

Women and Girls Human Rights in the Indo Pacific Region

A Women, Peace and Security (WPS) Perspective

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Submission by Monash University School of Social Sciences
Women, Peace and Security Academic Collective (WPSAC)

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Executive Summary

In this submission, we draw upon and highlight our notable contributions to research and policy development in the broad, interdisciplinary area of women, peace and security (WPS). Our growing regional research expertise on the Indian Ocean and Asia Pacific region – especially South Asia, Southeast Asia, and the Pacific Islands – suggests that women and girls from and in this region are particularly vulnerable to gender-based violence and human rights abuses. Moreover, understanding their human rights concerns must be set in the context of global political economy, its impact on women's social and political status and its role in enabling forced and voluntary migrations. That is, when we speak of women and girls in the Indian Ocean and Asia Pacific region, it is with the critical understanding that their experiences of peace and security transcend borders.

We have identified key areas of common concern across the region. While we have separated them here, our submission strongly support that these human rights issues are interrelated and indivisible. They are:

- Political rights and participation
- Sexual and gender-based violence
- Reproductive health and well-being
- Economic rights and exploitation – including migrant workers

Improvement in women's economic status and participation is a necessary, if not sufficient, precondition (bringing resources, social status and bargaining power, access to public networks, and know-how) for increasing women's political participation and for reducing significant sexual and gender-based violence against women and girls in the countries of the Indo-Pacific region. In particular, research from the region and globally reveals a strong relationship between a good social and economic status and the achievement of key economic rights and lower levels of violence against women and girls.¹

Therefore, initiatives to promote women's economic empowerment must be pursued in conjunction with efforts to address women's civil and political rights to participation in Indo-Pacific, and where possible integrated. For instance, women workers and businesswomen in the region should be educated in their political as well as civil, social and economic rights and mobilised as an important political constituency for supporting women's human rights and

women representatives and leaders. Overall, in our recommendations, we stress the importance of strengthening Australia's role in development assistance and foreign policy diplomacy for promoting the human rights of women and girls in the Indian Ocean and Asia-Pacific region.

Professor Jacqui True
WPSAC
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The marginalization of women's political rights and participation

Professor Jacqui True, Monash University

Across the Indo-Pacific region (which encompasses South Asia, Southeast Asia, East Asia and the Pacific) there is a strong resistance to women's participation in public life. This resistance is evident in the formal statements of leaders and politicians and in the publicly expressed attitudes of the broader societies. Cultural, customary, and religious discourses are frequently used to moralize that the "rightful" place of women is not in politics. Furthermore, violence against "political" women who speak up in public, defend human rights, or seek political office is very common, especially in conflict-affected countries and regions across the Indo-Pacific. Both that violence and the constant threat of it strongly dissuade women from participating in public life, let alone seeking political office.²

Women's political representation in South Asia, Southeast Asia, East Asia and the Pacific Islands is below the global average. There are significant obstacles to women's equal political participation in the Indo-Pacific but some encouraging signs coming from the region. For example, women's mobilization about electoral systems and politics through political parties, civil society, and church and other religious organizations can build alternative pathways for their political representation.

Gender quotas and reservations have significantly improved women's political representation at national and local levels, with notable results in Afghanistan, Mongolia, Nepal, New Caledonia, Timor-Leste, and the non-independent territories of French Polynesia. Political and post-conflict transitions provide special opportunities to institutionalize quotas, while the parity principle avoids the use of quotas and reservations to limit women's representation rather than to achieve equal representation. These types of measures, however, also face obstacles: high-level women and men may undermine them in political debates. For gender quotas to be successfully adopted, women's movements must be consolidated and supported to get behind them, as in the Timor Leste case.³ Similarly, political parties—especially in unstable regimes across Asia-Pacific—are often family-run enterprises that enable elite women's participation but serve as major barriers to that of non-elite women.

Based on these findings, extrapolated at length in True, George, Niner and Parashar (2013) some key recommendations for increasing women's political participation are provided at the end of this submission.

Women's Political and Economic Participation: Pacific Islands

Dr Nicole George, The University of Queensland

Gender violence is a widespread phenomenon in the Pacific Islands region that grossly undermines the human rights of women. Furthermore, it is an epidemic that is resistant to

treatment. Available figures suggest that between 40 and 70 per cent of women in this region are subjected to violence from intimate partners and family across their lifetimes.⁴ Disturbingly, these levels have remained constant despite 30 years of aid programming in this area, and the very best efforts of local and international gender advocates to see them reduced. Indeed, there is strong evidence to suggest that in many parts of the region, gender violence may be increasing. This indicates the need for new approaches to understanding and addressing the problem. While much of the current work in this area has focused on the cultural foundations of violence, it is imperative that we also turn our attention to the relationship that exists between the abuse of Pacific Island women and their political and economic disempowerment. This requires us to consider how gendered insecurity in the Pacific Islands region is compounded by women's marginal positions in the political and economic life of their communities. Put another way, if we are to confront gender violence effectively we need to develop stronger economic and political platforms which might provide Pacific Islands women with the capacity to secure violence-free lives.

