



# 25-Year Review of the Beijing Declaration and Platform for Action

APWLD Regional CSO Submission

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# List of Acronyms

APWLD	Asia Pacific Forum on Women, Law and Development
APWWDU	Asia Pacific Women with Disabilities United
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLADEM	Comité de América Latina y El Caribe para la Defensa de los Derechos de la Mujer; Committee for Latin America and the Caribbean for the Defense of Women's Rights
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CRPD	Convention on the Rights of Persons with Disabilities
EHRD	Environmental human rights defender
FPAR	Feminist Participatory Action Research
GAATW	Global Alliance Against Traffic in Women
GFM	Globalisation, Fundamentalisms, and Militarism
IMF	International Monetary Fund
ISDS	Investor-state dispute settlement
LBTI	Lesbian, Bisexual, Transgender and Intersex
MDGs	Millennium Development Goals
MGoS	Major Groups and other stakeholders
NGO	Non-Governmental Organisation
OECD-DAC	The Organisation for Economic Co-operation and Development's Development Assistance Committee
OHCHR	Office of the United Nations High Commissioner for Human Rights
RCEP	Regional Comprehensive Economic Partnership
SDGs	Sustainable Development Goals
SHG	Self-help Group
SRHR	Sexual and reproductive health and rights
TPP	Trans-Pacific Partnership
UN	United Nations
UNEP	United Nations Environment Programme
UNSCR	United Nations Security Council Resolution
WEF	World Economic Forum
WHRD	Women Human Rights Defenders
WILDAF	Women in Law and Development in Africa

# Foreword: Nairobi, Beijing and APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is a regional membership-based feminist organisation founded in 1986, as a direct outcome of the 1985 Third World Conference on Women held in Nairobi. It was at the Nairobi meeting that the idea for 'women, law and development' networks were floated, resulting in the establishment of three such regional networks: APWLD in Asia and the Pacific, Comité de América Latina y El Caribe para la Defensa de los Derechos de la Mujer (CLADEM) in Latin America and the Caribbean, and Women in Law and Development in Africa (WiLDAF) in Africa.

APWLD's *Herstory* publication<sup>1</sup> details the activism and work of founding and early members in preparing for the 1995 Fourth World Conference on Women in Beijing, and the subsequent contributions APWLD has made at every five-year review since. APWLD members contributed to the preparations, the NGO Forum and the drafting of the Beijing Platform for Action (BPfA) and at every step of the way brought connections to grassroots women's priorities and feminist activism from the region. In 1994, then APWLD Regional Coordinator Salbiah stated that, '*NGOs are not in these meetings to allow the meanings and expressions of our struggle to be bracketed and co-opted at will by states and institutions. Not in Cairo, Copenhagen, nor Beijing*'.

This recognition of women's struggles and the fact that there is no human right that has not been fought for by people's movements has remained at the core of APWLD's engagement, not just in Beijing processes from 1995 onwards, but also in APWLD's work with United Nations human rights and development processes such as Treaty Bodies, Human Rights Council's Special Procedures, and the sustainable development processes. APWLD's core belief is that women's human rights are achieved and sustained when autonomous feminist movements exist with the capacity to identify problems and collectively construct and advocate for solutions. This frames APWLD's Theory of Change.<sup>2</sup> The most comprehensive study on violence against women<sup>3</sup> confirms our belief and in recent years, there is growing recognition, by intergovernmental agencies and donors, of the importance of moving away from top-down approaches and empowering women within their communities through local initiatives and activism to realise their fundamental human rights.

As the 25th anniversary of the BPfA and the fifth review of progress approaches, APWLD has been able to draw on our work and outcomes of over six cycles of Feminist Participatory Action Research (FPAR), taking place between 2012 and 2019. Participatory

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<sup>1</sup> Taguiwalo, J. M., Chakma, T., & APWLD. (2019). APWLD Herstory 1986-2017. Retrieved from [https://apwld.org/wp-content/uploads/2019/05/2019\\_APWLD\\_Herstory\\_1988-2017\\_web.pdf](https://apwld.org/wp-content/uploads/2019/05/2019_APWLD_Herstory_1988-2017_web.pdf)

<sup>2</sup> APWLD website. (2019). Our Theory of Change: Amplifying Movements. Retrieved from <https://apwld.org/about-us/our-theory-of-change/>

<sup>3</sup> Mala Htun, S. Laurel Weldon, The Civic Origins of Progressive Policy Change: Combating Violence Against Women in a Global Perspective, 1975-2005; American Political Science Review 106, #3 (September 2012)

action-oriented research is a key recommendation from the BPfA<sup>4</sup> itself, to ‘*develop gender-sensitive databases, information and monitoring systems and participatory action-oriented research, methodologies and policy analyses, with the collaboration of academic institutions and local women researchers*’. It is a mark of the power of this document that APWLD has been able to strengthen women’s organising and movement, particularly through engaging young women from diverse communities from across the region through implementing this important recommendation.

Yet, despite these achievements, it is evident that worldwide, progress in realising women’s human rights has neither been even nor has it been irreversible. There has been a backlash, and increasingly visible attacks on women’s human rights by autocratic political leaders attempting to establish their patriarchal authority.<sup>5</sup> As this submission examines, the rising autocracy that expresses itself through misogyny,<sup>6</sup> and the deficits in democratic governance are a danger to not just women’s human rights and multilateralism, it now impacts the survival of the planet itself.

Feminists, trade unionists, climate activists, Indigenous peoples and rural women across the globe are rising up and taking action in the face of the climate crisis, the intensified attacks on Indigenous Peoples and rural women as they defend their land and food sovereignty, the repression of workers across the supply chain, impunity for attacks on environmental and women human rights defenders, and the increased and obscene levels of wealth, power and resource inequalities against the backdrop of unprecedented level of corporate power. The momentum, the fever is there for worldwide actions for dignity, justice, accountability and in solidarity with each other. While this submission provides important analysis of where the Asia Pacific region stands in relation to the commitments of the BPfA, it is also a reflection of what is not working, and a call to action for feminists worldwide to reclaim our power and sovereignty. In tandem with APWLD’s preparations for Beijing + 25, APWLD members initiated a call for a Women’s Global Strike on 8 March 2020<sup>7</sup> in recognition of the failures of government commitments, in acknowledgment of the feminists whose sacrifices and activism paved the way forward till today and in solidarity with feminists and allies everywhere who face systemic oppression worldwide. While we will bring our expertise, our voices and our recommendations to the processes for both official intergovernmental Beijing + 25 review and the Generation Equality Forum initiative, we are determined to show our collective power through solidarity strike actions, never forgetting that it is the women’s feminist movement that has brought us this far, and we send governments, corporations and structures of power the same reminder: If women stop, the world stops.

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<sup>4</sup> Beijing Declaration and Platform for Action (1995, p. 102). The Fourth World Conference on Women. Retrieved from [http://www.unesco.org/education/pdf/BEIJIN\\_E.PDF](http://www.unesco.org/education/pdf/BEIJIN_E.PDF)

<sup>5</sup> Beinart, Peter (2019) *The Atlantic*: ‘The New Authoritarians Are Waging War on Women’. Retrieved from: <https://www.theatlantic.com/magazine/archive/2019/01/authoritarian-sexism-trump-duterte/576382/>

<sup>6</sup> Marcotte, A. (2019, September 11). What’s destroying democracy around the world? At least in part, misogyny and sexism. Retrieved October 15, 2019, from <https://www.salon.com/2019/09/10/whats-destroying-democracy-around-the-world-at-least-in-part-misogyny-and-sexism/>

<sup>7</sup> Women’s Global Strike campaign website: <https://womensglobalstrike.com/>

## Introduction: *‘Women’s gains are a result of women’s activism’*

Since the last five-year review of the Beijing Platform for Action (BPfA), there have been many important developments that impact women’s human rights in Asia and the Pacific. Some are the result of longstanding policies, such as the gender imbalance in India and China, who through their policies of femicide and one-child policy respectively have ensured there are 70 million more men than women in the two countries combined.<sup>8</sup> Other phenomena such as the use of violence to threaten and intimidate women around the time of elections<sup>9</sup> appear to have emerged as more autocratic leaders have come forward in a number of countries and used a variety of tactics to silence criticism, remove opposition, and strengthen a more fascist, misogynist and nationalist discourse.

Aside from these developments that are overarching and in some aspects fall outside the original 12 Critical Areas of Concern, notably the 25th anniversary of the adoption of the BPfA at the Fourth World Conference on Women coincides with a number of important anniversaries, including:

- The 75th anniversary of the United Nations;
- The 20th anniversary of the United Nations Security Council Resolution 1325 on Women, Peace and Security; and
- The first five year review of the Sustainable Development Goals or 2030 Agenda.

Given these overlapping anniversaries and the history of APWLD’s engagement and advocacy in several of the processes mentioned, in preparation for the regional and global review processes for Beijing +25, several initiatives were undertaken to consult with, build the capacity of, and open opportunities for grassroots women from a diversity of constituencies across the region to articulate Asia Pacific women’s shared priorities and construct recommendations to hold governments accountable in realising women’s human rights. These initiatives include national level civil society consultations conducted in Bangladesh, Nepal, and Korea (South), as well as sub-regional consultations in Central Asia and East Asia. The learnings from these initiatives have critically informed this submission.

Effort was made to include the voices of women with disabilities: there is significant history of the women’s movement and disabilities movement coming together around Beijing. During the NGO Forum in 1994, the International Disabilities Symposium was held back-to-back, and most recently in 2014 during the Beijing + 20 review, the Asia Pacific Women With

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<sup>8</sup> Denyer, S., & Gowen, A. (2018, April 18). - The Washington Post. Retrieved October 15, 2019, from <https://www.washingtonpost.com/graphics/2018/world/too-many-men/>

<sup>9</sup> Rural Women's Association “Alga” (2019). Report on the Central Asian Conference on the preparations for the Twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995).

Disabilities United (APWWDU) also held their meeting back-to-back and participated in the CSO Forum. With this history, it was important for APWLD to build on the work already done and go beyond just ensuring the participation of women with disabilities: it was an opportunity to try to gather data on the realities of women with disabilities in the region in this submission. A survey was developed to this purpose, and prior to its launch, APWLD and APWWDU, with the support of Mobility International USA and other disability advocacy organisations, hosted an online webinar specifically focusing on the history of women with disabilities at Beijing and the provisions of the BPfA that specifically address women with disabilities.<sup>10</sup>

The work of APWLD members and partners, from the Feminist Participatory Action Research (FPAR) graduates to our Feminist Development Justice partners, greatly contributed to the regional analysis and knowledge of the work done by women's organisations in the last five years. In addition, APWLD's role in protecting and amplifying the voices of Women Human Rights Defenders (WHRDs) in the region was increasingly dominant in the last five years as both APWLD grew in its membership (currently at 248 members from 27 countries) and more women in the network faced threats in their work. Analysis based on APWLD's own work in advocating for WHRDs is a component of this report and is reflected also in Annex II which compiles all WHRD related public statements from APWLD over the period of 2014- 2019.

This submission is divided into three key sections: the first section on *Structural Barriers to realising women's human rights* elaborates on three structural barriers and cross-links with relevant paragraphs and recommendations from the BPfA. The second section on *Resistance and solutions from the women's movement* then presents some of the existing initiatives advancing accountability for women's human rights, while the final *Recommendations* section offers concrete policy recommendations for governments and intergovernmental actors to take forward, including explanations of specific language recommendations for the outcome documents of the regional and global review processes for Beijing + 25.

When canvassing the work of APWLD's members, partners and allies over 25 years to shape this submission, certain elements shone through: incredible courage in the face of increasing intolerance, threats and danger; innovation and resilience in coming up with new tactics and continuing to persevere; and the wonder and power of solidarity across movements. The words of an APWLD member from 15 years ago remain true today: 'women's gains are a result of women's activism'<sup>11</sup>. Indeed, nothing was handed to us and every single victory for our rights is hard fought. The Beijing + 25 review cannot be a mere celebration of what was, but a moment to revive those commitments and operationalise the word 'Action' in the BPfA.

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<sup>10</sup> APWLD. (2019, June 28). Webinar: Women with Disabilities and the Beijing Platform for Action (BPfA) [YouTube]. Retrieved October 15, 2019, from [https://www.youtube.com/watch?v=0-y96RP4\\_Kk&feature=youtu.be](https://www.youtube.com/watch?v=0-y96RP4_Kk&feature=youtu.be)

<sup>11</sup> APWLD member Nurgul Djanaeva, writing about the 2004 Forum of Women's NGOs of Kyrgyzstan

# Structural barriers to realising women's human rights

Twenty-five years on, the commitments made in the BPfA are largely unrealised, and in this period of time the Millennium Development Goals (MDGs) have come and gone, and the Sustainable Development Goals (SDGs) have come into being in 2015. The commonality between these three is that they are non-binding international frameworks that a large majority of member states have committed to implementing worldwide, and none of them have been or likely to be realised given the current scenario. Putting aside the lack of political will, binding accountability mechanism and financial investments in needed areas, another reason that these agendas and platforms will continue to be inactive or unrealised is that action plans and policies repeatedly ignore the root structural causes of women's oppression, discrimination and marginalisation. Without addressing these structural causes, no development goals or plan of action related to gender equality and women's human rights will ever be realised.

APWLD situates its understanding of women's realities in the context of three major global trends: neoliberal globalisation, fundamentalisms and militarism (GFM) that reinforce and have fused with patriarchy (GFMP) to constitute new or worsened patterns of subordination and oppression of women in the region. The GFMP model has given primacy to the market, generally through the medium of transnational corporations, while stepping up its powers over people in the name of security, development, (anti-)terrorism, law and order. APWLD's positioning on women's rights is located in relation to these developments and their gendered impact on women.<sup>12</sup>

The dismantling of structural barriers, which are issues that are part of the environment and beyond individual control, is a commitment made in several intergovernmental documents. For instance, the Report on the Sixth Asia-Pacific Forum on Sustainable Development recommended 'accelerating efforts to remove systemic and non-systemic barriers that hindered equity, inclusion and quality at all levels of education', 'equal pay for work of equal value required policies aimed at combating discriminatory practices and gender-based stereotypes', 'a regional fiscal/tax forum [that] could ensure effective reform strategies for progressive taxation, curbing tax evasive corridors, and combating illicit financial flows and corruption', and 'increasing public sector financing for the Sustainable Development Goals through progressive taxation, institutional capacity development and meaningful civic participation'.<sup>13</sup>

In the realisation of women's human rights, and in the realisation of all people's right to development, there are examples of key structural barriers that should be recognised and actively addressed: (a) the neoliberal economic order, (b) patriarchy, violence and the crisis of democracy, and (c) the climate crisis that emerges as a result of the first two.

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<sup>12</sup> Mehra, M. (2008). *Fundamentalism in Asia Pacific: Trends, Impact, Challenges and Strategies Asserting Women's Rights*. Asia Pacific Forum on Women Law and Development.

<sup>13</sup> UN-ESCAP. (2019). Report of the Sixth Asia-Pacific Forum on Sustainable Development. Retrieved from [https://www.unescap.org/apfsd/6/document/APFSD6\\_3E.pdf](https://www.unescap.org/apfsd/6/document/APFSD6_3E.pdf)

## A. The neoliberal economic order

*'Insufficient attention to gender analysis has meant that women's contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men.'*

— Beijing Declaration and Platform for Action Critical Area F: Women and the economy (1995)

Neoliberal economic policies have deeply discriminatory impacts on women, as they tend to benefit only those with the capacity to capitalise on new market opportunities and workers classified as highly-skilled. Women are most commonly engaged in the informal sector, are less likely to have secure land rights, and are less likely than men to hold large amounts of capital. Women benefit far less from 'growth' spurred by neoliberal trade agreements than they would from public expenditure in health, education, social welfare programmes, water and energy.<sup>14</sup>

The economic system that perpetuates inequality also gives rise to less fair systems of governance, allowing authoritarian figures to thrive. Wealth increases directly at the cost of damages to the environment, as fossil fuel companies continue to rake in profits as global warming crosses 1°C, and smallholder farmers practicing sustainable agricultural practices are forced to concede to agribusiness, thereby compromising their food sovereignty and the environment. Corporate expansion, whether it is agribusiness, extractives or special economic zones, often involves land grabbing and the displacement of rural and indigenous communities, whether relying on state security forces to drive them out or buying out landowning families that used to support peasant farmer tenants.

In the past few decades, international financial institutions and the Global North countries have pressed for deregulation, privatisation, trade liberalisation, and cuts to public funding, often under the guise of austerity measures. States have sold key assets to the private sector or set up public-private partnerships that result in basic essential services that do not meet the Availability, Accessibility, Acceptability and Quality (AAAQ) framework.<sup>15</sup> In order to correct this, states and financial institutions must accept that capitalism is incompatible with the delivery of universal, gender-responsive, quality public services. Delivering clean water and safe sanitation, for example, will never be a profit-making venture, but is recognised by CEDAW as an essential element for women to enjoy the right to adequate living conditions. It cannot be handed over to a corporation that will maximise profit at the cost of health and universal delivery.

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<sup>14</sup> Lappin, K., & Public Services International. (2018, January 12). Free trade or women's rights? Retrieved October 15, 2019, from <http://www.world-psi.org/en/free-trade-or-womens-rights>

<sup>15</sup> AAAQ stands for Availability, Accessibility, Acceptability and Quality and is a new, ground-breaking and hands-on approach to the so-called economic, social and cultural rights - such as the right to health, education, food and housing. For more information see The AAAQ toolbox developed by Danish Institute for Human Rights. Retrieved October 15, 2019, from <https://www.humanrights.dk/projects/aaaq-toolbox>

Although even the International Monetary Fund (IMF) has in recent years had discussions that confirm ‘widening income inequality is the defining challenge of our time’ and that ‘the gap between the rich and poor is at its highest level in decades’,<sup>16</sup> this dominant economic system remains strongly in place. It has concentrated power in the hands of a few, obscured state commitments on human rights through trade and investment agreements, limited financing for women’s rights through a variety of policies that limits state revenues, enabled the corporate capture of both public and intergovernmental institutions, and exploited the global supply chain to reduce responsibility of the wealthiest individuals and institutions while taking advantage of women workers in and from the Global South. These aspects will be more closely examined in the upcoming subsections that will argue that practices such as labour market deregulation, trade and financial market liberalisation, privatisation of public services, and global recognition of corporate power are together making it impossible for states to deliver on the commitments made in Beijing.

## I. Trade and investment agreements

*‘As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly the heavily indebted countries, during the past decade.’*

—— Beijing Declaration and Platform for Action Chapter II: Global Framework (1995)

The proliferation of trade and investment agreements designed to enable the flow of global capital negatively impacts women. Trade agreements such as the Trans Pacific Partnership (TPP)<sup>17</sup> and the Regional Comprehensive Economic Partnership (RCEP) have provisions that are fundamentally in conflict with governments’ human rights obligations and exacerbate existing inequality of power, including by lowering thresholds for health protection, food safety, and labour standards, by catering to the business interests of monopolies and extending intellectual property protection. Globally, there are over 3,000 bilateral or multilateral agreements that govern global trade and investment. Trade and investment agreements have an imperialist and colonial history: they exist to protect corporations, specifically large multinational corporations, not people and communities, and so create a barrier to the realisation of the human rights of women.

