose into different tales or genres. The task of the folklorists, then, is twofold: determining what the repertoire of available genre is within a particular culture or community, its category and organization (important to how it is told and the expressive form(s) it takes), and, importantly, who articulates these categories. I contend that women are the main players on both counts.

A large fraction of folklore relates stories about the well-off and privileged (a prince, a princess), religious figures (a sadhu, rishi, saint, etc.), or an ordinary person with some admirable personality traits. The first two categories tell of high and lofty morals, of the triumph of good over evil, of bravery, virtue and patience. The last often portrays the desire to take revenge and deliver justice to the poor and low caste. The so-called "bandit queen," Phoolan Devi of India is a good example (*).

Within a given culture, folklore contains its own grammar (a grammar of folklore), "a cultural affirmation of the communication rules that govern the expression of complex messages within the cultural context" (Ben-Amos 1976: 225). When Flueckiger (1996) began her field work for her book, done in Chhattisgarha, India, she asked the women "what kinds of songs do you sing at weddings," using the common Hindi words "geet" and "gaanaa" for songs. The question drew blank stares or negative responses. It was only later she understood that the Chhattisgarhi usage of the word "gaanaa" without being placed in relationship to a particular genre of song (such as "Veehaa geet") is limited to male, professional singing.

Folklore may be based on legends, myths or truths elaborately embellished, and this "concoction" may vary from place to place within the same country, even though they contain the same moral. In this sense, folklore is an imagined past that holds lessons for young minds; it is an instrument of socialization, of "culturing" innate tendencies. Probably outside of western societies and until recently, folklore has not been part of any gender discourse. While folklore tells of deeds and misdeeds of both men and women, their primary purpose was to transmit the "moral compass" from generation to generation, not to convey messages on gender equality or how many genders there are. This is still the case in many poor countries.

Anthropologists, evolutionary psychologists and human ethologists, amongst others, have written much on folklore: how it fits into the larger cultural ethos of societies, its role in cultural transmission through time and its importance to environmental adaption and human behaviour. Because of our different biological endowments and psychological inclinations, the result of tens of thousand of years of evolution in a hostile environment (the open African savannah and elsewhere), a particular division of labour has emerged that is still present in varying degrees in all societies throughout history (that is, the allocation of certain roles to each sex). Among others things, women were "gatherers" and took care of the children; they did not venture far from base (which is a factor in explaining why women navigate by landmarks and men by geometry). Women make the largest investment in children from the very inception (an egg is about a mil-

lion times larger than a sperm and much more costly to produce), and thus have a higher stake in ensuring the survival of their offspring; a woman is also 100 percent certain the child is hers, but a man does not have that same magnitude of certainty. There is thus an evolutionary significance and explanation for folklore. Folklore is not merely grandmotherly tales or tales told mostly by grandmothers or the elderly.

Folklore is not an entity unto itself, but part of the larger cultural ethos and economic and ecological milieu. It is but an element in women's repertoire used to socialize and nurture children and transmit cultural values intergenerationally. Folklore gets the attention of children, quiets them down, and perhaps even scares them. Indeed, sometimes the more gruesome folklores are deliberately told to frighten kids – get them not to do or say something or go somewhere. It can be a "silent whip" as well as an exhilarating experience that expands and shapes young minds.

It seems to me, then, that the primary aim of folklore is not to convey ideas about sex or gender or partake in the gender discourse; indeed, folklore predates the gender discourse by many millennia. This lack of awareness about gender concerns is evident from the fact that there's no word for gender in many languages, especially those that are more ancient. That said, folklore tells tales about both sexes, but the overriding purpose is not so much about sex as it is about the moral and transmission content.

This deconstruction – to borrow a post-modernist term - of folklore is necessary to delink it from the gender discourse, which it in fact subsumes in its repertoire.

With best regards,

Ramesh Gampat
*Deputy Regional Programme Coordinator*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

**Notes**
I'd like to thank Elena Borsatti, Rohini Kholi, Niranjan Sarangi and Omar Siddique for reading this piece and providing useful feedback.

(*) *Note on India's Bandit Queen*

India's Bandit Queen, popularly known as Phoolan Devi, is an unusual story of female courage and daring. It is a true story based on a real person, who was born in India to the lowest caste. One day, the deeds of Phoolan Devi will surely pass into the treasury of folklore.

Phoolan Devi endured cruel poverty, survived the humiliation of an abusive marriage, the savage killing of her bandit-lover, and a horrifying gang rape to claim retribution for herself and all low-caste women of the Indian plains. In a three-year campaign that rocked the government, she delivered justice to rape victims and stole from the rich to give to the poor before negotiating surrender on her own terms. Throughout her years of imprisonment without trial, Phoolan Devi remained a beacon of hope for the poor and the downtrodden. In 1996, amidst both popular support and media controversy, she was elected to the Indian Parliament. On July 25th, 2001, Phoolan Devi was shot dead in Delhi. The identity of her killers is unknown. Millions have found the power and scope of Phoolan Devi's myth irresistible. [Source: http://books.google.com/books?id=xMyAQywMsI8C&dq=bandit+queen+of+india&printsec=frontcover&source=bn&hl=en&ei=QyTHSfj3Bpz7AOv8fm9Bw&sa=X&oi=book_result&resnum=4&ct=resulta. Last accessed on 22 March 2009].

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## Manel Chandrasekera wrote:

*Facilitator's note*: *Manel Chandrasekera shares the story of Vihara Maha Devi, a woman who plays an unconventionally salient role as a warrior in a Buddhist classic saga of war and peace. In a body of literature written by men, her prominence is unique and an important historical record of a woman's strategic choices and military strategy. Afterwards, Vihara Maha Devi's work and life became once more invisible.*

Dear Network Members,

## Vihara Maha Devi

I would like to share with you the story of Vihara Maha Devi.

In the hour of need, the life of a woman becomes public; with normalcy she becomes private property and her work becomes invisible.

Vihara Maha Devi, daughter of King Kalyanatissa, became famous as she sacrificed her life to the ocean to safeguard the country. It was said Vihara Maha Devi's father, King Kalyanatissa, murdered a high priest in a temple by pouring boiling oil on him. As a result, the weather changed. The sea became rough and a tsunami situation developed. The sea flooded the land and many lives were lost and people were displaced. The king consulted the astrologer to seek a remedy. The astrologer insisted on sacrificing a beautiful virgin to the sea to ward off the evil effects. It was said that Vihara Maha Devi was the most beautiful virgin but the king was reluctant to sacrifice his daughter to the ocean. Vihara Maha Devi came forward herself, and bravely offered to be sacrificed to the ocean. She was placed in a heavily decorated boat and let loose upon the sea and it drifted to the southern part of the country. People of the southern part of the country, spotting the boat, reported it to the ruler of the southern area. He visited the place and seeing an extremely beautiful lady, decided to make her his queen. Later she was known as the Ocean Queen because of 'Samudra Devi.'