Violence against women and political marginalisation in the Pacific

It is no coincidence that rates of gender violence currently flourish in a region where female political representation accounts for a paltry 3.4% of national parliamentary seats.⁵ This ensures that state-level political and economic commitments towards improving the lives of women in the region are rare. Across the region, government portfolios that often have a direct relevance to women's well-being such as public health, or those concerned with family, welfare and community, receive limited state investment and lack the political prestige and practical clout to meaningfully address women's disadvantaged status.⁶

My ongoing research on women's security and their political participation across the Pacific Islands indicates that it is equally difficult for women to participate in decision-making at the community level. In the first months of 2014, my field workers and I interviewed over 100 women from villages and informal settlements in and around Suva, (Fiji's capital city) to enquire about women's attitudes to safety, their role as decision-makers and their economic participation.⁷ Our preliminary results reveal that vulnerability to theft, physical and sexual abuse were serious everyday concerns and required women to be constantly vigilant about their safety. This work also revealed the difficulties women have in making these problems understood. For example, the vast majority of women stated that it was also unusual, and potentially unsafe, for them to speak publicly at local settlement or village meetings. This made it difficult for them to draw attention to these problems and initiate any positive action at the community level that might increase their safety. One woman summed up this feeling of marginalization and political powerlessness stating "our experiences are just our own".

On occasion some male political leaders make an effort to look more pro-active on these questions. In countries such as Papua New Guinea or Fiji leaders have, at times, made strong statements about alleviating violence against women and increasing women's well-being. In many cases this attention is sparked by particularly violent incidents of gendered violence such as the widely publicized spate of sorcery related killings of women that occurred in PNG in

2013. Yet, this rhetorical response often seems designed to satisfy the demands of an international audience for it is rarely followed up with a concrete government response.

But even when political leaders in the region make a concerted effort to match their words with action, their policies aiming to confront violence against women can fail to have a positive impact. This is because male dominated governments often approach the problem of gender violence in ways which reinforce rather than challenge prevailing gender discriminatory social and cultural norms.

For example, in the post-2006 coup context, Fiji's military government promoted a new "zero tolerance" policing response to the phenomenon of gender violence at the community level. Villages have been encouraged to declare themselves "violence free". This forms part of a broader community policing model known locally as "Duavata" which aims to incorporate community members as both stakeholders and participants in law and order provision. Key components of the program involve building community awareness that gender violence is a crime and training community members to become designated "gatekeepers" equipped with skills to reconcile conjugal disputes so that violence in the home or family is de-escalated or avoided altogether.⁸ This focus on community awareness and dispute management strategies is coupled with a government anti-violence decree which authorizes a tough law and order response towards the perpetrators of crimes of gender violence should community interventions fail.

But deeper scrutiny of this community policing effort on gender violence reveals it to have had unintended negative consequences. Representatives from non-government organisations such as the highly regarded Fiji Women's Crisis Centre, argue that that the focus on community-based interventions tend to privilege reconciliation between aggrieved family members and see pressure placed on women to endure violence in the home rather than break marital vows or seek external forms of justice. A gross under-reporting of incidents of gender violence⁹ to authorities is said to have ensued also because villages who declare themselves "violence free" are eager to maintain their positive profile with state authorities and have become fearful of unwanted and highly punitive police scrutiny.

Violence against women and economic marginalisation

Women's political marginalization across the region contributes only in part to the phenomenon of gendered insecurity in the Pacific Islands. We need also to focus our attention on the negative impacts of women's economic marginalization and how this can also compound women's vulnerability to violence. Across the region, women's economic participation is concentrated in subsistence agricultural production or ghettoised in low-skilled, low-waged, and low-prestige cash employment sectors. Gender disaggregated economic data for the region shows that the majority of women continue to work in subsistence food cultivation, agriculture or fisheries; with levels averaging between 54% and 66% of women in most countries, but rising to 95% of women in Papua New Guinea.¹⁰ Where women are employed in the cash economy, their work is concentrated across the region in poorly remunerated sectors such as

manufacturing, service and care. The gendered economic consequences of this trend are made clear in data from Fiji which shows that that 44% of female workers earn incomes below the poverty line of FJD 60 per week as compared to 34% of male workers. This level increases to 67% of women within the informal, cash-based economy.¹¹ The gendered scale of economic participation means that women have few opportunities to acquire the necessary material resources which would provide them with enough autonomy to escape violence in conjugal, family and village settings.

Preliminary results from my research with women in Fiji provide further insights on this question. In general respondents tended to define their relationships with men in terms of a protective bargain. This means that in return for their unpaid domestic and reproductive labour in the home, women expect husbands and intimate partners to create a secure environment for them as providers of both material and physical well-being. Yet this apparent valuing of masculine protection is balanced with a tendency to recognize the risks faced by women who are economically dependent upon men. Many of our informants described how requests for money from male partners for unexpected expenses could result in verbal abuse and sometimes violence. A majority of our informants also felt that women's physical safety was at risk and that violent conflict might ensue if their husbands or intimate partners accused them of being wasteful with money.

Where the security bargain was not being fulfilled, and conjugal relationships might be generally described as violent, our respondents commonly identified the importance of women having independent economic means so that they could extract themselves from violent relationships. However, a small minority also observed that women who are more economically active than their husbands may be subject to forms of 'backlash' violence from husbands and partners who resent their economic independence.

For most of the women we interviewed however, economic empowerment of the sort described above was a far dream. The majority of our sample lived in informal or squatter settlements, some as the sole-providers for their children with no male partners, and almost all trying to survive on piece-meal handicraft or home-industry income generating work which hardly covered their daily expenses. In such contexts the possibility of achieving a viable base of economic autonomy was highly desirable, but disturbingly remote.