Trade agreements and neoliberal, pro-austerity and pro-privatisation policies pushed forward by international financial and trade institutions limit the capacity of states, particularly in the Global South, to ensure women have access to and control over resources, public goods

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<sup>16</sup> Dabla-Norris, E., Kochhar, K., Ricka, F., Suphaphiphat, N., & Tsounta, E. (2015). Causes and Consequences of Income Inequality: A Global Perspective. Causes and Consequences of Income Inequality: A Global Perspective. International Monetary Fund. Retrieved from <https://www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf>

<sup>17</sup> A revised version of the pact was named as the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) in 2018.

and services.<sup>18</sup> Corporations benefit directly from open investment regimes and new bilateral and multilateral trade agreements that facilitate land, water and other resource grabbing, as well as allow the forced displacement of communities for the benefit of so-called 'development projects' that rarely benefit the people displaced. For instance, trade agreements that grant agribusiness corporations intellectual property rights for traditional plants or seeds compromise the livelihoods of smallholder farmers, that include many rural and indigenous women. Restrictions on intellectual property also interfere with traditional seed sharing and storing practices which threaten food sovereignty (to be addressed in greater detail in section V).

Investor protections such as the Investor State Dispute Settlement (ISDS) clause widely used in trade and investment agreements, increases not only inequality in wealth but also in power. ISDS has been commonly used to challenge decisions by governments that can affect the profit margin of the foreign investor, including when states introduce labour rights protection or environmental protection policies. When such protections are challenged, communities bear the cost, especially in addressing the repercussions of extractive industries. This stands in direct opposition to the right to development, the BPfA (1995) to the 2030 Agenda (2015). Using these safeguards, corporations can leverage intellectual property protections to patent seeds, or create 'gene drives',<sup>19</sup> which are barriers for the majority of the world's farmers and peasants to realising food sovereignty for all.

In 2017, APWLD along with 220 other women's rights organisations and allies, rejected WTO Declaration on Women's Economic Empowerment.<sup>20</sup> The declaration asserts without much proof that 'inclusive trade policies can contribute to advancing gender equality and women's economic empowerment, which has a positive impact on economic growth and helps to reduce poverty'. It is considered as a 'pink herring', an attempt to obscure the harm WTO provisions have on women while ensuring the WTO can bring in 'new issues', likely to deepen inequality. Those 'new issues', include harmful services provisions that deepen corporate power and the inclusion of e-commerce that will limit regulation of the world's largest, tax avoiding corporations. WTO has been promoting neoliberal policies involving austerity, privatisation, deregulation of finance, markets and corporations, and trade and investment liberalisation which brings devastating and discriminatory impact on women.

A positive development on this issue is the recognition by states and UN treaty bodies that Trade-Related Aspects of Intellectual Property Rights (TRIPS) have detrimental impacts on women's human rights.<sup>21</sup> For instance, intellectual property rights have been awarded to

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<sup>18</sup> Lappin, K. (2018). Free Trade or Women's Rights?. Retrieved from <https://worldview.stratfor.com/article/free-trade-or-womens-rights>

<sup>19</sup> ETC Group and Heinrich Böll Foundation. (2018). Forcing The Farm How Gene Drive Organisms Could Entrench Industrial Agriculture and Threaten Food Sovereignty. Retrieved from [etcgroup.org/sites/www.etcgroup.org/files/files/etc\\_hbf\\_forcing\\_the\\_farm\\_web.pdf](https://etcgroup.org/sites/www.etcgroup.org/files/files/etc_hbf_forcing_the_farm_web.pdf)

<sup>20</sup> See <https://apwld.org/statement-womens-rights-groups-call-on-governments-to-reject-the-wto-declaration-on-womens-economic-empowerment/>

<sup>21</sup> United Nations Economic and Social Council. Statement by the Committee on Economic, Social and Cultural Rights: human rights and intellectual property. Geneva: United Nations; 2001 (Document

corporations for traditional plants and medicines used by rural and indigenous women for generations. Rural women and girls can be empowered by participatory action-oriented research, as recommended under Beijing Platform actions to be taken in paragraph 258(b), to mobilise, build movements and use their knowledge to address disparity, and offer solutions to transform this dominant economic rules and power.

With more warnings of a new financial crisis to come, it becomes more vital to bring together the different movements on the connecting theme of economic justice to collect data, analyse how trade and investment impact them, and how these systems can be reformed to be transparent, democratic and pro-people. Some of the ideas that can be considered are reform of the World Bank and other international financial institutions' Articles of Agreement affirming the primacy of human rights, as recommended in the 2015 Report of the Special Rapporteur on extreme poverty and human rights<sup>22</sup>; mandatory ex-ante, periodic and ex-poste human rights, environmental and gender impact assessments of development projects, trade agreements or any economic reforms<sup>23</sup>; mandatory review of trade agreements by the legislative arm of government, preceded by public hearings with all groups affected; and ending the use of clauses that protect investors and obstruct the realisation of human rights, such as the investor state dispute settlement (ISDS) mechanism.

## II. Financial impediments to realising women's human rights

*'Full and effective implementation of the Platform for Action, including the relevant commitments made at previous United Nations summits and conferences, will require a political commitment to make available human and financial resources for the empowerment of women. This will require the integration of a gender perspective in budgetary decisions on policies and programmes, as well as the adequate financing of specific programmes for securing equality between women and men. To implement the Platform for Action, funding will need to be identified and mobilized from all sources and across all sectors.'*

— Beijing Declaration and Platform for Action Chapter VI: Financial Arrangements

The necessary financing to fulfil the realisation of the BPfA is undermined by the dominance of neoliberalism. States are not able to deliver on their obligation to secure the rights enshrined in the BPfA due to lack of financing lost from neoliberal policies that favour corporations and private investments, such as illicit financial flows, trade and invoice mispricing, and tax evasion and avoidance. The money exists: to finance women's human rights,

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E/C.12/2001/15). Retrieved from:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2001%2f15&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2001%2f15&Lang=en)

<sup>22</sup> United Nations. (2015). Report of the Special Rapporteur on extreme poverty and human rights (A/70/274). Retrieved from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/105/92/PDF/G1510592.pdf?OpenElement>

<sup>23</sup> See the Special Rapporteur on the right to food's Guiding principles on human rights impact assessments of trade and investment agreements (A/HRC/19/59/Add.5, 2011) and the Independent Expert on foreign debt and human rights' Guiding Principles on Human Rights Impact Assessments of Economic Reforms (A/HRC/40/57, 2019)

redistributive justice is needed to close the inequalities of wealth, resources and power between men and women, between rich and poor and between countries.

Throughout the BPfA, it is made evident that ‘financial and human resources have generally been insufficient for the advancement of women’. References to the adequate mobilisation of resources to fulfilling sustainable development are mentioned as key components for supporting women in various sectors: food security and agriculture; savings and credit mechanisms; redistribution of care work with men; sexual and reproductive health and rights (SRHR); needs and emergency support for refugee women; etc.

The BPfA is also bold to mention that for women to advance, not only is financing needed on a micro level but on a systematic level by addressing debt forgiveness and reduction of excessive military spending. The BPfA states that commitment to resource mobilisation is what will unlock financing; but more concretely, corporations must be regulated and held accountable to standards of human rights, consumption and production needs regulations, and redistributive justice needs to be centred.

Currently there is more wealth in the world than in human history, but a shrinking handful of billionaires control half of that wealth. The money to address the critical needs of women laid out in the BPfA exists, hoarded by wealthy elites and squandered on militarism: in 2017, there was a USD 1.7 trillion arms trade, and in 2014, global military spending (also USD 1.7 trillion) was almost 13 times higher than combined development aid allocations from OECD-DAC member countries (approximately USD 135 billion).<sup>24</sup> The 2019 Asian Development Bank report, which surveyed in 16 Asian countries, found that all states can close the social protection gap in line with the 2030 Agenda if fiscal policies were to be revamped.<sup>25</sup> Even on the global level, financing for human rights and accountability is a struggle: the UN receives a scant 3.7 percent of total UN budget for human rights work, and the OHCHR staff makes up 1.2 percent of all UN staff.<sup>26</sup> This year, OHCHR cancelled six out of the ten treaty body sessions, including the Committee to Eliminate Discrimination Against Women (CEDAW) Committee’s session due to the reduced available resources.<sup>27</sup> This, in turn, affects country-level work, holding up accountability for gross human rights violations in the region and around the world.

In the domestic sphere, trade liberalisation results in significant reductions in government revenue due to cuts in domestic trade taxes, including tariffs; and most often the loss or reduction in government revenue is either replaced by regressive taxes such as goods

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<sup>24</sup> UN Women (2015). Preventing Conflict, Transforming Justice, Security the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325. Retrieved from [https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf)

<sup>25</sup> Development Asia (2019). How Asia Can Close the Social Protection Gap by 2030. Retrieved from <https://development.asia/insight/how-asia-can-close-social-protection-gap-2030>

<sup>26</sup> OHCHR regular budget appropriation in 2018-2019. Retrieved from <https://www.ohchr.org/EN/AboutUs/Pages/FundingBudget.aspx> and <https://careers.un.org/lbw/home.aspx?viewtype=VD>

<sup>27</sup> Dean, Thalif (2019) *IPS News*: ‘UN’s Mandate to Protect Human Rights Takes Another Hit’. Retrieved from: <http://www.ipsnews.net/2019/05/uns-mandate-protect-human-rights-takes-another-hit/>

and services or value added taxes, or reduced/privatised public services. Regressive tax and cuts on public services are felt more acutely by women who constitute a large part of the poor and informal working sectors in the Global South. Even the IMF finds that low-income countries largely fail to recover revenue they have lost as a result of trade liberalisation from other domestic sources.<sup>28</sup>

Despite the bold mention in BPfA on debt forgiveness, IFIs such as the World Bank (WB), the International Monetary Fund (IMF) and the Asian Development Bank (ADB) have had a tremendous influence on macro-economic policy in Asia and the Pacific, particularly on loan and debt services. There are two principal ways in which IFIs have exerted (and continue to exert such pressure): first, through policy conditionalities that are attached to loan agreements; and second, through debt servicing requirements which divert government spending from public services. The conditionalities imposed on governments have promoted an unequivocally neoliberal development model, which is premised on decreased public spending and increased privatisation of public services, deregulation, and liberalised trade and investment flows. The adoption of measures consistent with IFI conditionalities has had a significant impact on local communities, particularly on the poor and marginalised. In addition with IFIs, emerging economies like China - through the Belt and Road Initiative - increases the risk of debt distress in several countries in Asia and the Pacific.<sup>29</sup>

Additionally, private finance and public-private partnerships detrimentally affect women, as seen with reductions in social protection coverage (through rationalising it), privatisation of essential public services such as health care system reform which includes raising 'user' fees, reduced access to clean energy and safe water, labour flexibilisation, which include revising minimum wage and regressive taxes. By its nature, privatisation puts profits over social goals, and that very fact is fundamentally in contradiction with the government's human rights obligations.

### III. Corporate capture

*'Ensure that all corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws;'*

— Beijing Declaration and Platform for Action Strategic Objective F.1: Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources (1995)

Corporate capture can be defined primarily by 'the undue influence that corporations exert over national and international public institutions, manipulating them to act according to their priorities at the expense of the public interest and the integrity of the systems required to

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<sup>28</sup> Baunsgaard, T. & Keen, M. (2005). IMF Working Paper: Tax Revenue and (or?) Trade Liberalization (WP/05/112). Retrieved from <https://www.imf.org/external/pubs/ft/wp/2005/wp05112.pdf>

<sup>29</sup> John Hurley, Scott Morris, and Gailyn Portelance (2018), Center for Global Development Policy Paper 121, March 2018. Retrieved from <https://www.cgdev.org/sites/default/files/examining-debt-implications-belt-and-road-initiative-policy-perspective.pdf>

safeguard human rights and the environment.<sup>30</sup> Through this form of undue influence, economic elites can maximise its profit making at the cost of human rights and the environment, and in some cases be the direct root cause of corporate human rights abuses.

The neoliberal economic order prioritises profit and concentrates power in the hands of the few and prizes the corporate elite over improving the working conditions of their employees. With its growing power and wealth,<sup>31</sup> corporate influence is able to weaken or block regulations and laws, bank-roll elections, use state security forces to protect their interests and attack communities defending their rights. Corporations can use revolving-door employment strategies to deepen corporate-government relationships and weaken public institutions and processes that are responsible for ensuring they can respect, protect and fulfill human rights.<sup>32</sup>

The means can take the form of community manipulation, which refers to the corporate undermining of community decision-making processes related to a development or investment project. The strategies employed involve the use of financial or other incentives to entice community leaders to support corporate projects that undermine the interests and decisions of the wider community. Corporate Social Responsibility (CSR) can be used as a tactic to manipulate or divide communities to acquire a 'social license to operate'. Through community development projects, CSR offers short-term benefits that are often intended to mask long-term harm, and most often in a form (e.g. building schools) irrelevant to the human rights violations occurred through corporate operations. Another method of corporate capture is judicial interference, when corporations exert over the proceedings and rulings of courts which provide favorable outcomes for corporations and undermine due process and efforts at seeking access to remedy and accountability.<sup>33</sup>

In the last five years, there are examples of open and blatant corporate relationships with heads of state, such as the US appointing Exxon Mobil executive Rex Tillerson to the position of Secretary of State, or the Brazilian President giving leeway to cattle ranchers and loggers to burn down the Amazon rainforest and violate Indigenous People's rights.<sup>34</sup> In Asia and the Pacific, it is a common phenomenon for heads of state to openly collude with corporations and the wealthy elite. For example, billionaires such as Gautam Adani and Anil Ambani have openly personally accompanied the Prime Minister of India during state visits and

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<sup>30</sup> ESCR-Net (2016) Submission to the United Nations' Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (IGWG) [https://www.escr-net.org/sites/default/files/submission\\_igwg\\_english.pdf](https://www.escr-net.org/sites/default/files/submission_igwg_english.pdf)

<sup>31</sup> Oxfam (2018) 'Of the World's top 100 economic revenue collectors, 29 are states, 71 are corporates'. Retrieved from: <https://oxfamblogs.org/fp2p/of-the-worlds-top-100-economic-entities-29-are-states-71-are-corporates/>

<sup>32</sup> Ibid.

<sup>33</sup> The Corporate Capture Project of the ESCR-Net Corporate Accountability Working Group. Retrieved from <https://www.escr-net.org/corporateaccountability/corporatecapture/manifestations>

<sup>34</sup> McDonald, B., Moura, P., Laffin, B., & Rhyne, E. (2019, October 6). Meet the Ranchers Claiming the Amazon [Video]. Retrieved October 15, 2019, from <https://www.nytimes.com/video/world/americas/10000006721982/amazon-rainforest-fires-burning.html>

signed 18 deals along the way.<sup>35</sup> Adani also provides jets and helicopters to the Prime Minister for his political campaigning, and his company Adani Group has secured six contracts for modernising airports despite no experience in the sector and the existence of other operators competing for the contracts.<sup>36</sup>

Of deep concern to civil society and people's movements everywhere is the fact that corporate capture is taking over the United Nations itself. Despite being an intergovernmental institution that is founded on the principles of human rights, the UN is at risk of being undermined of its legitimacy by the economic elite. Some of the most worrying developments between the UN and the private sector since the previous Beijing review include:

- **The International Chamber of Commerce getting an observer seat in the UN in 2016:**<sup>37</sup> Meanwhile civil society, for instance, does not have official recognition or space in international negotiations within the Human Rights Council. Furthermore, within the sustainable development processes, which recognises 'business and industry' as one of the nine Major Groups and other Stakeholders (MGoS), this means that corporations have multiple recognised spaces as they now have an official observer seat and a seat within the MGoS.
- **The UN Environment Programme bluewashing fossil fuel companies and putting civil society at risk:** In 2017, then UN Environment Programme (UNEP) Executive Director met with Shell executives<sup>38</sup>, and later in the year, speaking to the Committee of Permanent Representatives, said the private sector should not be demonised and alleged that civil society also has good and bad, such as civil society groups who 'supported ISIS'.<sup>39</sup> His statement generated civil society, public outrage as it could well legitimises oppressive government's tactics to target and oppress human rights organisations using anti-terrorism legislation for instance. The contradiction this statement had with the very mandate of UNEP to protect environment only demonstrated its incapability to hold fossil fuel companies responsible for the harm done to the planet; nor protect environmental defenders when at least four environmental

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<sup>35</sup> Singh, V. (2019, April 1). The 'Beneficiaries' of Modi's Globetrotting: Adani and Ambani | NewsClick. Retrieved October 15, 2019, from <https://www.newsclick.in/%E2%80%98Beneficiaries%E2%80%99-Modi%E2%80%99s-Globetrotting-Adani-Ambani>

<sup>36</sup> Marandi, R. (2019, March 5). Indian billionaire Adani snaps up 6 pricey airport contracts. Retrieved October 15, 2019, from <https://asia.nikkei.com/Business/Companies/Indian-billionaire-Adani-snaps-up-6-pricey-airport-contracts>

<sup>37</sup> Saldinger, A. (2017, November 14). In historic move, UN grants International Chamber of Commerce observer status | Devex. Retrieved October 15, 2019, from <https://www.devex.com/news/in-historic-move-un-grants-international-chamber-of-commerce-observer-status-89433>

<sup>38</sup> Solheim, E. (2017, January 17). Erik Solheim on Twitter [Twitter]. Retrieved October 15, 2019, from <https://twitter.com/ErikSolheim/status/821319622322487297>

<sup>39</sup> Lang, C. (2018, November 24). UNEP's Erik Solheim links civil society with groups supporting ISIS terrorism in Europe | REDD-Monitor [Blog post]. Retrieved October 15, 2019, from <https://redd-monitor.org/2017/12/02/uneps-erik-solheim-links-civil-society-with-groups-supporting-isis-terrorism-in-europe/>

defenders were being killed every week in 2016 when protecting their land and the natural world from industries including mining, logging and agribusiness.<sup>40</sup>

- **The OHCHR agreement with Microsoft signed in 2017:**<sup>41</sup> The Office of the UN High Commissioner for Human Rights (OHCHR) signed what they described as a 'landmark' five-year partnership with Microsoft to provide a grant of USD five million to support the work of the OHCHR: the agreement was described in the press release as representing 'an unprecedented level of support from a private sector organisation'. Civil society expressed concern to OHCHR in a letter<sup>42</sup>, reminding the Office of its founding mandate which states 'there is a need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity' and warned of the risk behind such agreements that are signed with a lack of transparency.
- **The World Economic Forum (WEF) signing a Memorandum of Understanding (MoU) with the UN in 2019:**<sup>43</sup> This agreement promises to 'accelerate the implementation of the 2030 Agenda for Sustainable Development' by deepening institutional coordination and collaboration between the UN and the WEF. It also grants transnational corporations preferential and differential access to the UN System at the expense of States and public interest actors. 240 civil society organisations and 40 international networks have published a statement<sup>44</sup> condemning this agreement for undermining the mandate of the UN as well as its independence, impartiality, and effectiveness when holding businesses to account, as well as weakening the role of states.