But she failed to bear children for some time and she used to visit the temple often and offer her assistance to Buddhist monks. She used to approach a sick, elderly chief monk. She assisted him with medicine and alms and made a request of him, asking him to be re-born as her son. Soon after the monk's death, she became pregnant and it was a popular notion that the Buddhist monk was re-born as her first son Gamunu.

Vihara Maha Devi had a desire to wage war with invaders in the country and she brought up her son with the determination of fulfilling this vision. When her son was fully trained and the forces were ready, she accompanied the army with her son to the battlefield. Vihara Maha Devi used her beauty to overpower the enemy. In the battle at Anuradhapura, Vihara Maha Devi used her wisdom to plan the war and was successful in driving the enemy from the country.

After the victory, Vihara Maha Devi faded from the scene but her wisdom and willpower was behind the victory. Gamunu, her son, ascended the throne but nothing was mentioned about Vihara Maha Devi's life or work after that. Her son was the great King Dutugamunu.

Most historical chronicles of Sri Lanka were written by Buddhist monks and as a result, the histories of women were rarely documented.

With best regards,

Manel Chandrasekera
*Research Officer*
*Ministry of Child Development and Women's Empowerment*
*Government of Sri Lanka*
*Colombo, Sri Lanka*

## Roohi Metcalfe wrote:

*Facilitator's note: Roohi Metcalfe shares an account of three stateswomen and commanders-in-chief who tackled formidable challenges not typically attributed to women in the history of South Asia.*

Dear Network Members,

## Making Their Mark: Historical Female Figures in Asia-Pacific

Women have fought for freedom and honour throughout history. There are a long line of myths, paradoxes and ambiguities that attend their status as aggressive female leaders or as just and humane. Historical female figures such as Razia Sultana, Rani of Jhansi and Chand Bibi are some of the exceptional women leaders whose patriotic and military actions are proof that women have made their mark many times over in fields dominated by men. These women have cut across the entrenched male view of women as weak. They have rallied armies and whole populations to themselves and their causes. In the quest to make their mark and show their worth, some went to the extent of taking on the persona or garb of a man to exert authority and to be accepted. To take their place in history side by side with men, these women broke traditions, norms and myths.

Razia Sultana (1205-1240) was the first female Muslim ruler of South Asia. She was a talented, wise, just and generous woman. She was an efficient and great administrator and was well versed in governmental affairs. She was not only a brave leader in the battlefield but was also an excellent fighter. Razia Sultana established complete law and order in her

country. To rule the country, she abandoned her femininity and adopted a masculine get-up. She used to dress as a man when appearing in public, be it in court or on the battlefield (http://www.storyofpakistan.com/person.asp?perid=P047).

The Rani of Jhansi (1835-1858), wife of the Maharaja of Jhansi became a national heroine and was seen as the epitome of female bravery in India. Because of her bravery, courage, and wisdom and her progressive views on women's empowerment in 19th century India, and due to her sacrifices, she became an icon of Indian Independence. To fight the British, Rani of Jhansi assembled a voluntary army of brave rebels and this army included women. Rani died in the battle of Gwalior (1858). In the report of the battle for Gwalior, General Sir Hugh Rose commented that the Rani had been "the bravest and the best" of the rebels.

Chand Bibi (1550-1599), also known as Chand Kahtun was a Muslim from the Indian subcontinent, and a warrior. She acted as the Regent of Bijaopur (1580-90) and the Regent of Ahmednagar (1596-99). Chand Bibi is best known for defending Ahmednagar against the Mughal forces of the powerful Emperor Akbar. Chand Bibi was well versed in several languages including Arabic, Persian, Turkish, Marathi, and Kannada.

The bravery and stories of these exceptional women weave a tale to be told to prove that women are no lesser than men. These women rulers and warriors led their countries and armies to victory, established just administrations and achieved formidable tasks not attributed to women in their day and age.

With best regards,

Roohi Metcalfe
*Gender and Governance Specialist*
*UNDP Regional Centre*
*Bangkok*

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R. Sudarshan wrote:

*Facilitator's note*: R. Sudarshan shares a poem by Siv Cedering which refers to a number of women whose achievements in philosophy and science are not as well remembered and celebrated compared to those of men.

Dear Network Members,

## Women Scientists and Philosophers Proclaimed in a Poem

I would like to share with you a poem. This poem is particularly significant because it refers to a number of women - Aganice of Thessaly, Hyptia, Hildegard, Catherina Hevelius, Maria Agnesi - whose achievements in philosophy and science are not as well remembered and celebrated compared to those of men.

How many of these names are familiar to school children compared to names such as Copernicus and Newton?

With best regards,

Sudarshan
*Policy Advisor*
*Legal Reform and Justice*
*UNDP Regional Centre*
*Bangkok*

Letter from Caroline Herschel (1750-1848)

*A poem by Siv Cedering*

William is away, and I am minding
the heavens. I have discovered
eight new comets and three nebulae
never before seen by man,
and I am preparing an Index to

Flamsteed's observations, together with
a catalogue of 560 stars omitted from
the British Catalogue, plus a list of errata
in that publication. William says
I have a way with numbers, so I handle
all the necessary reductions and
calculations. I also plan
every night's observation
schedule, for he says my intuition
helps me turn the telescope to discover
star cluster after star cluster.

I have helped him polish the mirrors
and lenses of our new telescope. It is
the largest in existence. Can you imagine
the thrill of turning it to some new
corner of the heavens to see
something never before seen
from earth? I actually like
that he is busy with the Royal Society
and his club, for when I finish my other work
I can spend all night sweeping
the heavens.

Sometimes when I am alone
in the dark, and the universe reveals
yet another secret, I say the names
of my long, lost sisters, forgotten
in the books that record our science

Aganice of Thessaly,
Hyptia,
Hildegard,
Catherina Hevelius,
Maria Agnesi


   -- as if the stars themselves could remember.

Did you know that Hildegard
proposed a heliocentric universe
300 years before Copernicus? that she
wrote of universal gravitation 500 years
before Newton? But who would listen
to her? She was just a nun, a woman.
What is our age, if that age was dark?
As for my name, it will also be
forgotten, but I am not accused
of being a sorceress, like Aganice,
and the Christians do not threaten to
drag me to church, to murder me, like they did
Hyptia of Alexandria, the eloquent, young
woman who devised the instruments
used to accurately measure the position
and motion of heavenly bodies.