These perspectives on violence and power, or perhaps more accurately violence and gendered powerlessness, are vital to understanding the persistence of women's insecurity in the Pacific Islands region more generally. Gender violence persists because women, as a general rule, have few resources – political and material – which might assist their capacity to achieve physical security. What is even more serious is that this political and economic marginalization, like the violence it engenders, is accepted, tolerated and normalized in many contexts. While women have made many efforts to resist these influences, through their involvement in local and regional advocacy networks, they generally remain at the margins of the political and economic realm in their home countries. Here they are frequently accused of peddling imported ideas that are culturally inauthentic, and in extreme cases, themselves threatened and/or actively targeted with violent retaliation if their critique of the discriminatory status quo becomes too vocal.

Women, Borders and Gendering Security

Fluid Security in the Asia-Pacific

Professor Sharon Pickering, Dr Leanne Weber, Dr Marie Segrave - Border Crossing Observatory, Monash University

Internationally the fastest growing group of persons undertaking extra-legal border crossings are women although this differs by region and other markers, including the Indian Ocean and Asia Pacific region. The protection and enhancement of the human rights of women and girls in the Indian Ocean and Asia Pacific region require consistent and ongoing support from governments such as Australia to ensure that achievements of the recent past are not lost or reversed.

Women and girls across the Indian Ocean and Asia Pacific Region regularly face barriers to fundamental rights such as: access to education; equal access to work rights; freedom of movement; basic protection against sexual exploitation and violence and adequate access to legal redress once violations occur.

Lack of equal access to mobility rights affects women and girls disproportionately compared to men and boys in families and communities in the region. This lack of equal access has knock on effects on education and the opportunity for meaningful, well-paid work. An example, in Indonesia a large numbers of women and girls from rural areas and from low socio-economic backgrounds enter temporary work contracts in countries such as Hong Kong, UAE and Malaysia. Women and girls are over-represented in unregulated and under-regulated domestic and care work. In these 'hidden' sectors of work, women and girls are regularly exposed to economic exploitation (unpaid or underpaid), violence and sexual harassment.¹²

Human Trafficking

Dr Marie Segrave - Border Crossing Observatory, Monash University

A key impediment to equal rights for women across the Asia Pacific is migration restrictions, including the limitations on access to and provision of short term working visas that would allow circular migration around the region, including into Australia. Related to this is the narrow focus of responses to exploitation, specifically human trafficking. The focus on criminal justice responses to human trafficking, which limit the recognition of victims as labourers, resulting in access to remuneration (often the primary goal) being neither a priority nor an automatic. Few victims prioritise prosecution when they are seeking remedy to a situation of exploitation.¹³ In addition, decisions regarding actual or potential victimisation have been based on gendered assumptions regarding what victims might look like and/or how victims behave. This is also reflected in the provision of support services in Australia and Thailand that are focused on menial tasks and employment, that do not reflect women's desires to seek meaningful and well paying work which they are willing to cross border to find.¹⁴

A related concern is the effectiveness of efforts to prevent human trafficking and to repatriate women to their country of origin. The major concern regarding the development and delivery of these programs is that they are not developed to respond to women's needs. The development of a measure of success that focuses on better outcomes for women's lives is required to understand and recognise where real impacts can be made to prevent exposure to exploitation.¹⁵

Tibetan Women and Nuns in Asia's Borderlands

Bodean Hedwards - Border Crossing Observatory, Monash University

In early 2014, Human Rights Watch provided evidence to suggest that the influence of Chinese control had extended to Nepal, with the report stating the 'Tibet refugee community in Nepal are now facing a de facto ban on political protests, sharp restrictions on public activities promoting Tibetan culture and religion, and routine abuses by Nepali security forces'. Despite an argued decreasing number of Tibetans escaping Tibet into Nepal and then into India each year, there are reported cases of arbitrary detention, physical and sexual abuse, torture and repatriation upon reaching the border. In one case, a group of Tibetan women were raped by Nepali border guards and then repatriated back into Tibet. Similarly, research that documented the aforementioned case, reported that the rape or sexual assault of Buddhist nuns often undermined the initial reasons for escaping to Nepal and India in the first place.

As part research into the experience of Tibetan refugees, particularly women and Buddhist nuns, two key issues that impede access to basic human rights in both Tibet and outside were raised. The first is the confiscation of identification documents, and the second are the restrictions on the ability to return to Tibet, particularly for ex-political prisoners. As part of broader set of policies that seek to integrate Tibet into China, all passports were confiscated and were to be replaced with official Chinese passports. However, reports suggest that this was not widely implemented. Then in 1989, following the closure of the Tibetan welfare centre in Kathmandu, the Nepalese government stopped issuing refugee cards to Tibetans, shifting instead to the issuance of the status of a 'person of concern'. The inability to access identification documents are often compounded by the irregular status of Tibetan refugees in Nepal, and often prevent Tibetans – particularly those who are involved in political activities – from applying for the resettlement program in Australia under the ex-political prisoners resettlement program, and abroad. Given the limited economic and employment inside Tibet, and the irregular status of Tibetans impedes their ability to access basic education and employment opportunities upon arrival at their destinations. For women, particularly those that escape Tibet with children or other dependants, there are also barriers is accessing basic supports associated with resettlement in India, and abroad. The second, and linked issue is the restrictions placed on those who escape without the appropriate permission, or identification documents. In a preliminary analysis of interviews with Buddhist nuns and Tibetan women, those who left family behind in Tibet, and crossed the border without permission stated that they had no legal options to return or visit. In one interview, a mother described her feelings about not being able to return to Tibet to collect, or visit her remaining children as she left

without permission. Others indicated that they were detained on the border, and subject to arbitrary detention and abuse. The issues raised here are only a few of the factors that contribute to the continual flow of Tibetan refugees into communities in exile around the world, however, they do represent significant implications for the social and economic development of both Tibetan communities, and women and nuns.