Civil society has also expressed the need for corporate capture to be addressed by the legally binding treaty to address human rights violations committed by transnational corporations and other business entities, stating in a 2016 paper that the treaty must 'contain strong provisions that prohibit the interference of corporations in the process of forming and implementing laws and policies, as well as administering justice, at all national and international levels.'<sup>45</sup>

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<sup>40</sup> Global Witness. (2017). Defenders of the Earth: Global killings of land and environmental defenders in 2016. Retrieved from <https://www.globalwitness.org/sv/campaigns/environmental-activists/defenders-earth/>

<sup>41</sup> OHCHR. (2017, May 16). Technology for human rights: UN Human Rights Office announces landmark partnership with Microsoft. Retrieved October 15, 2019, from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21620>

<sup>42</sup> ESCR-Net letter to the UN High Commissioner on Human Rights in 2017. Retrieved from [https://www.escr-net.org/sites/default/files/attachments/escr-net\\_letter\\_to\\_ohchr\\_on\\_microsoft\\_partnership.pdf](https://www.escr-net.org/sites/default/files/attachments/escr-net_letter_to_ohchr_on_microsoft_partnership.pdf)

<sup>43</sup> UN-WEF Strategic Partnership Agreement signed in 2019. Retrieved from <https://weforum.ent.box.com/s/dj7x7z2fjxrox49farw5dfxfa1hfqw3h>

<sup>44</sup> Focus on the Global South. (2019). Statement: Hundreds of Civil Society Organizations Worldwide Denounce World Economic Forum's Takeover of the UN. Retrieved from <https://focusweb.org/hundreds-of-civil-society-organizations-worldwide-denounce-world-economic-forums-takeover-of-the-un/>

<sup>45</sup> Treaty Alliance (2016) 'UN Treaty Must Address Corporate Capture'. Retrieved from: <http://static1.squarespace.com/static/53da9e43e4b07d85121c5448/t/57354276746fb9f00f573dae/1463108241728/UN+Treaty+Must+Address+Corporate+Capture+FINAL+ENG.pdf>

#### IV. Violation of women's labour rights in the global supply chain

*'Women's share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the household and community. Women's income is becoming increasingly necessary to households of all types. In some regions, there has been a growth in women's entrepreneurship and other self-reliant activities, particularly in the informal sector. In many countries, women are the majority of workers in non-standard work, such as temporary, casual, multiple part-time, contract and home-based employment.'*

— Beijing Declaration and Platform for Action Critical Area F: Women and the economy (1995)

In 2017, 82 percent of all wealth created went to the top one percent of the world's wealthiest individuals. In the same year, billionaires saw their wealth increase by USD 762 billion dollars. It is evident that the neoliberal economic system is worsening several problems simultaneously, as this deepening inequality traps smaller economies into spirals of debt moderated by international financial institutions that have for several decades turned a blind eye on human rights and cut the much needed public spending in the guise of 'austerity'. It also allows for wealth generation through global supply chains that take advantage of cheaper, less regulated labour in the global south, often female-dominated. The wealth of figures such as the CEO of multinational clothing company Zara can be considered to be directly coming out of the labour of female garments workers in Bangladesh, who in 2018 were only granted a minimum wage of USD 96 per month, significantly lower than the living wage, which is calculated to be estimatedly USD 444 per month.<sup>46</sup>

These global supply chains continuously sources cheap, flexible and often feminised workers in countries with weak labour protections and a high level of precarity.<sup>47</sup> Predominantly, these workers are coming from Asia and the Pacific where there is low unionisation as well as direct consequences for workers who attempt to organise, such as the police violence against NutriAsia workers protesting in Manila, Philippines,<sup>48</sup> the dismissal of 405 workers, including two union leaders and 14 union members from a palm oil plantation in Kalimantan, Indonesia after they took part in protests to demand a living wage and better occupational health and safety,<sup>49</sup> and the dismissal of 11,000 workers in the Bangladesh garment industry for protesting and demanding higher wages.<sup>50</sup> In other cases, states have used bureaucracy to block workers organising: the Nurses' Union of Thailand attempted to formally register as a trade union with

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<sup>46</sup> Clean Clothes Campaign. Wages in Bangladesh. Retrieved from <https://cleanclothes.org/livingwage-old/wages-in-bangladesh>

<sup>47</sup> Kate Sheill (2018). Briefing Paper on Feminist Advocacy for APWLD's Migration Programme.

<sup>48</sup> Cinco, Maricar (2019) 'Violence erupts as NutriAsia workers go on strike in Laguna'. Retrieved from: <https://newsinfo.inquirer.net/1138501/violence-erupts-as-nutriasia-workers-go-on-strike-in-laguna>

<sup>49</sup> Feminist Participatory Action Research (FPAR) conducted by Palangkaraya and Human Rights Studies (PROGRESS). APWLD Labour Programme 2017-2019. Socio-economic impact of large scale palm oil plantation on women workers in Central Kalimantan, Indonesia. Retrieved from [https://apwld.org/wp-content/uploads/2019/04/2019\\_Labour\\_FPAR\\_country\\_brief\\_Indonesia\\_Progress.pdf](https://apwld.org/wp-content/uploads/2019/04/2019_Labour_FPAR_country_brief_Indonesia_Progress.pdf)

<sup>50</sup> People's Dispatch (2019) 'Over 11,000 more workers fired in Bangladesh for trade union activity' Retrieved from: <https://peoplesdispatch.org/2019/02/13/over-11000-more-workers-fired-in-bangladesh-for-trade-union-activity/>

the Ministry of Labour. The ministry rejected the request, stating that civil service employees cannot be unionised under Thai labour laws.<sup>51</sup>

These detriments to workers' organising coincide with a high level of informality in employment in the region. Data from the ILO shows that over half of all workers in Asia and the Pacific region are in informal employment; and for those under the age of 30, 70 percent are in informal work.<sup>52</sup> This corresponds with APWLD's labour-themed FPAR (2017-2019) information, which found trends in contractual employment that are increasingly widespread in informal sectors such as garments, plantations, or even in the public sector such as public health. In Thailand, about 25 percent of the nurses employed in public hospitals are hired on short term contracts with low wages without any benefit.<sup>53</sup> In Bangladesh, even though labour laws stipulated that workers can only be employed as temporary workers for only a limited amount of time, employers utilised loopholes in the law to keep women workers hired as temporary for prolonged periods as it reduces employers' responsibility in providing additional benefits.<sup>54</sup>

Aside from these considerations, further challenges face women workers who are migrants. Within Asia and the Pacific, there has been a high level of both rural to urban migration and cross-border migration.

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<sup>51</sup> Feminist Participatory Action Research (FPAR) conducted by Nurse Union of Thailand. APWLD Labour Programme 2017-2019.

<sup>52</sup> ILO (2018) *Women and Men in the Informal Economy: A Statistical Picture*. Available online: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_626831.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf)

<sup>53</sup> Feminist Participatory Action Research (FPAR) conducted by Nurse Union of Thailand. APWLD Labour Programme 2017-2019.

<sup>54</sup> Feminist Participatory Action Research (FPAR) conducted by Awaj Foundation Bangladesh. APWLD Labour Programme 2017-2019. Policy brief: Working conditions for women contractual workers in Readymade Garment Sector in Bangladesh. (2018). Retrieved from [https://apwld.org/wp-content/uploads/2019/04/2019\\_Labour\\_FPAR\\_country\\_brief\\_Bangladesh\\_Awaj\\_Foundation.pdf](https://apwld.org/wp-content/uploads/2019/04/2019_Labour_FPAR_country_brief_Bangladesh_Awaj_Foundation.pdf)

### **Focus group discussion with migrant worker organisations from Asia and the Pacific**

In August 2019, APWLD initiated a new cycle of FPAR with focus on migrant women, and invited the seven partner organisations to discuss issues faced in their work.<sup>55</sup> The discussion covered some key points, firstly on actions that states should take to address multiple, intersecting discrimination experienced by migrant women; and ensure the full enjoyment of human rights and fundamental freedoms as enshrined in the Constitution, including democratic rights same as citizens. When implementing CEDAW, governments should include migrant women in their initiatives. Secondly, it was raised that sudden and arbitrary age bars on adults (such as the Nepali age ban allowing only women over 30 to migrate<sup>56</sup>) puts workers at more risk and that governments of sending countries do not understand the risks to citizens when they migrate or how to provide skill and education information for migrant workers.

Participants shared that women migrant workers faced additional burdens when they experience gender-based violence, as it coincided with denial of salary, threat of deportation, and lack of access to sexual and reproductive health services. In certain countries, rape victims cannot use legal abortion services if they are migrant workers in the country.

There was also strong concern that social protections and public services are lacking. Migrant workers lack access to pension systems even though they pay taxes in their host countries; they often cannot use health services either due to cost, lack of documentation, or the risk that they will lose income. One participant mentioned that migrants from Central Asia to Russia were unable to send money home to family members dependent on them when banking services were banned for one month.

Lastly, the discussants raised concerns on protections for 'left behind' children who are victims of abuse and violence, often by relatives or appointed guardians. There is some recognition of the scale of the problem in some countries, such as China, where the state has issued guidelines for children's protection, to be led by rural government authorities.<sup>57</sup> The FPAR partners shared that this is a shared problem in other sending countries and that there is a lack of effective monitoring. When the government department responsible is unclear or undetermined, there is further lack of accountability.

Countries with a high level of development rely on cheap labour from less developed countries to support their needs for care and domestic work, construction and maintenance.

<sup>55</sup> APWLD (2019) 'Partners for Migration Feminist Participatory Action Research (Migration FPAR) for 2019-2021 Announced!' Retrieved from: <https://apwld.org/partners-for-migration-feminist-participatory-action-research-migration-fpar-for-2019-2021-announced/>

<sup>56</sup> ILO (2015) *No Easy Exit: Migration Bans Affecting Women from Nepal*. Available online: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_428686.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_428686.pdf)

<sup>57</sup> BBC (2016) 'China to protect migrant workers' 'left-behind' children'. Retrieved from: <https://www.bbc.com/news/world-asia-35581716>

According to a recent report by the Global Alliance Against Trafficking in Women (GAATW), women migrant workers often use migration as a means to escape violence and discrimination in their home societies, and also face gender-based violence in different forms as migrant workers.<sup>58</sup> State and corporate interests seek migrants to meet labour demands, often without extending protections. The lives of these workers are cheap: it has become normal for dead bodies of migrant workers to arrive at the airports in Bangladesh<sup>59</sup> and Nepal.<sup>60</sup>

There are more than 53 million domestic workers worldwide and almost half come from Asia and the Pacific region. Decreasing public services, lack of decent work opportunities, poverty and increasing demands for care work drives many women workers from the region to become domestic and care workers in predominantly Gulf countries and East Asia. The fact that domestic work is not recognised in most of the countries also mean the workers lack labour rights, protection or access to justice and remedies. Without basic labour protection such as working hours, rest day, minimum wage or right to organise, domestic workers who work in isolation are even more vulnerable to various forms of exploitation.

As migrant labour recruitment and remittances-related financial transaction has become a multi-million-dollar business, the culture of migration (for development) is promoted by governments. Migrant workers' remittances are growing year after year globally: in 2018, remittance flow to low- and middle-income was recorded at USD 529 billion, higher than previous years.<sup>61</sup> Worldwide, three of the top five remittance recipients were from Asia: India (USD 79 billion), followed by China (USD 67 billion), Mexico (USD 36 billion), the Philippines (USD 34 billion), and Egypt (USD 29 billion).<sup>62</sup> This is despite the fact that the cost to remit money is still quite high, with banks being the most expensive channels (charging at least 11 percent).<sup>63</sup> Research also shows that, 'women tend to send a higher proportion of their income, even though they generally earn less than men', and 'also usually send money more regularly and for longer periods of time'.<sup>64</sup> At the same time, women in Asia and the Pacific do four times as much care and domestic work as men, the highest gendered division of care work in the world.<sup>65</sup>

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<sup>58</sup> GAATW (2019). The Lived Experiences of Women Migrant Workers. Available online: [https://www.gaatw.org/publications/Lived\\_Experiences\\_of\\_Women\\_Migrant\\_Workers.pdf](https://www.gaatw.org/publications/Lived_Experiences_of_Women_Migrant_Workers.pdf)

<sup>59</sup> New Age Bangladesh. (2019). Bangladesh migrant workers' deaths highest in 14 years. Retrieved from: <http://www.newagebd.net/article/61485/bangladesh-migrant-workers%E2%80%99-deaths-highest-in-14-years->

<sup>60</sup> Himalayan Times. (2019). Nepal receiving two dead migrant workers every day for the past seven years. Retrieved from: <https://thehimalayantimes.com/kathmandu/nepal-receiving-two-dead-migrant-workers-every-day-for-past-seven-years-report/>

<sup>61</sup> World Bank. (2019) Press release: Record High Remittances Sent Globally in 2018. Retrieved from <https://www.worldbank.org/en/news/press-release/2019/04/08/record-high-remittances-sent-globally-in-2018>

<sup>62</sup> *ibid.*

<sup>63</sup> *ibid.*

<sup>64</sup> ILO fact sheet on Gender, Migration and Remittances. Retrieved from <https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf>

<sup>65</sup> ILO (2018). Women do 4 times more unpaid care work than men in Asia and the Pacific. Retrieved from: [https://www.ilo.org/asia/media-centre/news/WCMS\\_633284/lang--en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_633284/lang--en/index.htm)

While many countries in the region are promoting labour export policies, they have outsourced various functions to private actors such as middlemen, labour brokers, money lenders or recruitment agencies who lack accountability, leaving migrant workers vulnerable to exploitation. For instance, migrants having to pay exorbitant fees to the recruitment agencies leave them and families in high amount of debts even before their migration. Upon arrival at the destination, often their documents are confiscated by the agencies or employers as bargaining chips to ensure that workers do not leave before the contract period ends; or until the workers complete paying back the agency fees, often via deductions out of migrant workers' wage for certain period of time.

#### **Debt bondage of women migrant workers<sup>66</sup>**

Duwi, 31 years old, a woman from East Java, Indonesia is from a farm worker's family. She is married with two children and her husband also works as a farm worker. She found it difficult to find a job in the village with her junior high school diploma. Duwi decided to work abroad as a domestic worker to improve her family's financial situation.

Duwi registered with a recruitment agency in 2017 with Hong Kong as a destination country. The agency asked her to provide an original document such as marriage certificate, family card, school diploma, and ID card as a requirement for obtaining her work visa. Duwi was also given an allowance of IDR 3,000,000 (USD 213) by the agency. During her stay at the agency's training centre, she studied Cantonese for eight months and learned about her job in Hong Kong. She signed a paper stating that HK\$ 2,596 (USD 331) per month will be deducted from her salary for a six-month period; and that the agency would hold all her documents during the instalment period.

One week after her arrival in Hong Kong in 2018, the agency picked her up from the employer's house saying that she was no longer working for that employer. She was instead coerced to work part-time at several different places. During her part-time job, she never received any salary and found out that the agency had taken her whole salary. Realising she was being exploited by the agency and also learning that migrant workers are prohibited from doing a part-time work (which may result in imprisonment or blacklisting), Duwi decided to run away. She ran away without taking her passport and contract.

She was able to get her passport and the work contract back from the agency after reporting her case to the Indonesian Consulate General in Hong Kong. The agency forced her to pay a loan by signing a new contract with an increased amount of HK\$ 3,100 (USD 395); and for a longer period of repayment time (seven months instalment). In addition to reporting her case to the Indonesian Consulate General in Hong Kong, Duwi also sued her employer to the Labour Department of Hong Kong for her lost salary, one-month notice allowance and her return ticket to Indonesia. However, unfortunately, the Labour Tribunal only granted Duwi's demand for a one-way return ticket to Indonesia which cost HK\$ 1,500 (USD 191).

Duwi pursued another case reporting to the Employment Agencies Administration of Hong Kong. Unfortunately, the case could not proceed because her visa would be expiring soon.

<sup>66</sup> APWLD (2019) 'Submission by Asia Pacific Forum on Women, Law and Development (APWLD) To the UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights.' Available for download online: <https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ReportPrivateDebt.aspx>

During this period, Duwi was not allowed to work by the Hong Kong Immigration since her case was ongoing. Once arriving in Indonesia, Duwi was assisted by a local migrant workers' organisation to have her identity documents returned from the recruitment agency. Duwi received a lawsuit from the agency demanding her to pay off the debt while continuing to seize her personal documents.

Women in the region faces various legal, cultural and economic barriers to take out formal loans, forcing them to take loans arranged by recruitment agencies with vague and unfair condition. The report of the Asia Pacific Mission for Migrant Workers also confirms that those who went through recruitment agencies had a higher rate of debt, with 75 percent of those listed in debt coming from agencies.<sup>67</sup> The situation of debt of women migrant workers are often overlooked due to the fact that they often freely choose to enter contracts, in the often mistaken belief that it will lift them and their families out of poverty, and the contracts are for a limited time, such as the three years stipulated in their visas.

There are several factors that drive people to migrate, which are intensified by the neoliberal economic order, from rising inequality, loss of land and livelihood, effects of the climate crisis and increased militarisation and conflict. The next section will more closely examine the issue of land and resource grabbing and threats to food sovereignty, while the climate crisis is examined later as a standalone structural barrier.

## V. Land and resources grabbing and threats to food sovereignty

*'Women are active in a variety of economic areas, which they often combine, ranging from wage labour and subsistence farming and fishing to the informal sector. However, legal and customary barriers to ownership of or access to land, natural resources, capital, credit, technology and other means of production, as well as wage differentials, contribute to impeding the economic progress of women.'*

— Beijing Declaration and Platform for Action Critical Area F: Women and the economy (1995)

The Beijing Declaration and Platform for Action recognises the importance of women's access of control over land and natural resources to tackle poverty, promote women's economic rights, as well as ensuring environmental sustainability. The BPfA strategic objective on Women and Poverty, for instance, clearly recommends that states 'undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies'.

There is also coherence with the 2030 Agenda on Sustainable Development which emphasises on tackling discrimination against women in their access to and ownership of land, property and resources in Goal 1, Goal 2, Goal 5 and Goal 10. This is echoed by the UN

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<sup>67</sup> Asia Pacific Mission for Migrants (2014) 'Invisible Chains: A study on Agency-Related Debt Bondage Among Foreign Domestic Workers in Hong Kong (2014).' Retrieved from: <http://www.apmigrants.org/articles/publications/Featured%20Researches/Indebtedness%20Research%202014.pdf>

Working Group on discrimination against women in law and practice who in their 2017 report found that 'women are more harshly affected by land tenure insecurity due to direct and indirect discriminatory laws and practices at the national, community and family level'.<sup>68</sup>

Land rights should go beyond the right to 'own' land, and must provide for progress towards non-discriminatory holding of the full bundle of rights, including use, access, control, transfer, exclusion, inheritance, and all decision-making about land and natural resources.<sup>69</sup> It should come with the recognition that rural women's rights to land and natural resources, which include water, seeds, forestry, as well as fisheries, requires a gender-responsive approach to land rights that includes quality, legality (legitimacy) and effective implementation, participation, and enforceability. This entails implementing and supporting agrarian reform as a pro-poor and gender equitable sustainable development strategy.

There are several instances of notable progress in Asia and the Pacific in tackling discriminatory land ownership laws and practices. In Nepal, after the pressure from women's rights movements, the government introduced proactive measures to promote women's access, ownership, and control over land and property. These measures include joint registration of land in the names of husbands and wives, tax exemption on registration when land is owned by women, and a 35 percent tax exemption for single women.