However long we live, life is short, so I
work. And however important man becomes,
he is nothing compared to the stars.
There are secrets, dear sister, and it is
for us to reveal them. Your name, like mine,
is a song.

Write soon,
Caroline

**Source**

(http://www.stsci.edu/institute/sd/ch/poem?printable=1). Last accessed on 25 March 2009.

Cedering, Siv. 1984. "A Letter from Caroline Herschel (1750-1848)". *Science* 84, June, 64-65.

## Ramesh Gampat wrote:

*Facilitator's note*: Ramesh Gampat draws attention to the life and work of Mirabai, a sixteenth century seer poet who is perhaps the most remembered woman in India's history. Gandhi is among those who put her forward as a woman in possession of the right to chose her own path, refuse a life of hedonism, and find liberation in nonviolent resistance. According to Ramesh, Mira was one of the early Indian feminists, though she certainly did not see herself as such. Translations of her poems are available in several European languages.

Dear Network Members,

### Mirabai: Hindu Saint, Philosopher and Poet

 *"It is extremely difficult to find a parallel to this wonderful personality – Mira – a saint, philosopher, a poet and a sage. She was a very versatile genius and a magnanimous soul. Her life has a singular charm, with extraordinary beauty and marvel"* – Swami Sivananda.

**Source**

http://www.poetseers.org/the_poetseers/mirabai

*Introduction*

Her name has many variations: Mira, Mira Bai, Mirabai, Meera, Meera Bai. Her date of birth is not known with any degree of precision, but is generally thought to be between 1403 to 1506, although 1498, the year Columbus is said to have discovered the Americas, is believed to be the year in which she was born. Mira died in 1547, although some think it was 1546. This Hindu mystical poetess, whose compositions are popular throughout India and wherever in the world people of Indian origin have made their home, composed between 200 to 1300 prayerful songs called *bhajans* (some put the number at around 5,000). These *bhajans* are in the *bhakti* tradition[1] and most passionately praise Bhagavan Krishna; they express a powerful and infectious intensity, the spiritual fervour of an aspirant mad with love for God. In their propensity of emotions and *bhakti*, Mira's songs are unmatched and have a deep capacity to put one in a spiritual mood. The refrain of her life's song was: 'Mine is the preserver of cows who upholds mountain and no one else'. Mira is undoubtedly the most respected and most loved poetess in India.

*Little is Known*

Little is known about the lives of Hindu saints and sages. Indians were not in the habit of writing biographies and auto-biographies, but, more importantly, Hindu saints and sages are completely detached from the work they do, and they do it to benefit all humanity; they have no interest in material things. While these saints engage in work, it is disinterested work for the welfare of all creatures. Precise information about the life of Mira is thus hard to come by and any attempt to locate the historical Mira is fraught with difficulties. What is known and widely acceptable is simple: Mira transcends history and her life cannot be pieced together into a sequential chain of events. So history's strange predicament is that there is not much about Mira on record, yet history cannot write her off from its pages.

Based on her poetry and the writings of others, historians have managed to piece together the broad strands of her life, but the details are still controversial. Here we focus only on a few aspects of her life, including her devotion to Bhagavan Krishna and her poetry.

Mira was born in Kudki, a little village near Merta, Rajasthan. When she was three years old, a wandering sadhu came to her home and, for reasons unknown, gave Mira's father a Krishna doll. Mira immediately fell in love with the doll – love at first sight. Little Mira reasoned that the doll was in fact an embodiment of the living presence of Bhagavan Krishna Himself. Once in possession of the doll, she made a solemn resolve: Krishna would be her friend, lover (not in the physical sense) and husband. Thus, from an early age, Mira felt an irresistible attraction and devotion to Sri Krishna. Despite all the trials and tribulations, all the difficult times life threw at her, Mira, like Bishma of the Indian epic the *Mahabharat*, never wavered from that resolve.

*Marriage*

One day, the still very young Mira saw a wedding procession going down her street. With a child's innocence, she asked her mother: "Who will be my husband?" Half seriously, the mother replied: "Mira, you have your husband already. He is Sri Krishna." Mira's mother was very supportive of her little girl's blossoming religious tendencies, but passed away while the child was still young.

The day came when Mira had to get married. Her marriage was arranged to Prince Bhoj Raj in 1516, who was the eldest son of an influential Hindu family. While the marriage brought Mira high status, she did not have any appetite for worldly attractions and the comforts of the palace. Indeed, whenever the opportunity arose, she escaped from her daily duties to spend time in prayer and to meditate on her beloved deity, Bhagavan Krishna. Says she in her *bhajans* "Nothing is really mine": "Mira is absorbed in contemplation of Krishna. She is with God and all is well!" Deep in her soul she felt a spontaneous and overwhelming love for Bhagavan Krishna. In testimony, her poem speaks of the unbearable pangs of separation whenever she cannot contemplate on Krishna:

> Only he who knows the bitterness of love
> Who has deeply felt its pangs.
> When you are in trouble
> No one comes near you:
> When fortune smiles
> All come to share the joy
> Love shows no external wounds
> But the pain pervades every pore
> Devotee Mira offers her body
> As a sacrifice to Giridhara for ever

After marriage to Bhoj Raj, Mira's life took two different but conflicting directions: the devotional to which her essential nature, her *swabhav* to use the Sanskrit term, inclined; and the incidental, which as a human, she was obliged to follow.

Unfortunately, going to temples, singing and dancing, her spiritual intensity and religious inclinations, were against traditions and damaged the status of her husband's family. The family felt Mira's only duty was to her husband and the good image of the family. The poet bowed not to traditions, and was subjected to great pain and suffering. She refused to renounce her devotion to Krishna for in her mind she was married to Him. No amount of punishment could break her will; she willingly and laughingly submitted herself to the punishment and bore them with fortitude. Nothing could break her obsessive divine love and devotion to Krishna. As she sings in "Unbreakable" –

> Unbreakable, O Lord
> Is the love
> That binds me to You:
> Like a diamond,
> It breaks the hammer that strikes it.
> My heart goes into You
> As the polish goes into the gold.
> As the lotus lives in its water,
> I live in You.
> Like the bird
> That gazes all night
> At the passing moon,
> I have lost myself dwelling in You.
> O my Beloved - Return.