Sexual Violence and Reproductive Rights: Case studies of India and the Philippines

India

Dr Swati Parashar, Monash University

On May 16th, 2014, India elected a new government to be formed by the Bharatiya Janta Party (BJP) led by Mr. Narendra Modi. There is a minor increase of 3 members in the number of women elected representatives who are now 61 out of 543 members of parliament in the lower house. For the world's largest democracy women still make up only around 11 percent of the total number of elected representatives which is lower than Afghanistan and Pakistan in the region.

The new government has come with a massive mandate and is in a position to make changes to enhance the human rights of women and girls in India. 'Development' is the mantra of the new government, which has a huge support among the aspirational youth. Women are an important part of this aspirational class, demanding security with freedom and equality of opportunities. India faces a mammoth task of addressing violence against women and girls in many forms.

1. Female foeticide and infanticide
2. Dowry deaths
3. Maternal mortality
4. Domestic violence
5. Sexual violence and rape

Entrenched patriarchal norms have prevented a meaningful engagement with barriers and impediments to enhancing the human rights of women and girls in India. More women are coming out to report violence against them, despite opposition from their families but the law enforcement is extremely weak in providing them assistance and redress. In fact, women's rights groups have long demanded police reforms, which could address the apathy of the police through more gender sensitive training and by holding them accountable to the constitutional provisions.

Sections of India are deeply conservative and community, caste civil laws exist. The *Khap Panchayats* (Clan Councils) for example, have been responsible for (dis)honour killings and for denying women, freedom and rights as equal citizens. There are other cultural vigilante groups that engage in moral policing to 'protect' women from the assault of western culture and commodification.

The lack of education does contribute to gender discrimination although may not be a panacea for it. Economic disparity and poverty are also instrumental in women not being able to seek legal aid and help. There are also ongoing armed conflicts in the north east, in Kashmir and in the Maoists controlled areas where sexual violence against women is rampant. Interestingly,

women also support the militant groups and are also part of the combatant force within the Maoist cadres and in the north east region.

The achievements have also been significant. Firstly, the Verma Commission report after Dec 16th gang rape put back gender issues on the social and political map of India. A progressive document, it demanded that marital rape and rape by the armed forces be recognised and homosexuality decriminalised. Secondly, the new government seems committed to addressing female foeticide and promoting women's participation in different skill sectors of the economy to guarantee jobs. And finally, the economic independence of women is increasingly being recognised as the way to tackle this menace.

Philippines

Maria Tanyag, Monash University

The protection and promotion of sexual and reproductive rights is a crucial human rights issue that demands urgent redress in the Philippines. While the Philippines appears to have been making great strides in gender equality as evidenced by its high rankings in the World Economic Forum's *The Global Gender Gap Report*, and the OECD's Social Institutions and Gender Index (SIGI), all of which suggest that the country is a gender equality leader in East Asia and the Pacific.¹⁶ These are set against its worrying statistics on sexual and reproductive health indicators such as maternal mortality and teenage pregnancies, and in the broader measure of the human development index. According to the inter-agency estimates by UNFPA, WHO, UNICEF and The World Bank, there were approximately 3,000 maternal deaths in the Philippines in 2013, the highest in the upward trend since 1990.¹⁷ Meanwhile, national statistics show that the number of teenage pregnancy has risen by 60 percent over the last decade, with more and more girls aged 15 to 19 either becoming first time mothers or having had previous births.¹⁸ The level of human development is very poor both as a cause and consequence of these trends. The bigger picture of the status of women and girls in the Philippines becomes more visible in human development terms which ranked the country 114th out of 186 in 2012. A big gap exists between the health outcomes of middle and high-income women and that of low-income women across various sexual and reproductive health indicators.¹⁹ Thus, the Philippine case strongly highlights the interconnectedness of sexual and reproductive health, and poverty and income inequality. Any policy intervention therefore must address the barriers posed by poverty and inequality for the long-term advance of sexual and reproductive rights.

Barriers to SRR

Research on sexual and reproductive rights both globally and in the Philippines emphasise that sexual and reproductive freedom of women and girls, especially their right to be informed and have access to safe, effective, affordable and acceptable methods of family planning and health care services, strongly relates to their ability to break free from the 'poverty trap' at the individual and family levels. Moreover, it empowers women and girls in pursuing opportunities for developing their human capabilities. Barriers to sexual and reproductive health thus have

intergenerational and compounding effects. For instance, teenage girls who have unplanned pregnancies are more likely to stop attending school, leading to a lower quality of life for her family. This then severely restricts the life chances of her children particularly in accessing education. Meanwhile, as increasingly prevalent among poor women in the Philippines, having multiple consecutive births seriously undermines the reproductive well-being of mothers and their ability to provide their ideal care and nurturance.