These measures went hand in hand with initiatives to increase awareness: APWLD Feminist Participatory Action Research Partner (FPAR) partner from Nepal, Gramin Mahila Srijanshil Pariwar (GMSP), worked with grassroots rural women in Sindhupalchok area to increase women's awareness to land rights and joint registration. Women in Tamang and Thami communities held district level forums on land rights where they collaborate with organisations working on land rights, participated in capacity building programmes on land certificates, pushed for more women participation in joint registration, and were able to have grassroots women delegates to join the village development committees.<sup>70</sup> In India, aside from the amendment of Hindu Succession Act in 1956 which mandates equal inheritance rights for sons and daughters, the implementation of Forest Rights Act (FRA) in 2006 has enabled some communities to have recognised collective rights to community forests and resources, and includes the provision of mandatory joint titling for men and women. Research by Landesa also showed that reduction of stamp duty, for the lands registered in the name of women, has encouraged women's property

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<sup>68</sup> OHCHR (2017). UN Working Group on the issue of discrimination against women in law and in practice, 'Insecure land rights for women threaten progress on gender equality and sustainable development'. Retrieved from:

<https://www.ohchr.org/Documents/Issues/Women/WG/Womenslandright.pdf>

<sup>69</sup> Report of the Expert Group Meeting on the CSW62 Priority Theme: Challenges and Opportunities in Achieving Gender Equality and the Empowerment of Rural Women and Girls. Retrieved from:

[https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/62/egm/expert%20group%20report\\_revised\\_final.pdf?la=en&vs=2252](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/62/egm/expert%20group%20report_revised_final.pdf?la=en&vs=2252)

<sup>70</sup> APWLD (2017) Changing Development From the Inside- Out: Regional Feminist Participatory Action Research Report APWLD Breaking out of Marginalisation Programme

ownership rights in some states like Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, Haryana and Delhi.<sup>71</sup>

Unfortunately, those administrative and legal measures are still uneven in the region, and huge gaps between policies and enforcement make women continue to face cultural and economic challenges to their ability to access, use, own, and control land and resources essential to sustain livelihoods.

In Asia and the Pacific, rural, urban poor and indigenous women's land rights are not only hindered by discriminatory land ownership laws and practices, they also face significant and increasing threats from land grabbing practices. As of February 2019, the Land Matrix database had recorded 1,105 large scale land acquisitions in Asia, covering 19,396,447 million hectares. Most large-scale land acquisitions are concentrated in Southeast Asia, and cover agriculture, conservation, forestry, industry, renewable energy, and tourism. Out of the 23 countries covered by the database, the top six countries with the highest number of land deals are Cambodia, Indonesia, Philippines, Lao PDR, Vietnam and India, with investors coming from 57 countries, including from the same continent (China, Vietnam, India and Malaysia).<sup>72</sup>

These land acquisitions are also the result of the trend of infrastructure development influx in Asia and the Pacific. The demand for infrastructure across Asia and the Pacific far exceeds the current supply. From 2016-2030, more than USD 26 trillion – or USD 1.17 trillion a year – would be required to deliver infrastructure development.<sup>73</sup> India requires USD 1.5 trillion over the next decade<sup>74</sup> and Kazakhstan aims to implement USD 40 billion (35 percent of GDP) worth of projects up to 2020 under its Nurdy Zhol plan<sup>75</sup>.

### **Indonesia's Aggressive Infrastructure Plan**

Indonesia declared national strategic infrastructure development as the main policy to boost national economic growth in the period 2014-2019, which includes development projects such as highways, airports, railway, hydropower dams, ports, etc. To facilitate investments, Indonesia offered 16 Economic Stimulus Packages, which includes tax holiday, tax incentives, speed up investment licencing, easing on permits and costs, limiting workers' wages increase to not more than 10 percent per year, etc. Indonesia also issued Law No. 2 Year 2012 on Land Procurement for Public Infrastructure that aims to facilitate land acquisitions.<sup>76</sup> Based on

<sup>71</sup> Women's Land Rights in India and the Sustainable Development Goals (SDGs). Retrieved from <https://landportal.org/debates/2017/womens-land-rights-india-and-sustainable-development-goals-sdgs>

<sup>72</sup> See: <https://landmatrix.org/region/asia/>

<sup>73</sup> Asian Development Bank. Meeting Asia's infrastructure needs. Mandaluyong City, Philippines: Asian Development Bank, 2017

<sup>74</sup> See <https://economictimes.indiatimes.com/news/economy/infrastructure/india-needs-1-5-trillion-for-infrastructure-arun-jaitley/articleshow/52922015.cms>

<sup>75</sup> <https://astanatimes.com/2015/09/kazakhstans-nurdy-zhol-and-chinas-economic-belt-of-the-silk-road-confluence-of-goals/>

<sup>76</sup> SERUNI (2018), People Development Justice Report

the report of Agrarian Reform Consortium, between 2014-2019, there were in total 1,769 land and agrarian disputes.<sup>77</sup>

### **Infrastructure projects in the Philippines adding to debt, land grabbing and inequality**

The Philippines government's 'Build, Build, Build' infrastructure programme is creating deeper inequality and facilitating land grabbing, particularly in indigenous communities. The national government has programmed its total gross debt for 2019 at USD 36.5 billion, with external debt accounting for USD 5.9 billion of the total and domestic borrowings at USD 17.7 billion. Big ticket projects are also in the pipeline through the Build! Build! Build! infrastructure programme where 75 flagship projects worth a combined total of USD 36 billion in investments. To give further concession to businesses, and to supposedly attract more investors, part of the comprehensive tax reform programme of the present administration is to lower corporate income tax from 30 percent to 20 percent.<sup>78</sup>

The acquisition of land by agro-business or wealthy farmers, for large scale infrastructure, including those conducted under the guise of renewable energy or for the extractive industries, routinely results in forced evictions and displacement of communities. Indigenous peoples, ethnic minorities, rural communities and subsistence farmers (the majority of whom are women) face increasing threats to their land tenure, territorial rights and their livelihoods without respect for the principle of free, prior, informed consent.

### **Indigenous struggles due to hydropower development in Cambodia**

Cambodia's estimated hydropower potential is 10,000 megawatts, of which nearly half is on the Mekong River. In May 2008 Cambodia announced plans to build 14 new hydropower dams to produce 1,850 megawatts. If the Government can secure USD 3.2 billion of investment for this infrastructure projects, the dams will be built by 2020. The development of these dams will potentially displace around 5,000 indigenous communities who live by the river. One of the districts the dam will be built is Sambo district in Kratie Province, Cambodia. Sambo is the home for Kouy indigenous minority group whose life dependent on the river to

<sup>77</sup> People's Development Justice Report: Monitoring the Implementation of 2030 Agenda by SERUNI, Indonesia. APWLD Feminist Development Justice programme 2018-2019.

<sup>78</sup> Center for Women's Resources. (2018). *National Monitoring and Review of the Sustainable Development Goals and Development Justice in the Philippines*.

catch fish and also on the land for ancestral and agriculture production. Sambo district is also a well-known habitat for the endangered species, Irrawaddy Dolphin. Kouy community together with other indigenous groups in Cambodia are currently struggling for collective land title to secure their land and livelihood. However, the process of collective land title registration is long and complicated<sup>79</sup>.

The impact of land grabbing is also aggravated by the recent trade and investment provisions such as 'national treatment' that requires governments to treat foreign investors as they do locals. Consequently, unless governments provide a specific exclusion clause in agreements, foreign corporations and individuals can purchase land. Such provisions may also limit governments' ability to employ policy instruments, such as reduced land taxes for women which are applied in India, Nepal and other countries, that are designed to increase women's registration of land ownership.<sup>80</sup>

Aside from land grabbing, women small-scale farmers in Asia and the Pacific are increasingly undermined by agribusiness monopolies, commercial agriculture and trade liberalisation policies and practices. The push for pesticides usage reduces the quality of land and water resources used by smallholder farmers. This reflects the corporate capture of the agrarian sector that is dominated by a handful of corporations who push for the use of pesticides globally. Monsanto and Bayer, Dow and Dupont, and Syngenta and ChemChina, control more than 65 percent of global pesticide sales, as well as almost 61 percent of commercial seed sales.<sup>81</sup> These companies use their lobbying power and corporate capture of the government to stop developing countries from pursuing bans on hazardous chemicals: Thailand has, through a national legislative process based on scientific reports, issued a ban on three chemicals: Dow Chemical's chlorpyrifos, an insecticide that is known to damage babies' brains; Syngenta's paraquat, a herbicide that causes the nervous system disease Parkinson's and has been banned in Europe since 2007; and Monsanto's glyphosate herbicide, which is linked to cancer and other health problems.<sup>82</sup> The US government has responded to this by threatening trade with Thailand, arguing that the glyphosate ban could mean losses of hundreds of millions of dollars.<sup>83</sup>

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<sup>79</sup> CVS, Cambodia. (2019) FPAR Research Report

<sup>80</sup> Financial Express. (2017). 'Are you aware of the home loan benefits women enjoy in India?': <http://www.financialexpress.com/money/are-you-aware-of-the-home-loan-benefits-women-enjoy-in-india/580642/> Accessed on 27 October 2017

<sup>81</sup> Seeking Alpha. (2016). 'Dow and DuPont, Bayer and Monsanto or Syngenta - which will succeed?': <https://seekingalpha.com/article/4024476-dow-dupont-bayer-monsanto-syngenta-willsucceed> Accessed on 30 October 2017

<sup>82</sup> Gillam, Carey (2019) *The Guardian*: 'Thailand wants to ban these three pesticides. The US government says no'. Retrieved from: <https://www.theguardian.com/commentisfree/2019/nov/10/thailand-pesticides-dow-monsanto-syngenta-trump>

<sup>83</sup> Ibid

The UN Special Rapporteur on the right to food has stated that the idea that pesticides are necessary to achieve food security is not only inaccurate, but dangerously misleading.<sup>84</sup> In principle, there is adequate food to feed the world; however, inequitable production and distribution systems present major blockages that prevent access for those in need. This violates the rights to food, health and nutrition, not only for rural women and men in lower-income countries, but also for consumers across the world. The model promoted by global corporations promotes monocropping and inflicts damage through excessive pesticide use, while also rapidly decreases biodiversity and reduces the prevalence of climate and extreme event resilient varieties, and fails to ensure food sovereignty.<sup>85</sup>

Other challenges in maintaining livelihoods for women farmers include removing tariffs on imports which enable subsidised lower quality food flood a local market, driving down prices and displacing local women's produce, relating to the previous section on trade and investment agreements.

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<sup>84</sup> Carrington, D (2017) *The Guardian*: 'UN experts denounce 'myth' pesticides are necessary to feed the world'. Retrieved from: <https://www.theguardian.com/environment/2017/mar/07/un-expertsdenounce-myth-pesticides-are-necessary-to-feed-theworld>

<sup>85</sup> UN General Assembly. Human Rights Council 34th session 2017. Report of the Special Rapporteur on the right to food. A/HRC/34/48.

## B. Patriarchy, violence and the crisis of democracy

*An environment that maintains world peace and promotes and protects human rights, democracy and the peaceful settlement of disputes, in accordance with the principles of non-threat or use of force against territorial integrity or political independence and of respect for sovereignty as set forth in the Charter of the United Nations, is an important factor for the advancement of women. Peace is inextricably linked with equality between women and men and development. Armed and other types of conflicts and terrorism and hostage taking still persist in many parts of the world. Aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world.*

— Beijing Declaration and Platform for Action Critical Area K: Women and armed conflict (1995)

In the past five years, the region has experienced a resurgence of authoritarian, patriarchal governance. Patriarchy is a system of organising society through a set of rules that must be routinely enforced to strengthen the status quo and ascribe gender roles while normalising the use of power and fear in the states' relationship to its citizens and to other countries. The model of patriarchy, reinforced by neoliberal globalisation, fundamentalisms and militarism (GFMP), underpin development policies, political and legal systems, economic and military actions, regional agenda-setting and global policy actions, creating societies that fail to deliver the full realisation of women's human rights. These forces are strengthening in their manifestation in the 21st century, and pose a direct threat to the realisation of the commitments of the BPfA, UNSCR 1325 and Agenda 2030. APWLD and civil society from Asia and the Pacific have been consistently advocating for the dismantling of structural barriers manifested from these forces.

### I. Rising authoritarianism and deficit in democracy

*'Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all levels of decision making, the goals of equality, development and peace cannot be achieved.'*

— Beijing Declaration and Platform for Action Critical Area G: Women in power and decision-making (1995)

Authoritarianism propagates the notion that countries need strong, aggressive leadership. In doing so the state becomes increasingly patriarchal and the use of violence and authoritarian control become normalised at both the state and non-state level. The consequences are both diminished participatory democracy and a higher tolerance for sexism, racism and discrimination based on religious grounds. Patriarchal, authoritarian rule often leads

to increased militarism, by both state and non-state actors. Militarism is a threat to both international peace and peace within the community and the home.

In 2018, civil society hosted the International Peoples' Tribunal on the Philippines in Brussels. The tribunal heard testimonies from women human rights defenders and family members of political prisoners or victims of extrajudicial killings, demonstrating the gendered impact of the Philippines government's policies, and how they harken back to earlier repressive eras.

On the first day of the tribunal, GABRIELA Alliance of Filipino Women testified that the impacts of misogyny are real for women in the Philippines, stating that the president's public statements 'promote rather than discourage or prevent discrimination against women; they are offensive to women; they are tantamount to verbally abusing women; they harass women; they degrade women, they threaten the lives of women', she stated. GABRIELA noted that the government's actions are in contravention of the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and national laws including Magna Carta of Women and the Women Development Code of Davao.<sup>86</sup>

The Philippines is not alone in attacks on women's rights, with the US and Brazil bringing on the same kind of attacks and offensive statements in their countries. Studies show that 'because male dominance is deeply linked to political legitimacy, many revolutionaries and counterrevolutionaries have used the specter of women's power to discredit the regime they sought to overthrow. Then, once in power themselves, they have validated their authority by reducing women's rights'.<sup>87</sup>

In the same period that right wing groups with fascist and authoritarian tendencies have been elected and reelected, and not without coincidence, the landscape of the virtual world has changed. A handful of Silicon Valley companies control the platforms with which billions of users interact with information, and they have repeatedly looked away even when the effects of their lack of regulation and responsibility have contributed to genocide:

*Members of the Myanmar military were the prime operatives behind a systematic campaign on Facebook that stretched back half a decade and that targeted the country's mostly Muslim Rohingya minority group, the people said. The military exploited Facebook's wide reach in Myanmar, where it is so broadly used that many of the country's 18 million internet users confuse the Silicon Valley social media platform with the internet. Human rights groups blame the anti-*

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<sup>86</sup> Marquez, C. (2018, September 20). Inquirer.net | International People's Tribunal finds Duterte guilty of human rights violations. Retrieved October 15, 2019, from <https://newsinfo.inquirer.net/1034523/international-peoples-tribunal-finds-duterte-guilty-of-human-rights-violations>

<sup>87</sup> Beinart, P. (2019). The Atlantic | The New Authoritarians Are Waging War on Women. Retrieved from <https://www.theatlantic.com/magazine/archive/2019/01/authoritarian-sexism-trump-duterte/576382/>

*Rohingya propaganda for inciting murders, rapes and the largest forced human migration in recent history.*<sup>88</sup>

The impact of these online platforms has many facets. On the positive side, connecting previously isolated constituencies of women has and does support transformative changes, from enabling migrant workers to organise using just their mobile phones,<sup>89</sup> to making sexual and reproductive health information and advice easily available to women and girls regardless of their location.<sup>90</sup>

However, by and large the lack of regulation of these platforms and the control over information flow that they have has led to a deficit in democracy. Writer and activist Arundhati Roy observed after the reelection of Narendra Modi in 2019:

*Elections in India are more and more about money, about spectacle, about controlling the mainstream media and social media. Every institution in this country was bent to their will, including the Election Commission and, who knows, perhaps the electronic voting machines. That money bought them tens of thousands of IT experts, data analysts, social media activists who ran thousands of Whatsapp groups with carefully directed propaganda—tailored and tweaked for every section, region, caste, and class, every voting booth in every constituency.*

This election could not be termed fair because of the money (and the neoliberal economic order that made it possible to accumulate this money) that the ruling party and its cronies had to direct at crafting the propaganda, both in mainstream media and online. Prior to the election, online messaging platform Whatsapp had difficulty in regulating the flow of misinformation, which also contributed to mob violence and anti-Muslim sentiment.<sup>91</sup> Because of the flow of money and the structure of the online world, the flow of votes did not get impacted even by the rollout of demonetisation, although this caused deaths of waiting in queues, in stampedes, and because people could not access cash for paying for food, medicines or access to hospitals.<sup>92</sup> Demonetisation also had a domestic violence dimension, as it forced many women to reveal that they had hidden savings, leading to verbal and physical violence from male family members.<sup>93</sup>

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<sup>88</sup> Mozur, P. (2019). The New York Times | A Genocide Incited on Facebook, With Posts From Myanmar's Military. Retrieved from <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>

<sup>89</sup> APWLD. (2011). Pamphlet: Mobilise Guide- Action and Organising with Mobile Phones. Retrieved from <https://apwld.org/mobilise-guide-action-and-organising-with-mobile-phones/>

<sup>90</sup> Lalon, A. H. (2017). CHANGE Magazine. Maya Apa: A Life Changing App in Bangladesh. Retrieved from <http://www.changemag-diinsider.com/blog/maya-apa-a-life-changing-app-in-bangladesh>

<sup>91</sup> Waterson, J. (2018). The Guardian | WhatsApp struggling to control fake news in India, researchers say. Retrieved from <https://www.theguardian.com/technology/2018/nov/12/whatsapp-struggling-control-fake-news-india-bbc-study-hindu-nationalism-cheap-mobile-data>

<sup>92</sup> Bhatnagar, G. V. (2018). The Wire | 'Two Years On, Modi Government Continues to Block Information on Demonetisation Deaths'. Retrieved from <https://thewire.in/government/demonetisation-deaths-modi-government>

<sup>93</sup> Tandon, S. (2017). Quartz India | 'Amid India's cash crunch, cases of domestic violence spiked.' Retrieved from <https://qz.com/india/904562/demonetisation-amid-indias-cash-crunch-cases-of-domestic-violence-spiked/>

Asia and the Pacific has seen several general elections in 2018 and 2019, and the use of data, social media and online propaganda has not just been an issue in India. In fact, this is now the expected outcome due to the architecture of the online spaces and the focus that the companies regulating them have on profit through collecting data. Journalist Ryan Broderick, in a piece written during the outcome of the Brazilian election observed that ‘the way the world is using their phones is almost completely dominated by a few Silicon Valley companies. The abuse that is happening is due to their inability to manage that responsibility’.<sup>94</sup> Further, Broderick says that this has become normalised in a very short time, to the point that it is now assumed that the largest online platforms such as Facebook, Whatsapp and Twitter will contribute to political and social instability. A similar concern is raised by the UN Special Rapporteur on freedom of peaceful assembly and association in his report to the Human Rights Council in 2019, which states ‘dominant online platforms such as Facebook, Twitter and YouTube have become the gatekeepers to people’s ability to enjoy the rights of peaceful assembly and of association, wielding enormous power over whether individuals and civil society actors can access and participate in the democratic space’.<sup>95</sup>

This mandate and a few others have attempted to connect concerns raised by civil society with Silicon Valley companies who are cooperating with autocratic governments in gatekeeping access, in the name of security or fighting terrorism. In the same report, the Special Rapporteur observes that in the last decade, ‘States have used technology to silence, surveil and harass dissidents, political opposition, human rights defenders, activists and protesters, and to manipulate public opinion. Governments are ordering Internet shutdowns more frequently, as well as blocking websites and platforms ahead of critical democratic moments such as elections and protests. A surge in legislation and policies aimed at combating cybercrime has also opened the door to punishing and surveilling activists and protesters in many countries around the world’.<sup>96</sup> This also connects back to the problem of corporate capture as outlined in the previous chapter: the autocratic governments and the corporate elite collude with each other to the detriment of human rights.