The situation worsened after the death of Mira's worldly husband, Bhoj Raj. Deeply rooted in the traditions of the time, she was commanded to commit *sati*: self-immolation on the husband's pyre. Mira refused and explained her refusal simply: I am betrothed to Krishna and Krishna alone is my husband. If my husband is still alive, indeed, is undying, why must I commit *sati*? Then life became intolerable for the poet, as, among other things, her husband's family tried to kill her on at least two occasions: with a venomous snake and a poisoned drink. Legend has it that the grace of Bhagavan Krishna saved her on both occasions.

Following the advice of *sadhus* (learned men and saints), Mira left to live as a wandering *sanyasin* on the streets of Vrindaban, a city associated with the early life of Krishna, when he lived among the Gopis. Here she was free to worship Giridhara (Govinda) to her heart's content. She spent her time singing *bhajans* and in ecstatic communion with Krishna.

Like a true *bhakta*, she worshipped God wholeheartedly. The world with its riches, attractions and sensuous pleasures appealed not to her. Her hunger was satisfied only with single-minded devotion to Bhagavan Krishna. Her soul ever yearned for Krishna and she considered herself a gopi of Vrindavan, mad only with pure love (*bhakti*) for Krishna. In another of her *bhajans* she says: "I came for the sake of love-devotion / seeing the world, I wept." Wept not merely because she was a prisoner of the world, but more so because humanity had lost its spirituality or at least confused it with stifling traditions; they elevated traditions above spirituality and used traditions to subjugate women.

**Poet Supreme**

Mira herself wrote nothing. All of her *bhajans*, devotional poetry, are in the Vaishnava[2] tradition. Followers of this tradition, including Mirabai, worship the personal aspect of the Ultimate Reality, known as Saguna Brahman. That is, Brahman with attributes. Saguna Brahman is the creator, sustainer and controller of the universe. Theologically, Vaishnavites believe that between *ataman* and *paramatma* (roughly speaking, the Sanskrit "Parama" has the same meaning as the Latin "Trans"), the physical body is only a wall (*maya*). Once the cycle of birth and death (*Samsara*[3]) comes to an end the *atman* and the *paramatman* merge - just as a pot filled with water is placed in a river and on breaking the water inside (*atman*) merges with that of the river (*paramatman*).

Saguna Brahman cannot be limited by one form and is therefore worshipped by Hindus in both its male and female forms. As the male aspect, Saguna Brahman is called by various Sanskrit names, such as Ishvara, Parameshvara, Paramatma, Maheshvara, and Purusha. As the female aspect, Hindus refer to Saguna Brahman by various names, too, such as Divine Mother, Durga and Kali. This is the context in which Mira composed and sang her soul-piercing *bhajans*, chanted and danced, meditated and got lost in ecstatic delights.

Traditionally, a Mirabai poem is called a *pada*, a term used by 14th century preachers for a small spiritual song. The song is usually composed in simple rhythms and carries a refrain within itself. Her collection of songs is called a *Padavali*. Mira's devotional poetry – and she wrote nothing else – was set, naturally, in the context of her time when Indian love poetry was abundantly written, recited and sung. The genius of Mira was to use this device as a metaphor to express her deepest emotions for her *ishta-devata* (Krishna). She composed and sang not in Sanskrit or classical Hindi but in *Vraja-bhasha*, a dialect of Hindi spoken in and around Vrindavan (the childhood home of Krishna) occasionally mixed with Rajasthani.

The most distinguishing feature of Mira's devotional poetry is a simple one: it plainly and simply sings of love for Krishna, who is closer to her heart than family and friends. Krishna is her husband, lover (not in the physical sense), lord and master. Her *bhajans* sings of complete surrender to Krishna:

**Do not leave me alone**

Do not leave me alone, a helpless woman.
My strength, my crown,
I am empty of virtues,
You, the ocean of them
My heart's music, you help me
In my world-crossing.
You protected the king of the elephants.
You dissolve the fear of the terrified.

Where can I go? Save my honour
For I have dedicated myself to you
And now there is no one else for me.

And again:

**Nothing is really mine**

Nothing is really mine except Krishna.
O my parents, I have searched the world
And found nothing worthy of love.
Hence I am a stranger amidst my kinfolk
And an exile from their company,
Since I seek the companionship of holy men
There alone do I feel happy,
In the world I only weep.

I planted the creeper of love
And silently watered it with my tears;
Now it has grown and overspread my dwelling.
You offered me a cup of poison
Which I drank with joy.
Mira is absorbed in contemplation of Krishna,
She is with God and all is well!

Thus, the longing for union - to merge - with Krishna is the predominant theme of her poetry. Mira wants to be "coloured with the colour of dusk," dusk being the symbolic colour of Krishna. She believed that in a previous life she was one of the Gopis of Vrindavan in love with Krishna:

**We Do Not**
We do not get a human life
Just for the asking.
Birth in a human body
Is the reward for good deeds
In former births.

Life waxes and wanes imperceptibly,
It does not stay long.
The leaf that has once fallen
Does not return to the branch.
Behold the Ocean of Transmigration.

With its swift, irresistible tide.
O Lal Giridhara, O pilot of my soul,
Swiftly conduct my barque to the further shore.
Mira is the slave of Lal Giridhara.
She says: Life lasts but a few days only.

She seeks spiritual union with Krishna and her songs portray a personal universe where the only existence was that of Krishna – her sole object of desire.

**Mira and Gender: As I See It**

The story of Mirabai has passed into the legends of folklore and is recounted over and over again. But what does it have to do with gender? Let me recount the ways in which Mira was an early Indian feminist:

- She vividly demonstrated to women in particular that divinity is a personal affair; that there is no gatekeeper between people and God. Anyone has the freedom to worship as s/he pleases. The body may be broken and imprisoned, but the mind cannot – and there is no reason to break and imprison the body in the first place.

- She saw the essential oneness in all. There is a story that, when Mira was in Vrindavan, a respected spiritual master refused to talk to her because she was a woman. Mira's response was profound: there was only one real man in Vrindavan – Krishna; everyone else was a gopi of Krishna. I see this as another moral argument for equality: gender equality is a moral position, not a substantive or empirical one.

- In a world packed with lies, liars and hypocrites, Mira stood as a beacon of truth and gave hope and strength in the search for truth. She demonstrated that that the search for truth was a moral undertaking open to anyone, male and female

- She rebelled against customs and traditions that were unjust and unjustified. To do this one does not have to discard religion, which is, in fact, a source of strength and courage. All one has to do is to discard sex-biased practices

- She showed that women are equally intelligent as men: after all, she composed hundreds of devotional poems in her head, without writing a single word. It took the West hundreds of years and countless pseudo-scientific and scientific articles and books to realize this simple truth (around the mid-20th century).