Public access to sexual and reproductive health services and supplies is therefore crucial in bridging the health gaps among women and girls. More importantly, it is a sustainable, long-term measure to uplifting the standard of living for many families. However, access is limited by 1) the role of religious fundamentalists and conservative elites in domestic policy-making; and 2) poorly developed healthcare infrastructures particularly in rural and marginalised areas. On one hand, the Catholic conservative lobby has been successful in banning the emergency contraceptive (EC) pill²⁰, and in effecting local government ordinances that exclusively promote ‘natural family planning methods’ which have consistently been found to be not the preferred option in the Philippines. Despite a recently passed legislation which primarily seeks to ensure public funding for contraceptives, The Responsible Parenthood and Reproductive Health Act of 2012 (RH Law), local level restrictions remain in place especially in the city of Manila.²¹ On the other hand, poor healthcare infrastructures undermine the timely and effective delivery of services as in the case of having skilled birth attendants during childbirth which would ensure safer pregnancies and reduced complications such as obstetric fistula. And yet, often these infrastructures are further strained in southern regions of Visayas and Mindanao by the devastation of ‘super typhoons’ and armed insurgencies. Women and girls from these areas are most vulnerable to sexual and reproductive violence.

What Works? Best Practices and Success Stories

The ‘access gap’ has been filled and augmented by the efforts of non-government organisations (NGO), such as the *Linangan ng Kababaihan* (Likhaan) and social entrepreneurs like DKT Philippines. Through their initiatives and despite their narrow remit, they have been successful in helping women and girls realise their sexual and reproductive rights. Likhaan, as a ‘grassroots’ NGO largely staffed by volunteers including trained medical professionals, has been providing pro-bono reproductive health consultations to mothers in the poorest communities of Manila. They have also been able to distribute contraceptives with the help of foreign donations. Despite being harassed and intimidated by conservative groups, Likhaan has also aided women and young girls suffering from post-abortion complications without prejudice.²²

Meanwhile, DKT Philippines, a local branch of the global social marketing campaign DKT International, has fostered private-public partnerships in the provision of family planning supplies in the country.²³ Such initiatives allow for contraceptives to cost less and therefore become more accessible to low-income groups but only in so far as they are under a ‘progressive’ local government. For several years now, DKT Philippines has also been successfully conducting campaigns to disseminate information on safe sex with a strong focus on reaching young adults such as co-sponsoring university events, and various product marketing strategies.

Women as Internal and International Migrant Care Workers: Sri Lankan Case Study

Dr Samanthi Gunawardana, Monash University

Sri Lankan women²⁴ from all over the country, across multiple ethnic and religious groups engage in paid work. Yet the sectors in which the most vulnerable and marginalized are employed provide inadequate protection for workers, despite their significant contribution to the well-being and economic stability of the country. These workers – internal and international migrant domestic workers, free trade zone workers, those engaged in food production – face gross, sometimes deadly violations of their worker and human rights within local and global employment systems. This is often reinforced by, or a direct outcome of, gendered social and political structures that denigrate their status as workers, citizens, and women.

Women from Sinhala, Tamil and Muslim communities migrate overseas as temporary domestic workers. Internally, many engage in care work within their own communities, or via migration, in an industry that is largely unregulated. Women often move between internal migration and international migration²⁵. The conditions discussed in this report are by no means anomalous to Sri Lankan workers, but reflective of the conditions faced by millions of women migrant workers employed in similar sectors around the world.²⁶

International Temporary Migrant workers

Today, the Sri Lankan government lauds temporary migrant workers as economic heroes. In 2011, 1.7 million Sri Lankans worked abroad.²⁷ In 2012, Sri Lankan migrants generated remittances of US \$6.1 billion or 10% of GDP.²⁸ Remittance flows from the Middle East—the major destination for Sri Lankan workers—constituted up to 60% of all remittances in 2010.²⁹

While migrant workers' economic contribution is now recognized in public discourse,³⁰ labour rights continue to be routinely violated. Sri Lankan migrant workers are employed within a global employment system defined by a lack of representation, temporariness, and precariousness,³¹ particularly as demand has been driven from the 1970s onwards by several countries in the Middle East with few labour rights, in low-paid precarious occupations such as domestic work or construction. In the late 1980s, women began to dominate migratory flows; however, the trend has begun to reverse, with men making up 51.67% of all migrants by 2011.

Migrant workers face precariousness at all stages of the migration process: pre-departure, during their contract, and their reintegration back into their communities. Inadequately trained local and international officials who come into contact with migrant workers in distress exacerbate this.³² In addition, migrant workers' lack of voting rights in both destination countries and in Sri Lanka removes their power as citizens.

Ninety-four percent of complaints (8,811 in total) received by the state from migrant workers in 2009 were registered by women domestic workers overseas. Domestic workers are particularly vulnerable as domestic work often falls outside of labour law in labour-receiving countries. The majority of domestic workers are “overworked, underpaid and unprotected”³³ and have faced issues of non-payment of wages, long hours (including being on call 24 hours a day), lack of

freedom of movement, lack of communication, lack of adequate health care, physical and sexual abuse, unwanted pregnancy, non-repatriation at the end of the contract, being stranded, premature termination of contract, deprivation of food and water, breach of contract, and even death. Domestic migrant workers are also considered to be the most vulnerable to trafficking abroad.³⁴ The prevalent sponsorship system—known as *kafala*—in Middle Eastern countries sets the structural undertone for exploitation, as it promotes dependency to the individual agency and/or employer.³⁵ In some cases, workers attempting to leave such situations have ended up in detention centres or welfare camps for months on end.³⁶

In terms of reintegration, women have faced issues such as the breakdown of mother-child ties, failed marriage, and social stigma from society or debts owed to loan sharks.³⁷ The search for an ongoing sustainable livelihood also remains for men and women; the lack of viable options leading to another period of international migration.