The challenges posed by this online architecture of companies profiting from data of individual users worldwide, combined with the rise of right-wing conservatives who use that architecture to spread their message and dominate ahead of elections, are widespread and global. It is impossible to disconnect the problems caused by the neoliberal economic order and globalisation forces that allow these companies to exist and accumulate data and profits, or the patriarchal system that enables misogynist autocrats to assert their power by attacking women’s rights. The effects of these combined systems are also more visible when examining the

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<sup>94</sup> Broderick, Ryan (2018). *Buzzfeed This Is How We Radicalized The World*. Retrieved from: <https://www.buzzfeednews.com/article/ryanhatesthis/brazil-jair-bolsonaro-facebook-elections>

<sup>95</sup> UN General Assembly. Human Rights Council 41st session (2019). Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. A/HRC/41/41. Retrieved from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/141/02/PDF/G1914102.pdf?OpenElement>

<sup>96</sup> Ibid

realities of women experiencing multiple and intersecting forms of discrimination, such as women with disabilities.

These restrictions both coincide with a lack of women's representation in the political process and with increasing scrutiny on both civil society and trade union organising. More countries in the region are arresting people for social media posts that challenge the ruling party or political process (for instance in Vietnam,<sup>97</sup> Thailand<sup>98</sup> and Bangladesh<sup>99</sup>), while some of the internet restrictions are deliberately targeting refugees.<sup>100</sup>

This digital landscape going hand in hand with the rising authoritarianism in the region captures why the #MeToo movement has not led to accountability or a real change in the way gender-based violence is addressed in Asia and the Pacific. For example, in 2015 in Bangladesh, men who groped and harassed women in the Bengali New Year celebrations were widely photographed, videoed, and some were identified by the public over social media.<sup>101</sup> Yet, during the attacks police stood by not reacting, and in the four years since, law enforcement officials have failed to pursue the case, and the prosecution has still not called any witness.<sup>102</sup> In China, government censors disabled Weibo users from generating a topic page on #MeToo, and blocked the hashtag #38antiharassment; the #MeToo hashtag is only allowed to be used to discuss the sexual harassment campaigns in countries outside of China.<sup>103</sup> In October 2019, authorities arrested an activist of the #MeToo movement in China for 'picking quarrels and provoking trouble'.<sup>104</sup>

## II. Gender-based violence and multiple and intersecting discrimination against women with disabilities

The Asia Foundation published *The State of Conflict and Asia* in 2017, where it found that gender-based violence kills more women than direct armed conflict, with dowry-related violence and honor killings dominant in South Asia, while sexual assault is used as a weapon of

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<sup>97</sup> Human Rights Watch (2019) 'Vietnam: New Arrest for Facebook Postings'. Retrieved from: <https://www.hrw.org/news/2019/10/07/vietnam-new-arrest-facebook-postings>

<sup>98</sup> Reuters (2019) 'Man arrested amid #royalmotorcade controversy'. Retrieved from: <https://www.bangkokpost.com/thailand/general/1767574/man-arrested-amid-royalmotorcade-controversy>

<sup>99</sup> Human Rights Watch (2019) 'Bangladesh: New Arrests Over Social Media Posts'. Retrieved from: <https://www.hrw.org/news/2019/05/17/bangladesh-new-arrests-over-social-media-posts>

<sup>100</sup> Human Rights Watch (2019) 'Bangladesh Ruling Party Activists Kill Student after Facebook Post'. Retrieved from: <https://www.hrw.org/news/2019/09/13/bangladesh-internet-blackout-rohingya-refugees>

<sup>101</sup> Islam, Md Sanaul (2018) *Dhaka Tribune*: 'No justice yet for 2015 Boishakh sexual assault' <https://www.dhakatribune.com/bangladesh/crime/2018/04/14/no-justice-yet-2015-boishakh-sexual-assault>

<sup>102</sup> Islam, Md Sanaul (2019) *Dhaka Tribune*: '4 years on, no progress in Pohela Boishakh sexual harassment trial' <https://www.dhakatribune.com/bangladesh/court/2019/04/14/4-years-on-no-progress-in-pohela-boishakh-sexual-harassment-trial>

<sup>103</sup> WeChatScope (2019) 'Censored on WeChat: #MeToo in China: In China, authorities see #MeToo as a political threat.' Retrieved from: <https://advox.globalvoices.org/2019/03/26/censored-on-wechat-metoo-in-china/>

<sup>104</sup> Li, Jane (2019) *Quartz*: 'A pioneer of the #MeToo movement in China was detained after she blogged about Hong Kong's protests' <https://qz.com/1734830/a-pioneer-of-the-metoo-movement-in-china-has-been-detained/>

war in Myanmar. In Timor-Leste, 14 percent of all women between the ages of 15 and 49 report being raped. In India, there were 8,342 rapes reported per year between 2009 and 2013, which averages out to roughly 23 women raped every day. Nepal has seen a sharp increase in reported violence against women. Yet the full range and impact of such violence is still unexplored and little understood. Survey data is inconsistent within and between countries, and cultural factors lead to widespread underreporting.<sup>105</sup>

Women and girls with disabilities are at higher risk of gender-based violence, sexual abuse, neglect, maltreatment and exploitation. Studies show that women and girls with disabilities are twice as likely to experience gender-based violence compared to women and girls without disabilities. Although regional data does not currently exist on the rights of women with disabilities in Asia and the Pacific, the APWLD survey on women with disabilities that was initiated as part of the Beijing civil society consultations did echo these general studies.

While the survey received only responses from South Asia, several insights emerged in the responses, from the kinds of barriers faced, to some positive insights, as well as gaps. Key barriers can be summarised as follows:

**Lack of representation in decision-making institutions, and general lack of support for and access to education and employment:** Women with disabilities often can only access low-quality special education; there is little support in career development. This translates to lack of opportunities and representation in institutions and across industries. Another barrier that emerged was that often special schools are concentrated in urban areas, leaving women and girls with disabilities in rural areas out from such opportunities.

**Violence and other violations of human rights:** Women with disabilities are more vulnerable to all kinds of violence and violations of human rights, including sexual violence, than other women. Many do not report the cases due to a multitude of reasons, including lack of awareness and lack of public facilities that support their mobility and communications; sometimes also because the perpetrators are family members or caregivers. One respondent from Nepal wrote: 'There are many sexual violence cases of women with disabilities. When she registers (their) cases in police and go to court, there is no facility of sign language interpreter in police office or in court, and most of them lose the case.'

**Stigma and discrimination:** This came from several fronts, including employers, health workers, and family members. One respondent from Pakistan shared that after the earthquake in 2005 'a huge number of women who became disabled were excluded from families'. Another respondent from Sri Lanka shared that 'women with disabilities rarely have the opportunity of having partners'.

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<sup>105</sup> The Asia Foundation. (2017). *The State of Conflict and Asia*. Retrieved from [https://asiafoundation.org/wp-content/uploads/2017/09/The\\_State\\_of\\_Conflict\\_and\\_Violence\\_in\\_Asia-1.pdf](https://asiafoundation.org/wp-content/uploads/2017/09/The_State_of_Conflict_and_Violence_in_Asia-1.pdf)

This was also captured in several case studies emerging out of India from consultations with 13 organisations for persons with disabilities in three states (Odisha, Madhya Pradesh and Rajasthan) to complete the survey shared by APWLD. The following stories were shared:

- Priya Saba (name changed): As a tribal girl with a locomotor disability, she faced discrimination within and outside her family. She was always discouraged to live her own dreams. She wanted to learn stitching, but she did not get any support from the family. Rather she was forcefully engaged in the household chores and the family even refused to assist her in setting up her own grocery shop.
- Rekha Pradhan (name changed): A resident of Gajapati, Odisha got married in the neighbouring state Andhra Pradesh and was blessed with two daughters. Her younger daughter has intellectual disability. Rekha was not born with a disability; however, she met with an accident and lost her right leg. Thereafter her husband started inflicting physical and verbal violence on Rekha. Her husband even stopped supporting the family and Rekha was left with one option to return to her mother's place. In addition, they suffered financially and her mother used to beg. Therefore, Rekha also started begging as well in order to fulfil the needs of her children.
- Savita (name changed): A woman with disability from Dungarpur was married to a person in her local area and community. As she was not able to support her husband financially, she was beaten up and sent back to her home. Her parents took care of her in spite of all the struggles they were going through. Her husband does not accept her nor permits her to meet her children. This is the reason why there is a need to sensitise the community and key stakeholders to create a violence free environment in the home as well as in the community. The low levels of education and literacy among women with disabilities is one of the reasons why they do not file any legal case against the abusers.

With regards to engagement in Beijing +25 Review processes as well as the implementation of BPfA, there are both issues of ignorance and lack of institutional arrangements. Women with disabilities in the region are generally unaware of the BPfA, let alone having opportunities to engage. In Pakistan, one respondent said that at the national level 'all the discussions for the current Beijing +25 review were taken by human rights ministry and we came to know through a consultant that a report was prepared and submitted but we were not engaged in any discussions.' In Nepal, a respondent wrote that there was no mechanism to invite women with disabilities at the local level. Generally, civil society meetings in the region are not accessible for women with disabilities: for instance, meeting venues often do not have lifts, and sign language interpretation is not provided.

There has been some progress in establishing policies to advance the rights of women with disabilities. In Nepal, provisions on women with disabilities have been included in the constitution and national policies on disabilities such as the new Disabilities Rights Act. There is also a 33 percent reservation for women and five percent reservation for persons with disabilities at every level of government, although women with disabilities is not specified to have reserved seats. In Pakistan, women with disabilities groups have actively engaged with the government to increase inclusiveness of women with disabilities in the electoral processes;

and to ensure the Pakistan Disability Act aligns with the UN Convention on the Right of Persons with Disabilities (CRPD) and Beijing framework. In India, the Rights of Persons with Disabilities Act, 2016 was passed as part of the efforts to fulfil India's obligation to the CRPD, which India ratified in 2007. The Act has a focus on women with disabilities; and consequently in 2018 and 2019, the Election Commission of India focused on inclusive elections where they ensured that all polling booths were accessible for persons with disabilities and that all assistance was provided to ensure higher participation of persons with disabilities in voting. Women with disabilities participated hugely in this intervention and displayed great leadership.

Women with disabilities participated in the survey indicated economic empowerment along with increasing awareness of their rights are critical in advancing their status. For instance: successes in setting up livelihood generation projects for women with disabilities were highlighted: in the Indian state of Rajasthan, a group of five women with disabilities work together at a common place and prepare a local snack that they supply to nearby shops, earning at least INR 3000 (USD 42) per month. Similarly, in the state of Madhya Pradesh, women with disabilities report being part of Self-Help Groups (SHGs) engaged in different livelihood vocations. These groups run tailoring, goatery, poultry, vegetable production. So far, 117 SHGs are formed having persons with or without disabilities. Out of 117 SHGs, 54 are linked to livelihood vocations. Similarly, Viklang Ekta Seva Samiti, Hoshangabad members are also engaged in livelihood vocations. These groups are predominantly engaged in poultry farming and earning profits. Hoshangabad has formed 192 SHGs including persons without disabilities members and out of that, 74 SHGs are engaged in different livelihood activities.

Generally, however, survey respondents shared that they faced lack of understanding from governments on different types of disabilities, particularly invisible ones, that there is a lack of reliable and consistent statistics on women with disabilities, and a lack of legal tools to protect the rights of women with disabilities. Lack of legal protections is a common theme for women of different identities as is covered in the next section on Women Human Rights Defenders.

### III. Attacks on Women Human Rights Defenders

Across the world, Women Human Rights Defenders (WHRDs) face threats to their safety, both in private and public sphere. Their digital safety is a rising concern in an era where large amounts of personal data are available to private companies and in turn to governments. It has been a common experience that WHRDs do not receive attention or protection from police when they report online threats including disturbing images of their own or family member's dismemberment,<sup>106</sup> or when threatened with 'revenge porn' of their faces edited onto nude

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<sup>106</sup> Former BERSIH Chair and current Malaysian Member of Parliament Maria Chin Abdullah received death threats via Whatsapp in 2016, which included images of herself and her sons decapitated. The Star. (2016). Bersih head gets another death threat on handphone. Retrieved from <https://www.thestar.com.my/news/nation/2016/11/11/bersih-head-gets-another-death-threat-on-handphone>

images; yet security forces are very capable of arresting women for online critique of the government.<sup>107</sup>

WHRDs face a set of specific challenges based on who they are, and what they do. Gender-based violence and discrimination is a common experience for WHRDs, particularly in highly patriarchal societies with strict notions about sexuality, gender roles, and a woman's place in the community and home. They may face stereotyped smear and defamation campaigns linked to their status as women and the rights they defend. They may be at a higher risk of being criminalised, attacked and denigrated if working on the issues that are regarded as 'taboo', for example, same-sex relationships, sexual and reproductive health and rights, or in general on women's bodily autonomy. Moreover, many of the violence and attacks they face are directed towards members of their families as a cruel form of intimidation. In addition, WHRDs must overcome systemic discrimination and inequality, which sees WHRDs and their struggles as less important and less worthy - this is also reflected in having less access to the corridors of power and funding.

Instead of listening to defenders, states in Asia and the Pacific are doing their best to silence them. Trends that have become evident in the past decade to oppress defenders in Asia include:

- Criminalisation of human rights defenders, using both archaic, colonial laws, such as India's Unlawful Activities (Prevention) Act or Malaysia's Official Secrets Act; new, restrictive laws, such as Myanmar's Peaceful Assembly and Peaceful Procession Law, Thailand's Defamation Law and Computer Crime Act or Bangladesh's Digital Security Act; as well as so-called 'anti-terrorist' legislation, such as Malaysia's Security Offenses (Special Measures) Act (SOSMA).
- Rising authoritarian rule with a facade of democracy, through means such as: the incumbent political party criminalising the opposition (e.g. Bangladesh, Cambodia) so that they are automatically elected to another term; constitutional structure that protects a majority (Myanmar, whose 2010 constitution saves parliamentary seats for the military).
- Use of military, paramilitary, or other security forces of the state to threaten, attack and judicially harass defenders, for instance the deployment of Armed Forces of the Philippines (AFP) in the Cordillera, in Bangladesh, at the Letpadaung copper mine in Myanmar, where the police used white phosphorus munitions against protesters, and in India where police used violent tactics to disperse protesters at dam sites. The latter two are also examples of how corporate interests are being protected by state forces at the cost of human and environmental rights.

LBTI defenders, and Indigenous women human rights defenders face additional risk to their safety. For example, indigenous WHRDs in the Cordillera region in northern Philippines

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<sup>107</sup> Buchanan, R. T. (2018). *Buzzfeed News* | Students In Bangladesh Are Deleting Their Posts About The Protests Because They're Scared Of Reprisals. Retrieved from <https://www.buzzfeednews.com/article/rosebuchanan/bangladesh-student-protests>

face judicial harassment, with multiple cases filed against them by the military; Indigenous WHRDs in the Chittagong Hill Tracts in southern Bangladesh face arrests and violence from security forces including the military. Both the Cordillera and the Chittagong Hill Tracts<sup>108</sup> are the most militarised zones of each country, which contributes to the scale of harassment and attacks faced by women, especially activists: police in the Chittagong Hill Tracts regularly arrest even small groups of women protesting sexual violence against Indigenous women.

WHRDs resisting corporate interests, whether they are anti-dam protesters in India and Myanmar, or anti-mining activists in Thailand, have the common experience of facing death threats for opposing 'development'. Their activism is more vilified because it is perceived to interfere with the economy, which is not supposed to be influenced by women, an instance of how patriarchy provides a further backlash to women for having agency.

Annex II provides a list of urgent actions and letters issued by APWLD for WHRDs within APWLD's membership and network between 2014-2019. It does not attempt to provide a complete picture of the dangerous situation faced by WHRDs, but does offer a sense of the rising levels of threats and attacks evident in the region, and the forms that they are taking.

#### IV. Conflict and the commitments of UN Security Council Resolution 1325

*Although the threat of global conflict has been reduced, wars of aggression, armed conflicts, colonial or other forms of alien domination and foreign occupation, civil wars, and terrorism continue to plague many parts of the world. Grave violations of the human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, forced pregnancy and forced abortion, in particular under policies of ethnic cleansing.*

— Beijing Declaration and Platform for Action Chapter II: Global Framework (1995)

According to the 2018 Global Peace Index (GPI), the average level of global peacefulness has declined for the fourth consecutive year, falling by 0.27 percent in 2017. Asia and the Pacific is one of the regions identified to have a lower level of peacefulness, with the report authors observing that 'the peacefulness of regions and subregions tend to rise and fall together, implying that attempts to resolve conflicts need to take a regional rather than a narrow national view'.<sup>109</sup> While South Asia, which is the world's second least peaceful region after Middle East and North Africa (MENA), has improved overall, the reports that Bangladesh had a decline, due to political instability, terrorism impact, and decline in relations with Myanmar following the exodus of the Rohingya minority.<sup>110</sup>

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<sup>108</sup> International Work Group for Indigenous Affairs. (2012). *Militarization in the Chittagong Hill Tracts, Bangladesh – The Slow Demise of the Region's Indigenous Peoples*. Retrieved from [https://www.iwgia.org/images/publications/0577\\_lgia\\_report\\_14\\_optimized.pdf](https://www.iwgia.org/images/publications/0577_lgia_report_14_optimized.pdf)

<sup>109</sup> Institute for Economics and Peace. (2018). *Global Peace Index 2018*. Retrieved from <http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf>

<sup>110</sup> *ibid*

One percent of the world population is now displaced or stateless.<sup>111</sup> The majority of refugees and internally displaced persons are hosted in developing countries. Afghanistan and Myanmar are two of the five countries identified as the source of two thirds of the world's refugees.<sup>112</sup> Meanwhile, according to data from the Stockholm International Peace Research Institute (SIPRI), the volume of international transfers of major arms in 2014-2018 was 7.8 percent higher than in 2009-2013, and 23 percent higher than in 2004-2008.<sup>113</sup> The five largest arms exporters in 2014-2018 were the United States, Russia, France, Germany and China. Together, they accounted for 75 percent of the total volume of arms exports in 2014-2018.<sup>114</sup>

In the last five years since the Beijing + 20 review in 2015, several issues have come to the forefront globally, or have worsened. These issues are particularly reflected in Asia and the Pacific which hosts more than half of the world's population and a large number of displaced and stateless persons. In addition, since 2015, there has been an official fact finding mission on Myanmar that 'infers genocidal intent on the part of the State',<sup>115</sup> and called for its top military officials to be investigated and prosecuted for genocide, crimes against humanity and war crimes.<sup>116</sup> Aside from the persecution of the Rohingya, the reality of the persecution and detention of the Uighurs has emerged from the region, however, unlikely to be directly addressed by governments.<sup>117</sup>

In an East Asia focused sub-regional civil society consultation<sup>118</sup> on the Beijing + 25 review, participants observed that the implementation of the UN Security Council Resolution 1325 falls largely short. In China, while there is an obligation for the government to adopt a women, peace and security agenda, there is no National Action Plan for UNSCR 1325 yet, despite some progress made in scattered areas such as increasing the number of women UN peacekeepers. In Korea, military spending has been steadily increasing,<sup>119</sup> while established legal and policy frameworks around women, peace and security, including the UNSCR 1325 National Action Plan are not implemented effectively. In Japan, although the government has

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<sup>111</sup> UNHCR. (2018). *Global Trends: Forced Displacement 2018*. Retrieved from <https://www.unhcr.org/globaltrends2018/>

<sup>112</sup> *ibid*

<sup>113</sup> Stockholm International Peace Research Institute. (2019) 'Global arms trade: USA increases dominance; arms flows to the Middle East surge, says SIPRI'. Retrieved from <https://www.sipri.org/media/press-release/2019/global-arms-trade-usa-increases-dominance-arms-flows-middle-east-surge-says-sipri>

<sup>114</sup> *ibid*

<sup>115</sup> UN News. (2019). Genocide threat for Myanmar's Rohingya greater than ever, investigators warn Human Rights Council. Retrieved from <https://news.un.org/en/story/2019/09/1046442>

<sup>116</sup> UN News. (2018). Myanmar military leaders must face genocide charges – UN report. Retrieved from <https://news.un.org/en/story/2018/08/1017802>

<sup>117</sup> Uighurian, Tahir Imin (2019) *The Guardian*: 'China has destroyed Uighur families, including mine. Guterres must act.' Retrieved from <https://www.theguardian.com/world/commentisfree/2019/sep/25/china-has-destroyed-uighur-families-including-mine-guterres-must-act>

<sup>118</sup> See Annex I for further details.