**"O My Mind"**

In bringing this piece to a close, I bow to Mirabai, a saint, philosopher and poet. More importantly, as one (Mira) who has seen unity in diversity – the multiplicity of shapes and forms, animate and inanimate, merging into the all-pervading One, who is unchanging, the substratum of all that is, beginless, undying, eternal. I cannot do better than end with her piercing "O My Mind:"

O my mind,
Worship the lotus feet of the Indestructible One!
Whatever thou seest twixt earth and sky
Will perish.

Why undertake fasts and pilgrimages?
Why engage in philosophical discussions?
Why commit suicide in Banaras?
Take no pride in the body,
It will soon be mingling with the dust.

This life is like the sporting of sparrows,
It will end with the onset of night.
Why don the ochre robe
And leave home as a sannyasi?
Those who adopt the external garb of a Jogi,
But do not penetrate to the secret,
Are caught again in the net of rebirth.
Mira's Lord is the courtly Giridhara.
Deign to sever, O Master.
All the knots in her heart.

With best regards,

Ramesh Gampat
*Deputy Regional Programme Coordinator*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

**Notes**

1. Bhagavad Gita (X1:55) expresses the essence of *bhakti* and this shloka (verse) is believed by some to be the substance of the teaching of the Gita. It urges us to carry out our duties, directing them to God (yajna), with detachment from all interests in the things of the world, and free from enmity towards any living being – *vasudeva-kutumbakam*: serving the world selflessly as your extended family.

2. Vaishnavism is a tradition of Hinduism (more correctly: Sanatana Dharma). It is distinguished from other schools by its worship of Vishnu or his associated avatars, principally as Rama and Krishna, as supreme God. This worship in monotheistic in perspectives and addresses God by the names of Narayana, Krishna, Vāsudeva or more often "Vishnu." While this tradition is principally monotheistic in its philosophy, it is not exclusive for the Vaishnavas teach that Shiva, the main God of many Hindus, is but only a manifestation of Vishnu. The beliefs and practices, especially the concepts of Bhakti and Bhakti Yoga, of Vaishnavism are based largely on the Vedas, Upanishads, Bhagavad Gita and the Bhagavata Puranas.

3. Samsara refers to the cycle of reincarnation or rebirth and is a concept common to Hinduism, Buddhism, Jainism, Sikhism and other related religions.

4. The poems used in this article are available at: http://www.poetseers.org/the_poetseers/mirabai. Last accessed on 29 March 2009.

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## Anuradha Rajivan and Rohini Kohli wrote:

*Facilitator's note: Anuradha Rajivan and Rohini Kohli reflect on the importance of exploring modern ideas of gender through the lens of folk narratives. These tales are not products of an intellectual tradition but rather a reflection of popular imagination. They carry the potential to alter social thinking, but not always in terms dictated by the predominant environment. In doing so, they bring the likelihood of new forms of dissent against oppressive norms.*

Dear Network Members,

## Gender and the Genius of Tales from the Past

In this contribution, we look at the age-old genius of folk-tales and explore the potential of reflecting them within a gender discourse. The enduring appeal of legends, fables and folktales lies in the many different ways they can be interpreted and understood. At the surface level, there may be the obvious entertainment value of a story. But there are also functional, moral or psychological dimensions to the narrative. And, further, depending upon the context, how the story is narrated, who the narrator is, and who the audience is, folktales are open to different shades of understanding.

### Open stories, diverse interpretations

Narrators have been women and men, rich and poor, the subaltern. In fact story tellers are drawn from diverse backgrounds, from every section of society and culture. In that sense, telling stories seems to be a universal phenomenon. The skill of a narrator can instil layers of meaning, hint at latent connotations, or even reverse the patent interpretation. Adults and children can draw different meanings from them, as can the rich and the poor, or men and women. The absence of universal interpretations allows this genre to be relevant in different contexts and can even take on shades of genius. In most human societies, oral culture includes rhymes, riddles, jokes, songs, ghost stories, fables, cautionary tales, gossip, old wives tales, rural folktales and urban legends. Jesters, for example, through humour, could get away with much in challenging dominant mores or powerful people, and often upheld the dignity of the marginalized. Using dreams was another technique to push boundaries.

The inter-generational transmission of stories (handed down from story-tellers to listeners) provides a clue to one of their social functions. Earlier generations of listeners, in turn, become storytellers for the next generation. Many folktales draw upon the origin myths of a community (for example, Australian aboriginal dream-time songs). Often myths can show different qualities of men and women in the community or why nature exists in this or that form (Melanesian myths are one example (*); the Indian story of Dhruv and how he became the evening star). Folktales can be seen as the collective reservoir for a community to transmit values about nature or social life, the lives of kings and queens as well as ordinary men and women. Not all stories are about great people or grand events. Often foolishness, wit, or everyday wisdom make up the brick and mortar of renditions. There are many stories of lazy men and capable women, as well as the other way round.

### Hidden resistances

An aspect of special interest is the "subliminal" or hidden potential to present alternative views and provide entry-points for resistance. By their very nature, stories provide the story-teller a place for the imagination to project ideas that test the limits of traditional or ascribed roles – using imagination to create a fictional world where the usual norms don't apply. *Sultana's Dream*, a story by Begum Rokeya first published in 1905, is one such. It depicts a utopia of role reversal, with women in-charge and men in 'mardanas' rather than women in 'zenanas' locked away in seclusion, in a manner corresponding to the traditional Muslim practice of segregation and purdah. Women run everything, using science. Crime is eliminated. The workday is just two hours long, since men used to waste six hours each day smoking cheroots. Religion is one of love and truth, not about denying rights. (http://en.wikipedia.org/wiki/Sultana%27s_dream). It is interesting that Begum Rokeya's husband was much impressed by the story and helped in getting it published. It is equally interesting that the author used a dream to depict role reversal.

### Applying narratives from the past to gender discourse

In exploring modern ideas of gender through the lens of folk narrative and stories from the past, one great advantage is that the narratives existed *before* gender, as it is currently understood, entered development discourse. Folk narratives were not created in a political context to specifically promote or rein-in ideas of gender equality. They can, thus, be seen as independent of or prior to modern feminist influence, and so are 'unbiased' from a modern perspective. It is because of this that such material provides us an extremely interesting canvas. What types of perceptions were promoted about women and about relationships between men and women? Were women's intelligence, courage and capabilities celebrated at all? Were there instances of broader social approval of dignity and respect for women? Did women's voices

have legitimacy? These questions are important as the material and its retelling influences social values, transmits ideas across generations and socializes us from a very early age.