Internal migration

Internal migrants move within the country for the purpose of employment³⁸, temporarily or permanently. A key trend is the movement of men and women from rural areas to the Western Province, the centre of commercial activities in Sri Lanka. In 2001, of the 20 percent of the Sri Lankan population moved; 45% moved to the Western Province³⁹. Accurate statistics about migration by employment sectors is unavailable, however, three prominent examples of sectors relying on domestic rural migrant workers are: free trade zone enterprises, service sector workers in tourism, and domestic workers.

There is little comprehensive information about the number of domestic workers in the country. Estimates have been made of up to 10 000 domestic workers in major cities⁴⁰, while a 2010 report on child labour found that there were about 19,000 child domestic workers (5-17 years) of which 70 per cent were females⁴¹. This same report identified children in the plantation sector to be particularly vulnerable, as parents chose to send children to work. In addition, children from fishing communities were vulnerable to trafficking into urban and rural areas.

Domestic migrants are subject to the purview of local labour laws. However, other than a requirement to register domestic workers (according to the Ordinance of Domestic Servant of 1871, amended in 1936) and age restrictions on employing children under 14, few regulations exist to protect workers. Local *domestic workers are not recognized as workers under current Sri Lankan law* and have few legal protections.

Recommendations

1. **Australia should support the collection and monitoring of comparable data in an Indo-Pacific women's census of political participation** at different levels (local/village, provincial/state, national) and in different jurisdictions (legislature, executive, judiciary, bureaucracy, and opinion-leading institutions, such as universities and think tanks).
2. **Australia should work with countries in the Indo Pacific region to create indicators to measure meaningful outcomes of women's economic and political participation.** Governments should be required to provide these data, and data analysis should be independently verifiable.
3. **Gender quota lessons from transitional states should be applied in established political systems in Indo-Pacific,** and Australia should support affirmative actions across jurisdictions at local, national, and regional levels in the region. Constitutional provisions that guarantee women's participation should be supported.
4. **Electoral mechanisms known to increase women's representation in the Indo-Pacific should be supported.** Especially, proportional representation systems with closed ("zippered") lists, which alternate the names of male and female candidates, should be advocated for by regional organisations (UN ESCAP, ASEAN, APEC) for all countries in the Asia Pacific.
5. **Australia should encourage countries to undertake active measures to change societal expectations of women and to open non-elite women's pathways to political participation** through political parties, business organisations, trade unions and religious, media, and civil society organizations.
6. **Australia should work with political parties and civil society organizations in Indo-Pacific to promote internal democratic reform to attract and increase women's representation,** given that women have less access than men to economic resources and political networks.
7. **Australian aid should strongly support women's civil society advocacy** to ensure ordinary women accept and encourage women's political participation.
8. **Anti-women political discourse** should be directly challenged and states held to account under international law and by peer states and civil society actors, drawing on CEDAW and UN Security Council Resolution 1325, which mandate women's participation in peace processes and political decision-making.
9. Australia should encourage countries in Indo-Pacific to engage in **structural reform of the police and security sectors and the judiciary to protect women's public access, security, and political participation and to prevent violence directed against political women.** All states should accept requests from the UN Special Rapporteur on Violence against Women for country mission visits to investigate harassment and violence against women in the public sphere (India, Bangladesh, and Nepal have all rejected requests for missions).
10. Gender issues should feature in bilateral talks between Australia and India. **An Australia-India Gender Dialogue** is recommended especially where best practices of

policing and law enforcement can be identified and new collaborative, comparative research undertaken.

11. Australian aid must include a **strong SRR component such as supply donations and technical/personnel-based partnerships** aimed at broadening the scope and reach of non-government sexual and reproductive health programs in the Philippines to address gender disparities in health outcomes.
12. Australia should **encourage Sri Lanka to ratify the 2006 Maritime Labour Convention 189 (C189) on Domestic Labour** as this will have a significant impact on women workers (protecting domestic workers from violence, regulate private employment agencies, and preventing child labor in domestic work). Australia could take a leading role in facilitating discussions between countries such as Sri Lanka and labour receiving countries.
13. Australia should work with governments in Indo-Pacific to ensure a **more consistent approach to human rights that can be carried by workers across national borders**. This would enhance regional stability and have the added advantage of decreasing irregular migration movements.
14. Australia should **support projects aimed at informing women and girls of their legal entitlements**, as well as support for efforts to provide vulnerable groups such as domestic workers with housing rights independent of their employer are both important preventive strategies to enhance the rights of women and girls.