<sup>119</sup> '2018 military expenditures reached USD 43.1 billion, an increase of 7 percent compared with 2017'. Smith, Josh (2018) *Reuters*: 'Buying a big stick: South Korea's military spending has North Korea worried'. Retrieved from: <https://www.reuters.com/article/us-southkorea-military-analysis/buying-a-big-stick-south-koreas-military-spending-has-north-korea-worried-idUSKCN1VW03C>

established the UNSCR 1325 National Action Plan with comprehensive consultation and collaboration with CSOs, the NAP was a watered down document as it removed 'gender' from the final draft. In addition, persistent resistance and denial remain when it comes to recognising the war-time military sexual slavery issue (a.k.a. 'comfort women'). In 2016, a bomb threat was sent to Women's Active Museum on War and Peace, an institution that strives to address the issue of war-time military sexual slavery in Japan.<sup>120</sup> The East Asia meeting emphasised the importance of the engagement of civil society in women, peace and security processes, with increased capacity and leadership of women in peace negotiations.

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<sup>120</sup> Japan Times (2016) 'NGO that runs 'comfort women' museum receives bomb threat'  
[https://www.japantimes.co.jp/news/2016/10/31/national/crime-legal/group-running-tokyo-comfort-women-museum-reveals-got-bomb-threat/#.Xb-3\\_jMzaM8](https://www.japantimes.co.jp/news/2016/10/31/national/crime-legal/group-running-tokyo-comfort-women-museum-reveals-got-bomb-threat/#.Xb-3_jMzaM8)

## C. The climate crisis

*'[...] the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is **a matter of grave concern**, aggravating poverty and imbalances. **Rising sea levels as a result of global warming cause a grave and immediate threat to people living in island countries and coastal areas.** The use of ozone-depleting substances, such as products with chlorofluorocarbons, halons and methyl bromides (from which plastics and foams are made), are severely affecting the atmosphere, thus allowing excessive levels of harmful ultraviolet rays to reach the Earth's surface. **This has severe effects on people's health** such as higher rates of skin cancer, eye damage and weakened immune systems. **It also has severe effects on the environment, including harm to crops and ocean life.**'*

— Beijing Declaration and Platform for Action Critical Area K: Women and the environment (1995)

Since the Beijing + 20 review in 2015, human impact on earth was so tremendous that in 2016 a recommendation was made to the International Geological Congress to recognise a new epoch: the Anthropocene.<sup>121</sup> By the end of 2016, the Paris Agreement came into effect, with a commitment to limit global temperature rise to two degrees Celsius above pre-industrial levels; yet without binding enforcement mechanism. However, it was clear that this was too little too late, as just two years later in 2018, the Intergovernmental Panel on Climate Change (IPCC) published its report, warning that even reaching 1.5 degrees would do irreparable damage to ecosystems.<sup>122</sup> The IPCC said that just keeping within 1.5 degrees would need rapid and widespread transitions in land, energy, industry, buildings, transport, and cities. Yet, despite the urgency, governments are looking away and shirking their responsibilities, and in some cases actively contributing to the problem, such as the Brazilian President's support to cattle ranchers burning down the Amazon<sup>123</sup>. Another letdown was that the US, one of the historical polluters and responsible for contributions to the Green Climate Fund, withdrawing from the Paris Agreement.

In recognition of these developments, since early 2019, activists, scientists, the media have shifted from speaking about 'climate change' and using the language of **climate crisis**, **climate emergency** and **climate breakdown**, sounding the urgency for action and immediate change before even more irrevocable damage is done. In relation to the provisions of the BPfA from the Critical Area on Women and the Environment, as well as the more recent commitments

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<sup>121</sup> Carrington, D. (2016). *The Guardian* | The Anthropocene epoch: scientists declare dawn of human-influenced age. Retrieved from <https://www.theguardian.com/environment/2016/aug/29/declare-anthropocene-epoch-experts-urge-geological-congress-human-impact-earth>

<sup>122</sup> Intergovernmental Panel on Climate Change. (2018). Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by governments. Retrieved from <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>

<sup>123</sup> McDonald, B., Moura, P., Laffin, B., & Rhyne, E. (2019, October 6). Meet the Ranchers Claiming the Amazon [Video]. Retrieved October 15, 2019, from <https://www.nytimes.com/video/world/americas/10000006721982/amazon-rainforest-fires-burning.html>

under Sustainable Development Goal 13 on Climate Action, it is evident that this is an area where worldwide there has been backslide and instead of addressing the problem, the underlying issues have been allowed to fester and grow beyond control. To dismantle the structural barrier that the climate crisis poses, it is crucial to understand how it is linked to the first two structural barriers of neoliberal economic order and patriarchy, violence and the crisis of democracy, as is covered in the subsection 'Link to neoliberalism and patriarchy'. This is followed by a subsection that briefly covers some of the climate related findings in the national reports submitted for the Beijing + 25 review, then a look at some examples of false solutions that are derailing from the path to defusing the climate crisis and realising environmental justice. Finally, there is a subsection on threats and fatalities faced by environmental defenders, which is a symptom of the state of climate emergency in the region.

## I. Link to neoliberalism and patriarchy

The climate crisis is caused by an economic system that prioritises profit and wealth over human or environmental well-being. It is no coincidence that 100 companies are responsible for 73 percent of greenhouse gas emissions,<sup>124</sup> that coal is financed by the biggest banks,<sup>125</sup> which is what keeps the industry going even though it is completely unsustainable, and that billionaire David Koch and his brother 'has been funding and fuelling climate denial and inaction by the government for decades',<sup>126</sup> resulting in the American right wing conviction that climate change is not real, when governments from Asia and the Pacific have already been dealing with climate migration caused by droughts, floods, coastal and land erosion, increased salinity, warming oceans, higher frequency and intensity of natural disasters for several years now. Capitalism and increasing the GDP of individual nations will not save the planet and time is running out.

Further, the lack of women's participation at the local and national environmental decision-making levels in the region is affected by entrenched patriarchy, traditional norms and cultural practices which neither approve or permit women, the owners of traditional knowledge of natural resources, to be consulted. Between 2017-2018, the Climate Justice FPAR findings in nine countries (Myanmar, Sri Lanka, Cambodia, Vietnam, Nepal, Pakistan, India, Bangladesh and Thailand) revealed that empowering grassroots women to collectively advocate from the local to the national level has created large scale awareness and exposed the environmental devastation and human rights violations caused by unsustainable development projects funded by corporations and the government.

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<sup>124</sup> Rily, T. (2017). The Guardian | Just 100 companies responsible for 71% of global emissions, study says. Retrieved from: <https://www.theguardian.com/sustainable-business/2017/jul/10/100-fossil-fuel-companies-investors-responsible-71-global-emissions-cdp-study-climate-change>

<sup>125</sup> McKibben, B. (2019). The New Yorker | Money Is the Oxygen on Which the Fire of Global Warming Burns. Retrieved from <https://www.newyorker.com/news/daily-comment/money-is-the-oxygen-on-which-the-fire-of-global-warming-burns>

<sup>126</sup> Marcetic, B. (2019). Jacobin Magazine | For Humanity, David Koch Died Decades Too Late. Retrieved from <https://www.jacobinmag.com/2019/08/david-koch-obituary-billionaire-evil>

## II. Impacts in Asia and the Pacific

Another source of evidence of the reality of the climate emergency lie within the Beijing + 25 national reports prepared by governments of Asia and the Pacific. For instance, the Cambodia national progress report admits that ‘Cambodia is ranked as one of the most vulnerable countries in the world to climate change and disasters, and one of the countries with the least capacity to adapt’,<sup>127</sup> while the Bangladesh national progress report states the climate crisis is adversely affecting ‘agriculture, water resources, livelihood, education, food security and health’, creating ‘stress on women by raising water salinity and loss of water and sanitation facilities’ and causing ‘diseases and other health problems’.<sup>128</sup>

The national report from Fiji states that the ‘rapid rise in sea levels and the resulting saltwater intrusion that stems from the increased ferocity of coastal floods have made portions of the island nation uninhabitable’<sup>129</sup> while the national report from Marshall Islands notes that women have lost income from traditional livelihoods due to drought and unknown numbers have been internally displaced due to natural disasters.<sup>130</sup>

The national level reports reinforce the reality of the crisis and need for urgent action, particularly for those most vulnerable and marginalised women facing the brunt of the worst climate impacts in the region. Civil society from Asia and the Pacific already has a substantial analysis of how development needs to be redefined and reframed with a lens of social justice, or the Development Justice framework,<sup>131</sup> which includes Environmental Justice. Environmental Justice calls for countries and elites whose consumption, production, and extraction patterns have contributed most to creating the climate crisis to alleviate and compensate those with the least culpability who are already suffering the worst impacts of climate change. Environmental Justice would require immediate elimination of fossil fuel use, and resources directed toward building a renewable energy industry based on the principles of decent work and gender equality. The just and equitable transition to renewable energy and to conserve natural resources cannot be hijacked by profit-driven interests, drawing back on the issue of corporate capture. The call for climate action has been manipulated and certain false solutions, covered in the next section, move further away from realising Environmental Justice.

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<sup>127</sup> Royal Government of Cambodia. (2019). On the occasion of the 25th Anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995) Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/cambodia.pdf?la=en&vs=4558>

<sup>128</sup> Government of Bangladesh. (2019). Comprehensive National Review Report, for Beijing + 25 Implementation of the Beijing Declaration and Platform for Action 1995. Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/bangladesh-en.pdf?la=en&vs=1045>

<sup>129</sup> Government of Fiji. (2019). Beijing Platform for Action + 25 Fiji Progress Report. Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/fiji.pdf?la=en&vs=4101>

<sup>130</sup> Government of the Marshall Islands. (2019). Republic of The Marshall Islands National Review for The Beijing Platform for Action BPfA+25. Retrieved from [https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/marshall\\_islands.pdf?la=en&vs=4100](https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/marshall_islands.pdf?la=en&vs=4100)

<sup>131</sup> APWLD. (2019). Brief: Development Justice. Retrieved from [https://apwld.org/wp-content/uploads/2019/07/2019\\_Development\\_Justice\\_Brief\\_update.pdf](https://apwld.org/wp-content/uploads/2019/07/2019_Development_Justice_Brief_update.pdf)

### III. False solutions

As the climate crisis aggravates, corporations see this as a business opportunity they can profit from, and governments lean towards them as these market-based actions proposed are easy, do not challenge the status quo and still drive economic growth, even if it is clear that these are in fact false solutions. Examples can range from carbon trading, biofuels, biomass, geo-engineering, nuclear power plants, hydropower dams, and many more.

In Ban Sapwai, a small forest village in Chaiyaphum, Thailand, the government has filed cases of trespass and environmental damages against 14 land and human rights defenders. They are facing disproportionate imprisonment and 'environmental damage fee' fines between USD 1,300 to as much as USD 51,000, for only dwelling and doing small-scale farming on their ancestral land that was claimed by the government to be 'protected forest area'.<sup>132</sup> This is only one of thousands of villages across the country being affected<sup>133</sup> by the Thai government's 'forest reclamation' policies that, ever since coming into effect, has evicted thousands of villagers who do not have other sources of livelihood. According to the NGO Committee on Development, only two percent of the cases are filed against large businesses and investors breaching forest laws.<sup>134</sup> While these policies claim to be restoring the forests for environmental purposes, in reality this is a form of land grabbing and eviction of people whose livelihoods depend on the land, and then giving way to large private corporations to invest and damage the forests.

Similarly, entire communities are being displaced or forcibly resettled as more hydropower dams are being constructed along some of the largest rivers in the region. The dams have caused unscaled environmental destruction through deforestation, endangering biodiversity, impacting the livelihoods of all communities who used to depend entirely on this ecosystem. In Vietnam, the A Vuong Hydropower dam has displaced a number of communities who no longer own their land and natural resources therefore have very little means of making a living. In addition, they are facing increasing floods and landslides as the river banks are eroding because sediment required to balance the ecosystem is being trapped by the dam turbines.

*"Thousands of hectares of fertile land for agricultural production are now buried under hydropower reservoirs or covered by sand in the downstream river area of Dai Hong commune, Dai Loc district, Quang Nam province. Many hydropower dams regulate water day and night, creating specific hours of water retention and water discharge which creates several dry river sections during the day. The fact that the river flow is not circulating has affected the aquatic ecosystem and the lives of many people living along the rivers."<sup>135</sup>*

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<sup>132</sup> Lamubol, Suluck (2019) *Asia Times*: 'Thailand penalizes peasants, not real climate offenders'. Retrieved from: <https://www.asiatimes.com/2019/08/opinion/thailand-penalizes-peasants-not-real-climate-offenders/>

<sup>133</sup> Sonthamphan, K. (2018). *Policy 'reclaim the forest' and the reflection of 'power'*. Retrieved from: <https://themomentum.co/reforestation-authoritarianism/>

<sup>134</sup> Damdee, C. (2015). *Over 8 thousand villagers have been restored to the forest. The authorities find a 'capitalist' but the real one is free*. Retrieved from <https://www.tcijthai.com/news/2015/7/scoop/5659>

<sup>135</sup> Center for Social Research and Development, Vietnam. (Climate Justice FPAR 2019-2021 partner)

Another example is the Rooppur nuclear power plant in Bangladesh that has already gone into the construction phase, with no transparency around its environmental impacts or public consultation. In need of a large amount of water to cool the plants, it is constructed over the Padma river, but India's Farakka Dam is only 40km away along the same river, extracting almost 75 percent of the water, leading to high risks of accident during the dry season every year. In case of any accident, the nuclear leaks would contaminate the entire water body of the country<sup>136</sup>, destroying its ecosystem that is already extremely vulnerable to the climate crisis. Moreover, the planned site of the plant is close to the Sundarbans, a World Heritage Site of mangrove forests upon which local communities' livelihoods depend on, and a natural depository of carbon dioxide and thus a critical area to be preserved.<sup>137</sup> The construction of a nuclear power plant would not contribute to cleaner energy production, but instead threaten the biodiversity nearby and may lead to devastating impacts on local people, especially women's lives.

False solutions to the climate crisis such as these continue to emerge as governments look for short term and quick solutions, with corporations ready to provide the finance and infrastructure. These undercut local efforts to maintain sustainable practices, driving more and more communities to take action to protect their land and livelihoods at the cost of risking their own lives.

#### IV. Attacks on environmental defenders

One symptom of the seriousness of the climate crisis, the rising inequality and concentration of wealth and resources in the hands of a small elite, is the fatalities and threats faced by environmental defenders. In 2016, the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, focused his annual report on the situation of environmental defenders. The report defines environmental human rights defenders (EHRDs) as *'individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna'*.<sup>138</sup> The report also notes the close interlinkage between defense of land and environmental rights and therefore land rights defenders can also be understood as EHRDs as well.<sup>139</sup>

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<sup>136</sup> Layes, M. (2018). *Productivity before People: Challenging the development rhetoric of Rooppur*. Retrieved from <https://www.thedailystar.net/star-weekend/environment/productivity-people-1587910>

<sup>137</sup> APWLD (2017). *Letter To UNESCO: Protect Sundarbans From Coal-fired Power Plants*. Retrieved from <https://apwld.org/letter-to-unesco-protect-sundarbans-from-coal-fired-power-plants/>

<sup>138</sup> OHCHR. (2016) Doc A/71/281: They spoke truth to power and were murdered in cold blood: Analysis on the situation of environmental human rights defenders and concrete recommendations to better protect them. Retrieved from [https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders\\_0.pdf](https://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders_0.pdf)

<sup>139</sup> "The protections for EHRDs can be interpreted from the Universal Declaration of Human Rights (UDHR) which recognises rights to fundamental freedoms such as the rights to expression, privacy, association and peaceful assembly. These rights are also covered in the International Covenant on Civil and Political Rights (ICCPR). Further, the UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted unanimously in 1998, states, 'everyone

Until 2019, the most recorded murders of environmental defenders by country was in Brazil, seconded by the Philippines. This year, the Philippines has superseded in numbers, becoming the deadliest country for EHRDs in the world.<sup>140</sup> This reflects the analysis in earlier sections on how autocratic leaders are both deadly for democracy and women's human rights, and conspire with the wealthy elite to deplete the planet for profit. The news reporting on this development observes that companies and states are 'increasingly using non-lethal tactics to quash dissent, including criminalisation and threats, while killings remain at an alarmingly high level'. Also alarming is the possibility that 'landgrabbers now have more power to get what they want without resorting to violence, because the agricultural lobby has an increasingly dominant position in politics'.<sup>141</sup>

In February 2018, the Global SDG7 Summit was held in Bangkok, Thailand.<sup>142</sup> In the weeks before the preparations, community members from Krabi and Songkhla launched a hunger strike outside of the UN premises, protesting two coal-fired projects and a deep sea port in their districts.<sup>143</sup> The plant in Songkhla specifically impacts the village of Thepa, which is a Muslim minority. The projects are 'in stark contrast to the Thai administration's international commitments, particularly those made in its Intended Nationally Determined Contribution (INDC), under the Paris Agreement', as observed by Minority Rights Group International.<sup>144</sup> The people's movements in opposition did stall plans and a commitment to carry out a Strategic Environmental Assessment (SEA). Like other countries in the region, many such impact assessments in Thailand do not include the recommended principles of having a human and gender impact assessment, and respecting the free, prior and informed consent of communities as well as maintaining continuous consent. Thepha is one example of countries in the region continuing to pursue fossil fuel solutions despite their Paris Agreement commitments, with only New Zealand passing a zero carbon bill.<sup>145</sup>

Regionally, the report on EHRDs did offer some key recommendations, such as to provide political and financial support to regional human rights mechanisms with a view to reinforcing the protection of EHRDs in the regions, to establish a mechanism to provide

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has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels'."