With best regards,

Anuradha and Rohini

Anuradha Rajivan,
*Regional Programme Coordinator*

Rohini Kohli,
*HDR Analyst*
*Human Development Report Unit*
*UNDP Regional Centre for Asia Pacific, Colombo Office*

**Notes**

(*)The people of Tangu from the north coast of New Guinea have a myth about a certain woman who had no husband to protect her. One day, she leaves her daughter alone and a stranger comes and kills the child and buries the body. The woman has a dream that reveals the whereabouts of the grave and she recovers the body carrying it in her string bag from village to village until she finds a place to bury it as well as a man, the younger of two brothers, who will marry her. She has two sons by her new husband.

Later she visits the daughter's grave. While parting some coconut fronds she finds salt water flowing from the grave with fish swimming in the water. The woman takes some water and a small fish as food for her family. The results are miraculous. Overnight, her son grows to manhood. Her husband's elder brother is envious and wants the same for his son so she directs him to the grave. Instead of taking a small fish, the foolish man seizes the large eel-like one. Immediately, the ground quakes and water thunders forth from under the ground, forming the sea and separating brother from brother.

**Source**

(http://www.janeresture.com/melanesia_myths/png.htm). Last accessed on 30 March 2009.

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Wikipedia. n.d. "Sultana's dream". [http://en.wikipedia.org/wiki/Sultana%27s_dream]. Last accessed on 30 March 2009.

## Sumitra Sundram wrote:

*Facilitator's note: Sumitra Sundram discusses two legends of women of power in Malaysia, whose strengths are manipulated by the dominant males in their lives. This advances stereotypes about men's right to power and punishment of women who step beyond "acceptable limits". But in empirical reality, women in Malaysia are seen to be typically powerful and independent. The possible significance of these myths, Sumitra suggests, is they might provide a cautionary tale for women in these societies not to aspire to be even more powerful than they are already or to justify why men were ceded so much power within these societies.*

Dear Network Members,

### Reading Malaysian Legends Through Gender Lens

Malaysia is a modern Islamic country with a pre-Islamic past that included the practice of animism, Hinduism, and Buddhism (sometimes in an overlap) in various parts of the country. Islam was more formally adopted in the Malay Peninsula by the 12th Century when the first Malay ruler converted to Islam. Prior to that, coastal parts of the peninsula adopted Islam as they came into contact with Indian Muslim and Arab traders. The first Muslim ruler in the peninsula was Sultan Muzaffar Shah of Kedah, the northernmost state of Malaysia which borders Thailand. Kedah is the setting of one of the legends that I have presented below (Mahsuri from the island of Langkawi). The legend of Mahsuri has elements of Hinduism and Islam. Mahsuri is penalised for a friendship with a man who is not her husband (shades of the Muslim law about *khalwat* or adultery). Her blood is shown to be white at the time that she is punished for the false charge of adultery (shades of the Hindu myth of Ram and Sita where Sita is falsely accused of impurity for having been kidnapped by the evil king Ravana. To prove her innocence, she steps into a ceremonial fire which does not consume her). The other legend involves two sisters, Puteri Santubong and Puteri Sejinjang, from the state of Sarawak in East Malaysia.

What is interesting about both legends is their portrayal of gender or cultural stereotypes (which supports Anuradha Rajivan's and Rohini Kohli's points about the "functional, moral or psychological dimensions to the narrative"). Both legends paint a picture that reinforces cultural or moral values. The power of the women in the two legends is controlled by dominant males (e.g. fathers, husbands or men enraptured by these women). This furthers cultural stereotypes, such

as how men control the power that is given to women, the punishment of women who step outside the bounds of "accepted" cultural behaviour (Mahsuri is punished for having a friendship with a man who is not her husband while her husband is away at war. The two mythical sisters of Sarawak are punished for disobeying their father, and the burden on women to prove themselves as innocent or virtuous within their patriarchal societies. Mahsuri's innocence is proved through supernatural signs as she is put to death and the two mythical sisters have to follow their father's edict to not quarrel for them to be sent to earth.

The women in both the legends have gender-based "positive" attributes e.g. their great beauty, talent and intelligence. However these attributes are seen to be their downfall rather than their strength because they attract undue attention or jealousy from those around them. These legends unfortunately do not reinforce the image of strong, powerful, independent women living happy lives (when in reality, women in traditional or rural societies of Sarawak and Kedah are strong and respected for their contributions to the economic and emotional strength of their families and societies). Maybe these legends were developed to be a cautionary tale for women in these societies to not aspire to be even more powerful than they are already or to justify why men were ceded so much power within these societies.

What has helped both legends to endure in Malaysia is that they are used to explain particular phenomenon experienced in their states. For Langkawi, Mahsuri's curse is used to explain why it did not prosper throughout much of the 18<sup>th</sup> century until the late 1980s. For Sarawak, the curse of the King of Kayangan on his daughters is used to explain the existence of a particular mountain range north of the state capital, Kuching.

Here are the two legends:

### The Legend of Mahsuri

Mahsuri was a beautiful young Malay woman who lived on the island of Langkawi in the northernmost Malaysian state of Kedah. She was considered to be the most beautiful woman on the island and the wife of a brave warrior, Wan Derus. While her husband was away serving the chieftain of Langkawi, Dato Karma Jaya, in a battle, she was left to fend for herself. She befriended a young man, Deraman, and their close friendship led others in her village to assume that they were having an affair. Some versions of the legend claim that trouble for Mahsuri came either from her mother-in-law or others in the village who were jealous of her great beauty and decided to spread malicious rumours about her honour.

Eventually the rumours grew to the point where the villagers took their false accusations to Dato Karma Jaya. He was so taken in by the accusations that he sentenced Mahsuri to death. Her pleas of innocence were ignored and she was tied to a tree and stabbed to death at Padang Hangus (Hangus Field). As proof of her innocence against the charge of adultery, white blood flowed from her stab wounds. With her dying breath, Mahsuri cursed Langkawi to suffer seven generations of bad luck.