Endnotes

- ¹ See Jacqui True, *The Political Economy of Violence against Women*, New York: Oxford University Press, 2012; Bina Agarwal, "Gender and Command over Property: A Critical Gap in Economic Analysis and Policy." *World Development* 22, 10, 1994: 1455-78; Panda Pradeep and Bina Agarwal 'Toward Freedom from Domestic Violence' (2007) 8 *Journal of Human Development* 359; Shelly Grabe et al, "Women's Land Ownership and Relationship Power: A Mixed Methods Approach to Understanding Structural Inequities and Violence against Women," *Psychology of Women Quarterly*, published online 6 May, 2014: 1-14. DOI: 10.1177/0361684314533485.
- ² For a fuller analysis see Jacqui True, Nicole George, Sara Niner, and Swati Parashar. 2013. *Women's political participation in Asia and the Pacific*. Report for United Nations Department of Political Affairs. New York: Social Science Research Council Conflict Prevention and Peace Forum, January 2013. <http://www.ssrc.org/pages/cppf-working-papers-on-women-in-politics/>.
- ³ True, J. and N. Hall. 2009. "Gender Mainstreaming in a Post-Conflict State: Toward Democratic Peace in Timor Leste." In K. Lee Koo and B. Da Costa eds. *Gender and Global Politics in Asia-Pacific*. Basingstoke: Palgrave Macmillan.
- ⁴ UN Women, *Ending Violence against Women and Girls: Evidence, Data and Knowledge in Pacific Island Countries*, UN Women Pacific, Suva. July 2011.
- ⁵ True, Jacqui; Niner, Sarah; Parashar, Swati, George, Nicole, *Women's political participation in Asia-Pacific*, 2013.
- ⁶ The failure to make public health spending a political priority for contributes to unacceptably high levels of maternal morbidity in some Pacific Island countries, most notably PNG (a country which ironically is currently posting levels of GDP growth between 6-11% annually as a result of a booming mineral resource extraction industry) see George, Nicole (2014 Forthcoming) "Promoting the Women, Peace and Security Agenda in the Pacific Islands: Hot Conflict/Slow Violence, Australian Journal of International Affairs, Vol. 67 (3).
- ⁷ This work contributes to a multi-sited project for which I (George) received Australian Research Council in 2013-2015 which studies the links between gender security and women's political and economic participation in four Pacific Islands contexts, Fiji, Bougainville, Vanuatu and New Caledonia.
- ⁸ Jiko Luveni Fiji Women's Minister defends domestic violence decree, ABC Radio, 6 December ABC Radio Australia, located at <http://www.radioaustralia.net.au/international/radio/program/pacific-beat/fiji-womens-minister-defends-domestic-violence-decree/1056742>.
- ⁹ Shamima Ali in "Fiji should not bank on zero tolerance reporting" Fiji Broadcasting Commission, 11 December 2013, located at <http://www.fbc.com.fj/fiji/16126/fiji-should-not-bank-on-zero-reporting-fwcc>.
- ¹⁰ Huffer, Elise, 2006 "A desk review of the factors which enable and constrain women's political representation in Forum Island countries" in E. Huffer et al. *A Women's Place is in the House: The House of Parliament: Research to advance women's political representation in Forum Island Countries: A regional study presented in five reports*, Pacific Islands Forum Secretariat, Suva, pp.1-56.
- ¹¹ Narsey, Wadan 2007. *Gender Issues in Employment, Underemployment and Incomes in Fiji*, Vanuavou Publications, Suva.
- ¹² See Tazreiter, C. '(Un)knowing and ambivalence in migration: temporary migration status and its impacts on the everyday life of insecure communities.' in Pickering, S. (ed), *Routledge Handbook on Migration and Crime*, Routledge, U.K.; Tazreiter, C. (2013) 'Temporary, precarious and invisible labor: globalized migrant workers in Australia' in Tazreiter, C and Tham, Siew Yean (eds). *Globalisation and Social Transformation in Two Culturally Diverse Societies: The Australian and Malaysian Experience* Palgrave, United Kingdom, 163-177. Link: <http://www.palgravemacmillan.com.au/palgrave/onix/isbn/9781137298379>.
- ¹³ See Segrave, M., Milivojevic, S., & Pickering, S. (2009) *Sex Trafficking: International context and response*. Devon, UK: Willan Publishing.
- ¹⁴ Ibid.
- ¹⁵ Milivojevic, S. & Segrave, M. (2012) Evaluating responses to human trafficking: A review of international, regional and national counter-trafficking mechanisms, in J Winterdyk, B Perrin & P Reichel (eds), *Human Trafficking: Exploring the International Nature, Concerns, and Complexities*, CRC Press, USA, pp. 233-263.
- ¹⁶ In The Global Gender Gap Report (2012), the Philippines was ranked 8th out of 135 countries, and consistently in the top 10 since 2006 when the indexing began, accessed 19 May 2014 <http://www.weforum.org/reports/global-gender-gap-report-2012>. It had a SIGI ranking of 7th out of 102 in 2009; and 12th out of 86 countries in 2012, http://genderindex.org/ranking/East%20Asia%20and%20Pacific?order=field_sigi_rank_value&sort=asc, accessed 19 May 2014.
- ¹⁷ WHO, 'Trends in Maternal Mortality: 1990-2013 (WHO, UNICEF, UNFPA, The World Bank, and the United Nations Population Division)', http://www.who.int/gho/countries/phl/country_profiles/en/, accessed 19 May 2014.
- ¹⁸ Demographic Research and Development Foundation Inc. (in partnership with the University of the Philippines Population Institute), 'Teenage pregnancy on the rise in the Philippines,' published online 6 February 2014, <http://www.drdf.org.ph/yafs4/pressrelease/02-06-2014/06>.
- ¹⁹ For examples, Philippine National Statistics Office, *2011 Family Health Survey*, released online 25 May 2012. <http://www.census.gov.ph/content/unmet-need-family-planning-remains-high-results-2011-family-health-survey>.
- ²⁰ See for relevant information, Republic of the Philippines Department of Health, "Postinor," accessed 19 May 2013, <http://www.doh.gov.ph/node/1342.html>
- ²¹ See Likhaan, ReproCen and Center for Reproductive Rights, *Imposing Misery: The Impact of Manila's Contraception Ban on Women and Families* (2007), updated November 2010, <http://reproductiverights.org/en/document/download-report-imposing-misery-updated-edition>.
- ²² The Philippines is among the countries with the most restrictive approach to and social stigma around abortion. See for a global comparison, UN Women, *Progress of the World's Women 2011-2012: In Pursuit of Justice*, pp. 130-133, accessed 19 May 2013, <http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>.
- ²³ Official website, <http://www.dktinternational.org/country-programs/philippines/>.