<sup>140</sup> Watts, Jonathan. (2019). *The Guardian*: Philippines is deadliest country for defenders of environment. Retrieved from <https://www.theguardian.com/environment/2019/jul/30/philippines-deadliest-country-defenders-environment-global-witness>

<sup>141</sup> *ibid*

<sup>142</sup> Sustainable Development (2018) 'Global SDG 7 Conference'. Retrieved from: <https://sustainabledevelopment.un.org/EnergyConference>

<sup>143</sup> Bangkok Post (2018) 33 plant protesters launch hunger strike. Retrieved from: <https://www.bangkokpost.com/thailand/general/1411379/33-plant-protesters-launch-hunger-strike>

<sup>144</sup> Minority Rights Group International: 'Thailand: For Thepa's Pattani Bay community, a coal- red power plant could bring an entire way of life to an end – and in the process accelerate climate change across the planet'. Retrieved from: <https://minorityrights.org/thailand-for-thepas-pattani-bay/>

<sup>145</sup> Roy, Eleanor Ange (2019) *The Guardian*: 'Ardern says New Zealand on 'right side of history' as MPs pass zero-carbon bill' <https://www.theguardian.com/world/2019/nov/07/ardern-says-new-zealand-on-right-side-of-history-as-mps-pass-zero-carbon-bill>

emergency protection for defenders, and to formulate policies and measures to prevent and address reprisals against EHRDs for cooperating with regional mechanisms. However, WHRDs and EHRDs will continue to exist, rise up and face dangers unless the systemic issues are addressed. When an economic system allows profiteering to destroy the planet and take advantage of women’s labour and situations of vulnerability across a global supply chain, it is not enough to formulate policies and emergency measures to protect EHRDs and WHRDs. The neoliberal economic system must be overturned; the forces of globalisation, fundamentalism<sub>s</sub> and militarism must be challenged; and the climate crisis must be addressed before it is too late.

## Resistance and solutions from the women’s movement

Although as outlined in the first section on *Structural Barriers*, there are multiple threats and challenges in realising women’s human rights, due to complementary oppressive systems that reinforce one another such as neoliberal capitalism and patriarchy. However, there have still been moments of hope and innovation coming from the women’s movement in Asia and the Pacific, and worldwide.

As shared in the introduction, there are provisions in the Beijing Platform for Action that have been harnessed for effecting change, such as through the use of Feminist Participatory Action Research (FPAR) by APWLD and increasingly by other civil society organisations. In addition, as captured in APWLD’s 2019 publication *Promoting and Fulfilling the Right to Development: Case Studies from Asia Pacific*, there are already examples of inclusive and community-led development initiatives advancing the Development Justice framework.<sup>146</sup> Several of these initiatives can be linked to BPfA provisions and in some cases also demonstrate the effectiveness of the Commission on the Status of Women (CSW) outcome documents when implemented.

Initiative	CSW language	BPfA language
<p>In India, the United Nurses Association effectively organised to demand their labour rights. Their membership has spread from one state to all across the country,<sup>147</sup> and dramatically increased wages for nurses (up to 30 times in the short six</p>	<p>CSW61 Agreed Conclusions paragraph 21, which states: <i>‘The Commission also expresses concern over the persistently low wages earned by women workers, which frequently prevent women from providing decent and dignified living conditions</i></p>	

<sup>146</sup> APWLD (2019). Brief: Development Justice. Retrieved from [https://apwld.org/wp-content/uploads/2019/07/2019\\_Development\\_Justice\\_Brief\\_update.pdf](https://apwld.org/wp-content/uploads/2019/07/2019_Development_Justice_Brief_update.pdf)

<sup>147</sup> Philip, S (2011). Kerala nurses find a voice that echoes all over. Retrieved from: <http://archive.indianexpress.com/news/kerala-nurses-find-a-voice-that-echoes-all-over/887841/>

<p>years of existence), increased the status and power of nurses and reduced nurse to patient ratios in numerous hospitals. The union has addressed issues of violence, bullying, provided support for families in distress and expanded to support migrant nurses abroad.</p>	<p><i>for themselves and their families, and <b>recognizes the important role of trade unions and social dialogue in addressing persistent economic inequalities, including the gender pay gap.</b></i></p>	
<p>In Indonesia, a women-led movement in Jakarta has challenged private companies for failing to guarantee the right to clean water making tens of thousands of dollars in profits. In 2017 the Supreme Court affirmed that the human right to water had been violated.<sup>148</sup></p>	<p>CSW61 Agreed Conclusions paragraph 23(k) urging governments “to provide <i>universal and equitable access for all to safe and affordable drinking water and adequate sanitation and hygiene, in particular in schools, public facilities and buildings, paying special attention to the specific needs of all women and girls, <b>who are disproportionately affected by inadequate water and sanitation facilities, are at greater risk of violence and harassment when practising open defecation and have specific needs for menstrual hygiene management, and to improve water management and wastewater treatment with the active participation of women.</b></i>”</p>	<p>BPfA paragraph 167(d) which recommends to ‘<i>Ensure that women’s priorities are included in <b>public investment programmes for economic infrastructure, such as water and sanitation,</b> electrification and energy conservation, transport and road construction; promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts”</i>’</p>
<p>In Papua New Guinea, women protestors successfully blocked the signing of a memorandum of understanding between the Bougainville local government</p>		<p>BPfA paragraph 24, which states: ‘<i>The continuing environmental degradation that affects all human lives has often a <b>more direct impact on women.</b> Women’s</i>’</p>

<sup>148</sup> Varagur, K. (2017, October 19). Voice of America | Massive Water Privatization Program to End in Jakarta After 18 Years. Retrieved October 15, 2019, from <https://www.voanews.com/east-asia-pacific/massive-water-privatization-program-end-jakarta-after-18-years>

<p>and a mining company in June 2017. If the agreement had gone forward, it would have reopened a mine that ravaged communities and the environment.</p>		<p><i>health and their livelihood are threatened by pollution and toxic wastes, large-scale deforestation, desertification, drought and depletion of the soil and of coastal and marine resources, with a rising incidence of environmentally related health problems and even death reported among women and girls. <b>Those most affected are rural and indigenous women, whose livelihood and daily subsistence depends directly on sustainable ecosystems.</b></i></p>
<p>In Vietnam, where erratic fluctuations in temperatures, rainfall and humidity have led to an increase in natural disasters and diseases in crops, animals and humans, women in the coastal lagoon area of Thua Thien Hue province in Vietnam, have demanded increased representation in government policy and decision-making bodies to address the impacts of the climate crisis. They have participated in technical trainings, disaster drills, and first-aid classes to improve the capacities and resilience of women. Their efforts have led to the appointment for the first time of over 60 local women to 12 of the disaster response teams and they now advocating for the adoption of a policy on the inclusion of female members in the response teams in all communes of the district. This initiative shows the importance of participation of rural women in policymaking not just in reducing their vulnerability to</p>	<p>Paragraph 2 of CSW resolution 55/1, which <i>'calls upon Governments to integrate a gender perspective in environmental and climate change policies and to strengthen mechanisms and <b>provide adequate resources to ensure women's full and equal participation in decision-making at all levels on environmental issues, in particular on strategies related to the impact of climate change on the lives of women and girls.</b></i></p>	

<p>climate change, but also making them active agents and not subjects of mitigation and adaptation policies.</p>		
<p>In the Philippines, a movement of Manila’s women market vendors organised other urban poor to develop a unified effort to oppose privatisation of public markets, making their demands known to local government and advocating a pro-poor framework for modernising the market. In dialogues between the vendor’s association and local officials, an agreement was reached to halt rent increases for two years and for market administration to continue under the auspices of the local government. In addition, a new seat on the market management board for a vendor’s association representative was designated. Still today, the markets remain public facilities due to the persistent efforts of women-led urban poor communities.</p>		<p>The examination of the impact on privatisation of markets on women would fall under the recommendation from BPfA paragraph 58(b), <i>‘Analyse, from a gender perspective, policies and programmes - including those related to macroeconomic stability, structural adjustment, external debt problems, taxation, investments, employment, <b>markets and all relevant sectors of the economy - with respect to their impact on poverty, on inequality and particularly on women; assess their impact on family well-being and conditions and adjust them, as appropriate, to promote more equitable distribution of productive assets, wealth, opportunities, income and services.</b>’</i></p>
<p>In Myanmar, ethnic minority Chin women are building momentum to change customary practices that discriminate against women. The women organised a series of events to discuss their exclusion from village level decision-making processes and formed a women’s group in order to raise the collective voice of women in their community. As a result of this organising, there has been a shift in patriarchal thinking in the community. An amendment to Chin customary</p>	<p>CSW62 Agreed Conclusions paragraph 12 states: <i>‘The Commission recognizes that progress in achieving gender equality and the empowerment of all women and girls, in particular in rural areas, and <b>the realization of their human rights has been held back owing to the persistence of historical and structural unequal power relations between women and men, poverty, inequalities and disadvantages in access</b></i></p>	

law to ensure women's equal rights to inheritance, marriage and divorce was approved for consideration in January 2016.	<b><i>to, ownership of and control over resources.'</i></b>	
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## Recommendations

This section offers concrete guidance on recommended policy language to be used in addressing specific topics affecting women's human rights. The recommendations below come from APWLD's work within the Beijing review process and the Commission on the Status of Women in the last five years, in cooperation with members and allies within the feminist movement who shared their expertise on the issues listed that range from migrant women's rights to family law reform.

### When addressing discrimination:

Use the term **multiple and intersecting forms of discrimination**: people carry different identities simultaneously and these cannot be broken a part therefore the intersections are critical to retain. Ensure the term 'multiple and intersecting' is taken in its entirety and not broken a part; as these mean different things.

For all listings about discrimination, recommend using **grounds of discrimination** as opposed to naming groups of marginalised people. Any listing should be comprehensive listing or else it is better to have no listing at all. Preferred formulation of listing, if included: based on age, household and relationship status, indigeneity, race or ethnicity, HIV/AIDS status, disability, immigration status, socioeconomic status, employment, sexual orientation, gender identity or expression, sex characteristics and other grounds.

### When addressing family law:

Recommend to be guided by SDG Indicator 5.1.1, which has identified family law as one of the four legal frameworks that must be reformed to accelerate progress to promote, enforce, and monitor gender equality. Also refer to UN Women's report on *Families in a Changing World*,<sup>149</sup> which called for family laws that recognise diversity and promote equality and non-discrimination and the report *Equality in Law for Women and Girls by 2030: A multistakeholder strategy for accelerated action*,<sup>150</sup> which identified promoting equality in family relations as one of the six areas of focus to accelerate action towards gender equality by 2030. Suggested language on this topic would focus on:

- **to take immediate steps** to end discrimination against women in family laws and practices, by recognising women's equal status in marriage and family;
- **to comply** with international human rights law and principles to respect, protect and realise women's right to equality in the family, regardless of the source of family law, be they religious or customary legal standards;

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<sup>149</sup> UN-Women. (2019). Progress of The World's Women 2019–2020: Families in a Changing World (ISBN: 978-1-63214-156-9). Retrieved from <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/progress-of-the-worlds-women-2019-2020-en.pdf?la=en&vs=3512&la=en&vs=3512>

<sup>150</sup> UN-Women. (2019). Equality in law for women and girls by 2030: A multistakeholder strategy for accelerated action. Retrieved October 15, 2019, from <https://www.unwomen.org/en/digital-library/publications/2019/03/equality-in-law-for-women-and-girls-by-2030>

- **to recognise** that customs and traditions evolve, that interpretations of sacred texts have progressed to uphold equality and justice to reflect changing times and circumstances, and that many States have amended discriminatory provisions in family laws founded on progressive understandings of religion and tradition;
- **to acknowledge** emerging research that family law is the single biggest predictor on women’s economic empowerment, where discrimination in family law is significantly associated with women’s labor force participation, ownership of assets and ownership of bank accounts, and that the continued discrimination of women and the girl child in the family directly affects progress on the Beijing Declaration and Platform for Action;

On health:

All references to universal health coverage should include the three elements: **financial risk protection, universal access to quality services, and universal access to medicines and vaccines**, which is in line with SDG 3.8 that states: “Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.”

When addressing healthcare there should be a reference to **sexual and reproductive health services**, because these services are often excluded from universal health coverage. As a result, despite being nominally covered, women often face higher out-of-pocket costs (particularly due to contraceptives), risks of catastrophic health expenditures (particularly due to pregnancy-related complications), and barriers to care. Sexual and reproductive health services are critical to women’s health, overall well-being and empowerment that governments committed to two SDGs focused on ensuring universal access to sexual and reproductive health and achieving reproductive rights (SDGs 3.7 and 5.6).

Any language on health should include commitments to reproductive rights and the rights of women and girls to control their sexuality, as well as ensure universal access to a full range of sexual and reproductive health services. Maternal mortality cannot be addressed without a strong link to sexual and reproductive health and rights.

On the rights of health workers:

Universal health coverage and public health services cannot be delivered without a strong health workforce. All health workers need to be supported with **living wages, labour protections and education** and support to ensure that they are able to deliver quality health care services and reduce violations of women’s and girls’ rights in health care settings.

More than 70 percent of the health workforce is women, yet women’s leadership in the health sector is lacking and women often lack the support they need to assume management positions. Ensuring that women health workers have ongoing education, training, and support to advance in their careers is critical toward ensuring greater equality. Finally, governments are increasingly relying on community health workers to deliver basic services to individuals, particularly in rural and remote areas. These workers are often volunteers or poorly remunerated, reflecting the expectation of society of women’s role as caregivers. Community

health workers must be valued and should also receive living wages. Suggested formulation on this issue: “*provide adequate remuneration, safe working environments and conditions, labour protections and opportunities for advancement, and ongoing education and training, including human rights and multicultural education, with special emphasis on access to sexual and reproductive health and rights in order to ensure the provision of quality health care services and prevent abuses, violence, and discrimination in health-care settings*”.

#### On comprehensive sexuality education:

Comprehensive sexuality education is important for all people to ensure that they can achieve the right to the highest attainable standard of health. There are certain key elements that need to be addressed:

- education should be comprehensive and based on evidence (not ideology);
- it should include prevention and treatment of sexually transmissible infections, infertility and reproductive cancers;
- it should include information on safe abortion to the full extent of the law, given that unsafe abortion remains a primary driver of maternal mortality;
- it should also equip people with skills and knowledge in order to deal positively with their sexuality; and
- it should address gender norms and power dynamics within relationships (such education is 80 percent more effective in improving sexual and reproductive health outcomes than education that does not include this).
- The purpose of such education should be to equip people with the skills needed to protect their health and enjoy healthy relationships.

#### On participation in decision-making:

It is important to include references to the active, free and equal **voice, agency, and leadership**, of all women and girls. Voice, agency and leadership are three distinct and interrelated concepts that are mutually reinforcing and should remain in any text addressing women and girls’ participation in decision-making. **Voice** refers to women’s priorities, thoughts, and opinions being heard. **Agency** refers to women’s ability to take actions that determine the course of their own lives. **Leadership** refers to positions of authority that are customary, traditional, official or unofficial.

#### On food and nutrition

Instead of food security, there should be support for **food sovereignty**, which refers to the ability to meet dietary and nutritional needs whilst participating in decision-making over one’s own food production and consumption, which is an important aspect of the lives of women and girls. This would include women and girls’ ability to consume food that is acceptable by their cultures and produced through agroecological methods that sustain the natural environment, and is important when considering the needs of women and girls in agriculture. Food sovereignty recognises the right of communities to food self-sufficiency and to prioritise own food production over the demands of the market, and the right of all, women and girls included, to determine what constitutes and have consistent access to **safe, healthy, nutritious, and culturally acceptable food**.

The principle of food sovereignty thus upholds women's rights to land (use, access and manage) and their ability to produce food through sustainable and agroecological methods, guarding against land and resource grabs, and domination of agribusiness interests. It further upholds women's agency and emphasises the important roles that women and girls play in food production, leading to policies that ensure their participation and advances their rights and well-being. Nutrition and food security are not the same concepts and when addressing the right to food, both must be listed. In shaping policy around women's right to food, avoid focus on the role of women and girls as mothers, and instead recognise the right to food as one of their human rights that needs to be realised.

#### On women with disabilities

Ensure that national policy for women mainstreams disability.

Establish gender-responsive policies and budget allocations at the national level to address the rights of all women and girls with disabilities, irrespective of impairment, rural or urban location, ethnic identity, social or economic background and collect data disaggregated by sex, age, ethnic, linguistic or religious background to better inform policy and provision of services.

Ensure the full and effective participation of women with disabilities in decision and policymaking at all levels.

#### On migrant workers:

States must ensure that migrant workers enjoy all the rights enshrined in the Constitution, same as citizens, and include migrant women when implementing CEDAW commitments, such as national legislation on domestic violence, sexual harassment and other existing legislation.

States should take note that migrants originate from all around the world, not just movements from the global south to the global north; paragraphs addressing this topic should take into consideration the particular challenges women face in accessing social protection systems due to their migration status and ensure all language focuses on promoting, protecting and fulfilling their human rights and labour rights by host, transit and origin states.

Language that addresses the particular risks faced by migrant women and girls should avoid focus on vulnerability as this gives way to protectionist policies and gendered restrictions. All recommendations on this should affirm migrant women's agency and autonomy, including on the voluntary nature of return and movement. It is more useful to women to use specific, clear terms and centre women's rights. This would mean committing to provide services, assistance and redress and afford all women targeted for violence, trafficked persons, and more substantive human rights protections.

States should also:

- Undertake comprehensive legislation and revision of migration legislation, to include women migrants and their needs, with revision, want government to increase preventive measures in case of violations of the rights of women migrants;
- Work together to form one comprehensive policy in the region on labour migration, which should include agreement between governments to ensure portability of social protection systems and public services, including access to healthcare and provision of pensions.
- Take responsibility to regulate and monitor recruitment agencies, prosecute those breaking the law and ensure affected migrants and their family members access to

- justice and remedies;
- Establish a new system of remittances, improving banking services to allow savings to be transferred easily;
- Start financial literacy and state savings programmes and offer free access to migration process, including offering zero placement fee and zero percent loans;
- Ratify<sup>151</sup> the ILO Convention 189 on Domestic Workers and incorporate it into national policies.<sup>152</sup>

### On 'exploitation'

Phrases such as 'labour exploitation' or 'sexual exploitation' should be avoided, as there is no international definition of 'exploitation' and vague terms are risky and can result in restrictions on individual rights and in rights abuses. This can over-criminalise some work (and some women) and under-criminalise other labour sectors, such as those that are more difficult for law enforcement to access or assess. Therefore, any policy document that expresses concern or commits to action to end sexual exploitation might miss a lot of sexual violence against women across labour sectors and other contexts. It is best to say violence including sexual and gender-based violence in the world of work.

In the context of the UN Trafficking Protocol, the Protocol does not define 'exploitation' itself, with the result that states are left to interpret meanings subject to their domestic law. This results in inconsistent and often subjective understandings, and in practice can mean rights violations such as detention of perceived victims by immigration officials. There is uncertainty about the threshold of exploitation required before it reaches the seriousness anticipated by the Protocol, whether cultural context plays a role in determining what is exploitation, and a tension as to whether there is a hierarchy of certain forms of exploitation.

### On portability of social protection systems:

Keep reference to **portability of social security and benefits** between countries of origin and destination, recognising that there is not always just one country of destination but that there can be multiple migrations.