Makam Mahsuri, her tomb, is a tourist attraction in Langkawi. Many Langkawi locals believe the legend to be true as, following Mahsuri's tragic death, Langkawi suffered the Siamese invasion of 1821 when its rice paddy fields and granaries were torched. Dato Karma Jaya and his family were killed during the invasion and there were many years of failed crops following. Grains that look like burnt rice grains can supposedly still be found at Padang Matsirat. Langawi's current economic boom and fame as a tourist draw are supposed to have only come to pass seven generations after Mahsuri's death. In 1987 it was granted tax-free status by the Malaysian Government to encourage tourism. Mahsuri's legend has been used by Langkawi locals to explain their past lack of economic success. It also has links to certain geographic landmarks on the island.

### The Legend of Puteri Santubong

The second legend (from the east Malaysian state of Sarawak, located on the island of Borneo) is about two beautiful mythical sisters and is used to explain the formations of a mountain range toward the north of Kuching, the state capital. The two sisters were Puteri Santubong (Princess Santubong) and Puteri Sejinjang (Princess Sejinjang). They were from a magnificent and peaceful kingdom called Kayangan which existed above earth. There was an ongoing conflict between two villages in Sarawak: Pasir Kuning and Pasir Putih. The two sisters were sent by their father to Sarawak to restore peace. There was one condition imposed by their father, the King of Kayangan – they must never quarrel with each other. Each sister had special skills in one area and was assigned to rule over one village. Puteri Santubong, an expert weaver, was assigned to rule over Pasir Kuning. Her intricately woven fabrics brought renown to Pasir Kuning. Puteri Sejinjang, an expert at rice threshing, was assigned to Pasir Putih and rice paddy fields flourished under her guidance. Both villages benefitted from the great skills of the sisters, resolved their conflict, and became prosperous.

Word of the beauty and the talent of the two princesses soon spread across the land and handsome suitors competed for their favour. None won their hearts except for Putera Makhota Serapi (Crown Prince Serapi) from the nearby area of Matang. He fell in love with both sisters and proposed to marry both of them as joint wives. However they refused. Each

sister wanted him to only love her and they started quarrelling and exchanged blows. Puteri Sejinjang swung a heavy rice thresher at Puteri Santubong and hit her in the cheek. In retaliation, Puteri Santubong threw her heavy loom at her sister. It hit Puteri Sejinjang's head. To end this fight and punish his daughters for disobeying him, the King of Kayangan cursed them to become mountains. Gunung Santubong (Mount Santubong) resembles a woman lying on her back. A deep crevice in the mountain is said to represent the cheek which received the blow from Puteri Sejinjang's thresher.

With best regards,

Sumitra Sundram
*Management Analyst*
*RCC Management Team*
*UNDP Regional Centre for Asia Pacific*
*Colombo Office*

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# Closing Message

**Jim Chalmers** wrote:

Dear Network Members,

Thank you very much for your contributions to the discussion on the folkloric dimensions of gender inequalities. I hope you found it stimulating, as it has been useful in galvanizing ideas on this topic for the upcoming Regional Human Development Report.

To summarize, the contributions start with a story of a woman who speaks truth to power that causes the overthrow of an ancient despot in Afghanistan. A Cambodian folktale follows featuring a female protagonist - rare for the genre. Her decisions prove to be highly effective in transforming narcissism and duplicity, by drawing on her innovation, grace, perseverance, and loyalty.

Contributors had special interest in questions outside the tales themselves. They reflect on the importance of exploring modern ideas of gender through the lens of folk narratives. Many such examples do not belong to an official intellectual tradition with its disciplines and options; many folk narratives demonstrate popular imagination. As such, they remain relatively free of ideological terms that the predominant social environment dictates. They introduce the likelihood of new forms of dissent against oppressive norms, which transfers a potential to shift social thinking.

Is this, in part, why all societies throughout history enjoy folk tales? Does this go some way towards answering other questions raised, e.g. are women the main singers of tales? What are the implications for equity and equality, considering the fact that the gender discourse is of much more recent emergence? Accompanying some of these questions was the story of Vihara Maha Devi. She is a woman who, for a time, before norms relegated her again to invisibility, plays an unconventional, prominent role as a warrior in a Buddhist classic saga of war and peace. It persists as an important historical record of a woman's engagement with strategic choices in contexts of military strategy. The account of three stateswomen and commanders-in-chief who tackled formidable challenges not typically attributed to women in the history of South Asia was also discussed. These historical female figures are Razia Sultana, Rani of Jhansi and Chand Bibi.

Folk narratives are relatively free in expressing popular imagination but there are constraints. Questions focused on the problem of narrative control. This involves the *uses* of the narrative voice, which is a particularly fertile component in a song. Control over 'voice' shapes the audiences' options about what society expects them to take from a story. Many tales typically send a message through an acceptably simple and 'normal' medium: i.e. the idea of Grandmother's voice. Thus, when younger women seek to change this, they encounter the gatekeepers. We see this in two examples of young-

er writers who present more multilayered roles as woman, hero, and narrator: Shahrazad, the teller of the 'One Thousand and One Nights' stories, and 11th century Japanese novelist Murasaki Shikubu, writer of 'The Tale of Genji'.

Beyond constraints, folkloric songs often provide the core of silenced histories. They are not simply imaginative but link with actual events. We see an example in an account of Aisha and her role during the early years of Islam as the young wife of Prophet Muhammad. A second example involves Mahaprajapathi Gothami. She fights for the rights of women to be ordained in the Buddhist way of life against the prevailing idea that women's participation would have a negative impact on the institution of families. We read an account of three stateswomen and commanders-in-chief who tackled formidable challenges not typically attributed to women in the history of South Asia.

We read a contemporary poem about legendary women. Siv Cedering's song is about the forgotten, uncelebrated attainments of numerous women philosophers and scientists. We also read of a woman whose life and work resonates with contemporary Indians and various European audiences. Apart from the exquisite quality of her work, this fact is distinctive because Mirabai is a 16th century woman in a tradition of seer poets. Her story shows a woman in possession of the right to choose her own path, who finds liberation in nonviolent resistance. Mirabai was one of the early Indian feminists though she certainly did not see herself as such.

Two legends from Malaysia were also shared. They paint a picture that reinforces cultural or moral values – the power of the women in the two legends is controlled by dominant males (e.g. fathers, husbands or men enraptured by these women). These legends unfortunately do not reinforce the image of strong, powerful, independent women. In reality, however, women in traditional or rural societies of Sarawak and Kedah are strong and respected for their contributions to the economic and emotional strength of their families and societies.

Special thanks to the following persons for their contributions: Anuradha Rajivan, Elena Borsatti, Rohini Kohli, Omar Siddique, R. Sudarshan, Chatrini Weeratunge, Ramesh Gampat, Manel Chandrasekera, Roohi Metcalfe, and Sumitra Sundram.