²⁴ Sri Lanka has a complex ethnic and religious make up. Ethnicities include Sinhalese, Tamil, Indian-Tamil (identified with the estate/plantation sector), Moor or Muslim, and Burgher, with smaller populations of Malays and aboriginal Veddas. Religions include Buddhist, Hindu, Christian, and Islam. The main languages are Sinhala, Tamil, and English.

²⁵ See for example, Skeldon, R. (2006). Linkages between internal and international migration and development in the Asian region. *Population, Space and Place*, 12(1), 15-30.

²⁶ This section is taken directly from the report *International Labor Migration in Sri Lanka: Labor Movement Responses* (unpublished) for a USAID funded project by the contributor.

²⁷ G.M.V. Wishawanath Aponsu, "Recent Trends in Labour Migration. Sri Lankan experience" *Asia Development Bank*, accessed October 5, 2013, <http://www.adbi.org/files/2013.01.24.cpp.sess5.3.aponsu.recent.trends.remittances.pdf>

²⁸ Rasika Somarathna, "US\$10 Billion target for 2020. Expat remittances to hit \$7 billion mark", *Daily News* 5th November 2013, accessed November 6, 2013, <http://www.dailynews.lk/local/expat-remittances-hit-7-b-mark>.

Note these figures do not include informal channels of remittance but captures monetary flows. Sri Lankan migrant worker remittances been noted for playing an important role in the trade balance current account, national savings and investments, helping families meet basic needs, allowing the purchase of productive assets including land, promoting small enterprise development, the purchase of consumer durables, and increasing expenditures on health and education.

²⁹ Ministry of Foreign Employment and Welfare, 2013, "Migration Profile. Sri Lanka", *Institute of Policy Studies*, 2013, http://www.ips.lk/ips_migration/publication/migration_profile/migration_profile_ips.pdf

³⁰ President Mahinda Rajapakse on local broadcast news Rupavahini, August 5th 2013, accessed October 5th 2013, <http://www.youtube.com/watch?v=3qtYWI9pTOI>

³¹ Lina Abu-Habib, "The Use and Abuse of Female Domestic Workers from Sri Lanka in Lebanon." *Gender & Development* 6, no. 1 (1998): 52–56; Amrita Pande, "The Paper that You Have in Your Hand is My Freedom: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon." *International Migration Review* 47, no. 2 (2013): 414–441.

³² Swaier Rupasinghe, Interview with the author, July 2013

³³ Piyasiri Wickremasekara, "International Migration and Employment in the Post-Reform Economy", in *Economic and Social Development Under a Market Economy Regime in Sri Lanka, Buddhadasa Hewavitharana Felicitation Volume 2*, ed. Saman Kelegama and Dileni Gunewardena (Colombo: Vijitha Yapa Publications, 2012).

³⁴ United States Department of State, "What is Modern Slavery" accessed October 1 2013 <http://www.state.gov/j/tip/what/>

³⁵ Amrita Pande, "From 'Balcony Talk' and 'Practical Prayers' to Illegal Collectives Migrant Domestic Workers and Meso-Level Resistances in Lebanon," *Gender & Society* 26, no. 3 (2012): 382–40

³⁶ Civil Society Collective for Economic, Social and Cultural Rights in Sri Lanka, "Sri Lanka: Implementation of the International Covenant on Economic, Social and Cultural Rights", in *Status of Economic, Social and Cultural Rights in Sri Lanka*, ed. B Skanthakumar (Colombo: Law and Society Trust 2011) 23–24.

³⁷ Ibid; see also C Hewage, C Kumara and Jonathan Rigg, "Connecting and Disconnecting People and Places: Migrants, Migration, and the Household in Sri Lanka."

³⁸ Note this discussion does not include people who were forced to move – displaced – as a result of the conflict between 1983-2009, land re-distributions or natural disasters such as the Tsunami in 2004.

³⁹ Ministry of Foreign Employment and Welfare, 2013,

⁴⁰ Ibid, p18

⁴¹ Ministry of Labour Relations and Productivity Promotion 2010, *Sri Lanka's Roadmap 2014 on the Worst Forms of Child Labour. From Commitment to Action* accessed July 2013, http://www.unicef.org/srilanka/2003_UNICEF_Roadmap_wcms_149650.pdf