Keep reference to **social protection floors and cooperation between states of origin and destination** to ensure migrant status does not result in lesser protections or act as a barrier to accessing public services such as healthcare.

### On social protection systems:

The ILO Social Protection Floor Recommendation, 2012 (No. 202) is the most recently adopted ILO international social security standard. It is also reflected in several UN documents, including in SDG 1.3. As a Recommendation it is not open for ratification and not binding, but it is, together with the Convention No. 102, the key normative instrument in the UN system on social protection.

<sup>151</sup> As of October 2019, only 29 countries have ratified the convention, with only one country (Philippines) from the Asia and the Pacific region.

<sup>152</sup> Article 15.1(e) states "To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall.... take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers."

#### On the right to work and rights at work:

All language should refer to and be grounded in international labour standards and the **Decent Work Agenda**. Rights should be in line with international labour standards but promoted through national labour laws. All language must reinforce the right to organise and bargaining collectively.

The 1998 ILO Declaration on Fundamental Principles and Rights at Work commits all member states to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These include: 1) freedom of association and the effective recognition of the right to collective bargaining, 2) the elimination of forced or compulsory labour, 3) the abolition of child labour and 4) the elimination of discrimination in respect of employment and occupation.

Always use the phrase “**equal pay for work of equal value**”; this is the language of ILO Convention 100 (1951) on Equal Remuneration, as well as SDG Target 8.5. The phrase includes the concept of equal pay for equal or similar work, but also addresses the systemic undervaluing of work in female-dominated sectors, such as health care and education.

#### On unpaid care work:

Retain the language of “**recognise, reduce and redistribute unpaid care work**”.

Link the provision of public services, including care services, and sustainable infrastructure with the reduction and redistribution of the burden of unpaid care work on women.

Inclusion of paid maternity, paternity and parental leave as a strategy for reducing unpaid care work and promoting equitable distribution of responsibilities.

#### On trade and investment

Ensure the **primacy of human rights** in trade agreements and in the articles of agreement for international financial institutions, and through ex-ante, periodic and ex-poste gender, human rights and environmental impact assessments of such agreements.

Endorse the full use of the **special and differentiated provisions** of the WTO Agreement in Agriculture, allowing any measures designed to support gender equality and women’s human rights in local, small and subsistence production of food and agriculture to be exempted and permissible within the WTO green box.

#### On state revenue and illicit financial flows:

States are losing billions in **illicit financial flows**, and although some tax havens have been exposed, the practices of tax avoidance, evasion and fraud continue. All of this is compromising social protection systems, public goods and services. Addressing this gap will provide states the necessary resources to fund robust social protection systems and inclusive, accessible public services and infrastructure.

Investments in each should primarily be **public investments** and public service delivery in particular should **avoid privatisation or come with public service obligations**, in line with CESCR GC 24: ‘Private providers should, however, be subject to strict regulations that impose on them so-called “public service obligations”: in the provision of water or electricity, this may include requirements concerning universality of coverage and continuity of service, pricing policies, quality requirements, and user participation.’

On private sector engagement:

Any language addressing the role of the private sector should focus on **accountability, transparency** and ensuring that private sector providers of public goods and services (such as via public-private partnerships) are required to follow **public service obligations and pay their share of taxes**. The private sector also needs to follow the pillars of **Decent Work** developed by the ILO and not contribute to a race to the bottom.

Require that states must apply their extraterritorial obligations including by regulating the actions of multinational corporations auspiced in their countries, supporting the process for the drafting of the Legally Binding Treaty on Transnational Corporation and Other Business Enterprises at the Human Rights Council, and creating global architecture to ensure tax evasion and avoidance is eliminated.

On debt financing:

Ensure that debt financing arrangements between lending and receiving states are designed with the specific purpose of advancing human rights and adhere to the principles established in the 2015 UN General Assembly Resolution on Basic Principles on Sovereign Debt Restructuring Processes.

On the climate crisis, emergency and breakdown

Any language in outcome documents addressing women’s rights and environment should at this current point in time address four key points:

**Recognise the climate emergency:** Within the Beijing + 25 process, governments in Asia and the Pacific must play a leading role in driving home the seriousness of the climate crisis: from their own reports it is evident that this dependence on fossil fuels and a growth-focused economy has put at risk the entirety of the region’s communities’ ways of life, driving migration, destroying traditional livelihoods, creating new public health problems, and upending the ecosystem and biodiversity of the region and the world.

**Commit to a zero-carbon economy:** Re-affirming the UN secretary-general’s call for an immediate global ban on the construction of new coal-fired power plants and coal mines and call on all states to rapidly phase out their use of coal in the power sector, and rule out false solutions such as nuclear power which has had gendered consequences from the reproductive health of women in Fukushima, the nutrition of communities in Marshall Islands, or the accessibility to safe water for women in Central Asia. This commitment would also need to stress on the polluter pays principle and the common but differentiated responsibilities (CBDR) among countries.

**Initiate measures for a just and equitable transition:** Governments from Asia and the Pacific governments need to rapidly put measures into place for a just and equitable transition of the economy away from fossil fuels as a matter of urgency, and start building sustainable renewable energy systems that are human rights-based and consult communities instead of trying to displace them for development, conservation or energy projects.

**Gender responsive approach to the climate crisis:** There is a need to ensure that the benefits are *equitable*, progressive and effectively realised. Gender *equitable* benefits in climate change related projects are important because the focus ought not only to curb the reinforcement of gender gaps and existing patterns of inequalities. Being progressive and bridging the gaps and addressing gender inequalities and patterns of discrimination requires emphasis on instituting gender equitable processes, systems and institutions that produce gender equitable outcomes, impacts and benefits.

Additionally, resource mobilisation is an integral aspect of ensuring the realisation of a gender-responsive approach to the climate crisis. Both the existing inequalities as well as those exacerbated by the climate crisis put women at greater risk in the face of climate-related issues like extreme weather and destruction of biodiversity and ecosystem. Hence, in order to address the widening gender gaps and inequalities, there is a need for provision for **gender responsive resource mobilisation** that considers and demands for climate finance **to tackle specific forms of gender inequalities, needs, and vulnerabilities** as an important strategy for effectively integrating a gender-responsive approach to the climate crisis.

**Mainstreaming gender and human rights approach:** Mainstreaming gender and human rights approach within institutional reform and policy integration is key. This can be done in two ways, which would produce a stronger and clearer precedence; firstly through ensuring institutional reform and policy integration has language on mainstreaming gender and human rights approach as one of the key result areas/recommendations and secondly through emphasising gender responsiveness in sectors in which women are more susceptible to climate change related risks. This basically relates to ensuring the women's participation, capacities, needs vulnerabilities and barriers are clearly articulated when it comes to for example, climate resilient food and nutrition security, human settlements, disaster risk reductions, sustainable climate finance and private sector developments.

**Recognise and incorporate the principle of common but differentiated responsibilities** and urgently put fair, equitable and just climate actions that advances women's human rights, gender equality and accountability. Just climate actions must also contribute to reducing historical inequalities of wealth, power and resources between and within countries.

**Commit to climate finance** that responds to the most affected populations, communities and countries by climate crisis, yet least responsible for, including addressing loss and damage; in a way that unlock the power of the people by providing them direct resources to decide on just and equitable transition from extractive, profit-based economies to people-centered, fossil fuel-free economies.

**Urge banks, insurance industries and hedge funds to divest from fossil fuels:** The fossil fuel industry is not more affordable: it is heavily subsidised by the financial industry. Governments need to urge banks and insurance industries to divest, and also pressure international finance institutions to withdraw from fossil fuel-based projects, particularly the more extreme ventures such as offshore, deep sea explorations, fracking, etc. which could destabilise tectonic plates and contaminate water supplies.

#### On reform of the CSW methods of work:

Historically, the CSW was a progressive space for civil society: it was where women's rights advocates came together to shape the articles of CEDAW, to call for a global-level thematic

mandate on violence against women and on discrimination against women in law and in practice. Till date, these are the only two women's rights focused mandates out of 43 thematic mandates of the UN Special Procedures. In the last few years, the CSW has not been that space to have dialogues on how to advance women's human rights, and instead it has become an exercise in defending the achievements of Beijing. In 2015, feminist organisations were excluded from the negotiations of the political declaration of CSW59 as well as from the CSW methods of work resolution.

This year, prior to the next resolution on the methods of work and the establishing of the next themes of CSW, we register the following recommendations coming from discussions within the feminist movement:

- At minimum, return observer status for civil society at the CSW negotiations: this existed previously and it was a step backward to decide to exclude civil society from the room, leaving us to wait outside in corridors for news of compromises on women's fundamental human rights that would affect the lives of women, girls and non-binary persons across the world;
- Reform the CSW to give NGOs a recognised official space within the Commission, including a seat on the CSW Bureau: civil society, feminist organisations, and trade unions are important stakeholders who bring valuable and diverse expertise to policies on women's human rights. 25 years after the Fourth World Conference on Women, we should be at a point of recognising that intergovernmental spaces such as UN Commissions need to have civil society in the room to make real steps forward.
- Consider rotating the venue of the CSW or moving it to other regions: The CSW is the biggest UN meeting based on the sheer numbers of participants coming to New York. Since 2016, the US has openly followed a regressive visa policy, and women's groups have documented hundreds of participants who were refused US visas even when submitting their accreditation from the UN. While the UN has persistently not taken responsibility for this matter, this is an unfair and costly aspect of engaging in the largest global policy-setting space for women's human rights. If neither the UN nor the US will undertake to implement the commitments under the UN-US Headquarters Agreement, then the UN and UN Women must take steps to move CSW to another location that will be accessible to women from around the world.
- Significantly increase resources for the CSW and provides institutionalised support and space for regional (and even consider national) processes. The regional outcomes must ensure democratic and meaningful participation of civil society, particularly women's rights organisations, and inform the final agreed conclusions of the CSW sessions.
- Provide the official documents in translation during the negotiations (zero draft, compilation text, and revisions) at the very least in the UN official languages;
- Include civil society speakers in every panel and dialogue, encouraging regional diversity and youth representation.
- Noting the outright cyber bullying carried out by right wing groups at CSW63, and problematic statements that contradict international human rights commitments, consider removing or not renewing ECOSOC status for recognised hate groups and other

organisations that do not support women's fundamental human rights, freedoms or gender justice.

# Annex I: Offline and internal sources

## Archival documents

In preparing this submission, several offline and hard-copy only documents from APWLD's archives were examined to analyse the engagement of APWLD members in over 25 years, from the preparations for the Fourth World Conference to every five-year review ever since. Some of the quotes in this submission that are attributed to APWLD members come from these offline documents, which include APWLD annual reports and the Forum News newsletter circulated to APWLD members. APWLD hopes to share this trove of documents on the website in the future.

## Civil society consultations

The following civil society consultations were held by APWLD members in preparation for the regional and global reviews of the BPfA. The reports of these consultations contributed to this submission.

### Korean Women's Associations United (KWAU)

- 13 May 2019: Civil society orientation workshop on the Beijing + 25 national review of BPfA implementation (Korea)
- 13 June 2019: National civil society consultation meeting on the preparation of the NGO parallel report for the BPfA implementation (Korea)
- 12-13 August 2019: East-Asian Review of the BPfA Implementation for the Beijing+25 Anniversary (Korea, China, Japan)

### Public Association Women's Organisation "Alga"

- 31 May 2019: Central Asian Conference on the preparations for the Twenty-fifth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (1995)

### National Indigenous Women's Forum (NIWF) and Women's Resource Center (WOREC)

- 5 May 2019: National Consultation on the Implementation of the Beijing Declaration and Platform for Action (BPfA+25)

### Center for Women's Resources (CWR)

- 9 June, 2019: National Review of the Implementation of the Beijing Declaration & Platform for Action (BPfA)+25
- 14 June, 2019: CSO-Government Discussion on the Beijing Declaration and Platform for Action

### Shobujer Ovijan Foundation (SOF)

- 2 May - 25 June 2019: Divisional dialogues, Dialogue with youth, Mobilisation event, and National Dialogue: Assess the progress made in implementation of Beijing declaration and identify the challenges and way forward

In addition, recommendations around migrant women workers came from a focus group discussion in August 2019 with migrant worker organisations who are partners of APWLD's Feminist Participatory Action Research (2019-2021).<sup>153</sup>

## Women with disabilities survey

In June 2019, APWLD initiated a survey focused on women with disabilities and the provisions of the Beijing Platform for Action (BPfA) and as a result received 15 responses as well as combined reports from grassroots and rural Disabled Peoples' Organisations (DPOs), which is the source for the case studies from India.

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<sup>153</sup> APWLD (2019) 'Partners for Migration Feminist Participatory Action Research (Migration FPAR) for 2019-2021 Announced!'. Retrieved from: <https://apwld.org/partners-for-migration-feminist-participatory-action-research-migration-fpar-for-2019-2021-announced/>

## Annex II: 2014-2019 APWLD public statements and letters for WHRDs in Asia and the Pacific

This annex is a list of past urgent actions, press releases and statements on threats to and extrajudicial killings of WHRDs that were issued by APWLD in the last five years, i.e. since the last regional review of the BPfA in 2014. This gives a glimpse into the kinds of threats that WHRDs are increasingly facing in the region.

27 September 2019: Letter of Appeal to Immediately Dismiss all Perjury Charges Against Karapatan, RMP and Gabriela

<https://apwld.org/letter-of-appeal-philippines-supreme-court/>

12 June 2019: Press Release: Drop All Charges Against Land and Human Rights Defenders from Ban Sapwai, Thailand

<https://apwld.org/press-release-drop-all-charges-against-land-and-human-rights-defenders-from-ban-sapwai-thailand/>

3 December 2019: Joint Statement on Thailand: Drop Defamation Complaints against Rights Defenders

<https://apwld.org/joint-statement-on-thailand-drop-defamation-complaints-against-rights-defenders/>

13 November 2018: Statement: APWLD Condemns Unsubstantiated Charges against NUPL Attorney Katherine Panguban

<https://apwld.org/statement-apwld-condemns-unsubstantiated-charges-against-nupl-attorney-katherine-panguban/>

28 October 2018: WHRD-IC Statement of Solidarity with Philippines WHRDs and Support to the International People's Tribunal on the Philippines

<https://apwld.org/whrd-ic-statement-of-solidarity-with-philippines-whrds-and-support-to-the-international-peoples-tribunal-on-the-philippines/>

10 October 2018: Statement: APWLD Condemns the Arrest of Human Rights Defenders in India

<http://apwld.org/apwld-condemns-the-arrest-of-human-rights-defenders-in-india/>

20 July 2018: Statement: Recent Arrests and Judicial Harassment of Human Rights Defenders in Mindanao, Philippines

<http://apwld.org/statement-recent-arrests-and-judicial-harassment-of-human-rights-defenders-in-mindanao-philippines/>

3 May 2018: Joint Statement by Protection International (PI) and Asia Pacific Forum on Women, Law and Development (APWLD) on Acquittal of Nawa Chaoue, Indigenous Peoples Human Rights Defender, Co-Founder of Save Lahu Group

<http://apwld.org/joint-statement-by-protection-international-pi-and-asia-pacific-forum-on-women-law-and-development-apwld-on-acquittal-of-nawa-chaoue-indigenous-peoples-human-rights-defender-co-founder-of-save/>

16 March 2018: Statement: Women Human Rights Defenders are NOT Terrorists!

<http://apwld.org/statement-women-human-rights-defenders-are-not-terrorists/>

19 February 2018: Statement: APWLD calls on Bangladesh Government to end impunity for violations against indigenous women in the Chittagong Hill Tracts

<http://apwld.org/statement-apwld-calls-on-bangladesh-government-to-end-impunity-for-violations-against-indigenous-women-in-the-chittagong-hill-tracts/>

29 November 2017: APWLD Calls on International Community and States to Recognise and Protect Women Human Rights Defenders' Work

<http://apwld.org/apwld-statement-international-women-human-rights-defenders-day/>

7 September 2017: The Murder of Gauri Lankesh: An attack on Democracy, Feminism and Freedom of Expression

<http://apwld.org/the-murder-of-gauri-lankesh-an-attack-on-democracy-feminism-and-freedom-of-expression/>

21 August 2017: Statement: Thai Military Must Drop Unlawful Charges Against Academics

<http://apwld.org/thai-military-must-drop-unlawful-charges-against-academics/>

6 August 2017: Letter To President of Philippines On Threats Received by Cristina Palabay

<http://apwld.org/letter-to-president-of-philippines-on-threats-received-by-cristina-palabay/>

6 August 2017: Press Release: Woman Human Rights Defender Threatened By Military in Philippines

<http://apwld.org/press-release-woman-human-rights-defender-threatened-by-military-in-philippines/>

15 June 2017: Press Release: Asia Pacific Women Human Rights Defenders Express Solidarity With Marawi and Mindanao

<http://apwld.org/press-release-asia-pacific-women-human-rights-defenders-express-solidarity-with-marawi-and-mindanao/>

14 June 2017: Statement: Conduct a Credible Investigation Into Threats of Violence and Ensure Protection of Sultana Kamal in Bangladesh

<http://apwld.org/statement-conduct-a-credible-investigation-into-threats-of-violence-and-ensure-protection-of-sultana-kamal-in-bangladesh/>

23 March 2017: Press Release: Civil Society Organisations Condemns Persecution of Lena Hendry

<http://apwld.org/press-release-civil-society-organisations-condemns-persecution-of-lena-hendry/>

18 March 2017: APWLD Solidarity Statement For #DefendLena Campaign

<http://apwld.org/apwld-solidarity-statement-for-defendlena-campaign/>

29 November 2016: Statement on International Women Human Rights Defenders Day

<http://apwld.org/statement-on-international-women-human-rights-defenders-day/>

21 October 2016: Asia Pacific Civil Society Statement in Solidarity With Malaysian Human Rights Defender Maria Chin Abdullah

<http://apwld.org/asia-pacific-civil-society-statement-in-solidarity-with-malaysian-human-rights-defender-maria-chin-abdullah/>

20 October 2016: Over 70 Organisations Come Out In Support of Maria Chin Abdullah

<http://apwld.org/over-70-organisations-come-out-in-support-of-maria-chin-abdullah/>

16 June 2016: Statement: Women Human Rights Defenders and Villagers Oppose Coal Mining and Demand Climate Justice

<http://apwld.org/statement-women-human-rights-defenders-and-villagers-oppose-coal-mining-and-demand-climate-justice/>

14 October 2015: Stop harassment of indigenous woman human rights defender Alma Sinumlag

<http://apwld.org/stop-harassment-of-indigenous-woman-human-rights-defender-alma-sinumlag/>

9 July 2015: Asia Pacific Civil Society Statement in solidarity with Cambodian human rights defender Mr Ny Chakrya

<http://apwld.org/asia-pacific-civil-society-statement-in-solidarity-with-cambodian-human-rights-defender-mr-ny-chakrya/>

5 August 2015: Solidarity Statement for human rights defender Teesta Setalvad

<http://apwld.org/solidarity-statement-regarding-teesta-setalvad/>

14 December 2014: Women's Tribunal in Nepal hears from survivors of sexual violence in armed conflict

<http://apwld.org/womens-tribunal-in-nepal-hears-from-survivors-of-sexual-violence-in-armed-conflict/>

21 October 2014: Justice for Jennifer Laude is Justice for Filipino Women is Justice for the Nation

<http://apwld.org/justice-for-jennifer-laude-is-justice-for-filipino-women-is-justice-for-the-nation/>