Thank you very much again for sharing these narratives of remarkable women.

With this we conclude the full round of the E-Discussion on sub-themes related to *Gender: Unequal Power, Unequal Voice* on the Asia-Pacific Human Development Network. We reiterate our appreciation for all the participants who have contributed their rich and varied research, ideas, thoughts and experiences. The Full Consolidated Reply of the entire discussion will be published in due course.

All the best,

Jim Chalmers
*AP-HDNet Facilitator*

# Annex

## Economic Equity

Fayyaz Baqir, "Self-organization of Women: The First Principle of Economic Power"

Fayyaz Baqir, "Socio-economic Context of Gender Equity in Pakistan"

Manel Chandrasekera, "Women's Economic Equity in Sri Lanka: Achievements and Challenges"

Revati Chawla, "Women's Inheritance and Property Rights in South Asia in the Era of AIDS"

Hasna Cheema, "Gender, Property and Inheritance Laws: Examples from Asia"

Gang Chen, "Gender Issues Among Mosuo People in China"

Ranjani K. Murthy, "Asia-Pacific Efforts to Promote Safe Migration: Some Examples"

Ranjani K. Murthy, "Challenges to Asset Ownership and Control: How to Overcome Them?"

Ranjani K. Murthy, "Gender and the Labour Market: Challenges and Potential Solutions"

Sunitha Rangaswami, "Poor Women's Economic Leadership"

Udoy Saikia, "Intrinsic Capability: Vital for Women's Empowerment"

Niranjan Sarangi and Elena Borsatti, "Gender Equality: A Priority from the Human Development Perspective"

Benita Sharma, "Towards Equality"

Lionel Siriwardena, "Exclusion of Real Values of Women's Work: A Major Distortion of Development and Growth"

Kalpagam Umamaheswaran, "Culture, Choice and Gender Equity"

## Politico-Legal Equity

Ramya Solang Arachchige, "Women's Political Participation in Sri Lanka"

Winnie Byanyima, "Towards MDG3: Removing Barriers to Women's Political Participation in the Asia-Pacific region"

Manel Chandrasekera, "Politically at the Margin in Sri Lanka: The Reasons for Women's Low Participation"

Hasna Cheema, "Gender Equality: De jure and De facto Challenges in Pakistan"

Lanyan Chen, "A Gender Equality Strategy in Promoting Women's Voice in Politics"

Rea Abada Chiongson, "Using CEDAW to Assess Legislation"

Kevin Evans, "Women and Electoral Politics in Indonesia"

Ramesh Gampat and James Chalmers, "Gender, Culture and Mindset"

Rachel Hackwill, "Access to Justice for Women: A Timor-Leste Perspective"

Kuntala Lahiri-Dutt, "Protective Laws and Women in the Public Sphere"

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Pamela Nilan, "The Subordinate Role of Indonesian Women and Capacity Development"

Pamela Nilan, "The Under-Representation of Women in Public Life in Fiji"

Anuradha Rajivan, "Crafting Quotas, Advancing Inclusion"

Iyavoo Ramachandran Ramasamy, "Dignity of Living of Migrant Maids: Regressing or Progressing"

Geeta Ramaseshan, "Sexual Harassment in the Workplace: A Case for Legal Intervention"

Gurpreet Singh, "Politico-Legal Equity: Changes Required at the Family Level"

Julia Scott-Stevenson, *"Snapshot of Women's Politico-Legal participation in the Pacific"*

R. Sudarshan, "Sexual Harassment in the Workplace: Serious Situations"

R. Sudarshan, "Understanding Gender: Aren't We All Both Feminine and Masculine?"

Manoja Wickramarathne, "A Snapshot on Women's Political Participation in Asia-Pacific"

## Education and Gender Equity

Elena Borsatti and Niranjan Sarangi, "Going Beyond Access to Education"

Amaya Gorostiaga, "Equal Access to a Quality Education"

Kirsty Hayes, "The Impact of Regional Disparities in Girls' Participation in Education"

Difei (Vivian) Hu, "Education Attainment and Gender Equality"

Rohini Kohli, "Re-looking at Quality of Education from a Gender Lens"

Pamela Nilan, "Gender Equity in Education and the Under-Representation of Women in Indonesian Public Life"

Hyunjoo Song, "The Status of Gender Policy in Education in Korea"

## Gender Mainstreaming

Sara Ahmed, "How Do Networks Mainstream Gender? Learning from the Experience of the Gender and Water Alliance"

Radhika Behuria, "Mainstreaming Gender: A Challenging Process"

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Kuntala Lahiri-Dutt, "Robeyn's Survey of Capability Approach"

Roohi Metcalfe, "Gender Equality: Part of the Equation!"

Annalise Moser, "From Policy to Practice: Achievements and Challenges in Mainstreaming Gender in Viet Nam"

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## Gender Identities

Revati Chawla, "Combating Homophobia: Is Law Reform the Only Way Forward?"

Arpita Das, "Understanding Gender: Expanding the Discourse"

Rohini Kohli, "Gender Identities: Issues for Measurement"

Manisha Mishra, "Gender Differentiated Experiences in Schools"

Pamela Nilan, Alexander Broom, Argyo Demartoto, and Mike Donaldson, "Masculine Identities of Indonesian Muslim Men in Indonesia and Australia"

Ruwanthi Senarathne, "Gender in Sri Lanka: The Role of Biology and Culture"

Omar Siddique, "Masculine Identities and Patriarchy"

Sanjay Srivastava, "Gender, Work and the World of Liberal Economies and Restrictive Norms"

## Folklore and Historical Stories

Elena Borsatti, "Princess Amaradevi"

Manel Chandrasekera, "Vihara Maha Devi"

Ramesh Gampat, "Folklore: Is There a Larger Significance Beyond the Obvious?"

Ramesh Gampat, "Mirabai: Hindu Saint, Philosopher and Poet"

Rohini Kohli and Omar Siddique, "Women Storytellers: Negotiating Multilayered Roles"

Roohi Metcalfe, "Making their Mark: Historical Female Figures in Asia-Pacific"

Anuradha Rajivan, "A Young Woman saves Kabul Society"

Anuradha Rajivan and Rohini Kohli, "Gender and the Genius of Tales from the Past"

R. Sudarshan, "A Woman For All Seasons: Aisha bint Abu Bakr"

R. Sudarshan, "Women Scientists and Philosophers Proclaimed in a Poem"

Sumitra Sundram, "Reading Malaysian Legends through Gender Lens"

Chatrini Weeratunge, "Story of Mahaprajapathi Gothami"