

CONSOLIDATED RESPONSE ON GENDER MAINSTREAMING IN SOUTH-EAST ASIA

This consolidated response is based on research conducted by iKNOW Politics staff and contributions submitted by the following iKNOW Politics experts: Nelia Agbon, Senior Resident Country Director for Mindanao Programs, National Democratic Institute; Anamika Rai, Resident Program Manager for Nepal, National Democratic Institute; and Mandav Sadcheva (in collaboration with from UNIFEM's Bangkok Team), UNIFEM.

Question:

"What are some examples, documents and/or case studies, of the process by which gender is mainstreamed into legislation in South-East Asia?" - Sonia Palmieri, Vietnam.

Introduction

The concept of gender mainstreaming has become popular since the late 1990s. There are numerous definitions of gender mainstreaming used by international organizations and national governments, among which the most commonly used is the definition given by the European Commission:

"Gender mainstreaming is the integration of the gender perspective into every stage of policy processes – design, implementation, monitoring and evaluation – with a view to promoting equality between women and men. It means assessing how policies impact on the life and position of both women and men – and taking responsibility to re-address them if necessary. This is the way to make gender equality a concrete reality in the lives of women and men creating space for everyone within the organizations as well as in communities - to contribute to the process of articulating a shared vision of sustainable human development and translating it into reality."

Gender mainstreaming has become an important part of the democratization processes in South-East Asia, and has been promoted as an important tool for achieving gender equality and sustainable development by international organizations, national governments, and non-profit women's organizations and groups in most of the countries in the region.

This consolidated response highlights the role and contributions of the above-mentioned actors in mainstreaming gender into national policies and legislation of the South-East Asian countries.

International Agreements and Conventions

For the past ten years, many countries from around the world have become signatories of the Beijing Platform for Action, the Convention on Elimination of All Forms of Discrimination (CEDAW), and several other international agreements and treaties aimed at preventing violence against women and creating gender equality in all spheres of life. The South-East Asian countries have ratified many of these international agreements. Bangladesh, Cambodia, Indonesia, Nepal, Philippines, Sri-Lanka, Thailand and Timor-Leste are among the signatories of CEDAW. Not only have the South-East Asian countries become part of the international agreements, but they also use them as a basis for their national legislation and policy frameworks. Nelia Agbon, iKNOW Politics Expert and National Democratic Institute's Senior Resident Country Director for Mindanao Programs, points out that the representatives of the Philippines' Congress are currently working on creating a *Magna Carta* for Women, which aims to be

consistent with the provisions of CEDAW, and is drafted to be a comprehensive law for eliminating discrimination against women. (Agbon, N. Expert Opinion. 2008)

At the same time, international organizations play a proactive role in ensuring that gender mainstreaming is incorporated in national and international plans and programs targeting South-East Asia. For example, in Bangladesh some international donors provided funds to hire an international consultant to assess the extent to which gender equality perspectives are incorporated in the Poverty Reduction Strategy Paper (I-PRSP), while in India the Inter-Agency Working Group (IAWG) on Gender and Development is spearheading the support to gender equality at the country level, particularly through mainstreaming gender into key government planning processes. (Resource Guide for Gender Theme Groups. 2005. p.56)

Challenges:

Despite the positive impact of international agreements and conventions on mainstreaming gender into national programs and policies in the South-East Asian region, there are still significant barriers to creating successful gender mainstreaming programs. According to our experts from the United Nations Development Fund for Women (UNIFEM), due to the limited understanding of gender equality and non-discrimination, as opposed to substantive equality, legislation that seemingly promotes women's needs and interests may become a tool to protect only a formal equality. (Sadcheva, M. Expert Opinion. 2008)

National Governments and Legislation

“National action plans or policies provide the official mandate for action, and can be used to measure progress and evaluate results.” (Neimanis, A. p. 67)

Having an official mandate for action is particularly important for the South-East Asian countries, where governments play an important role setting the dynamics of public and political life. Government institutions play a leading role in implementing gender mainstreaming into national policy and legislative frameworks, and have a number of reasons for promoting gender mainstreaming, such as becoming a respected player in the international community, addressing important socio-political issues to stimulate economic development, and democratizing the region as a whole.

Having signed international agreements and regional protocols, national governments are obliged to create gender sensitive programs and legislation. To stay committed to their international obligations, governments are more willing to mainstream gender issues into national policies and legislation. For instance, the *General Appropriations Act of 1998* adopted in the Philippines mandates government agencies to set aside an amount from their appropriations for projects designed to address gender issues. This law creates a great incentive for government agencies to mainstream gender perspectives into their work, and to make gender sensitive approaches an integral part of their programs.

Additionally, South-East Asian governments have been mainstreaming gender issues into legislation by addressing crucial societal problems existing in their countries. A good example is the women's right to own land and to equal inheritance in South-East Asia, which have been limited, and even completely denied in some countries, until recently. To address these essential issues and stereotypes, governments adopted a set of laws and regulations granting women rights to own land and inherit property from their husbands or any other family members. For example, the Vietnamese National Assembly adopted the *Law on Gender Equality* in November 2006 and made revisions to the *Land Law* in 2005, that granted women the rights to land titles and ensured that their names are included in land certificates.

Gender mainstreaming has also become part of democratization processes started in the South-East Asian region in the early 1990s. According to Anamika Rai, iKNOW Politics Expert and National Democratic Institute's Resident Program Manager for Nepal, since the restoration of democracy in 1990, the Nepalese government has made significant progress in adopting policy initiatives and various

measures to achieve gender equality. Some of these policy initiatives include the establishment of the Ministry of Women, Children and Social Welfare, and adoption of provisions on affirmative action to increase women's role in public offices in the *Tenth Development Plan*. (Rai, A. Expert Opinion. 2008) Furthermore, the commitment of governments to conducting free and fair elections in their countries led to legislative reforms in electoral processes and legislation. Such reforms gradually created more opportunities for women to engage in politics. For example, the *2007 Electoral Act of the Constituent Assembly of Nepal* guarantees 50% women's representation among the Assembly members elected under the Proportional Representation (PR) system. As a result of this reform, women won 32.87% of seats in the Constituent Assembly during the elections held on April 10, 2008. (Rai, A. Experts Opinion. 2008)

Challenges:

In addition to difficulties in finding staff qualified to draft gender sensitive policies and legislation, government institutions suffer from the lack of gender-disaggregated data and up-to-date research findings. Among the ten steps outlined by UNDP in its *Gender Mainstreaming in Practice* handbook, research is recognized as a crucial step in making a program or policy credible, efficient and effective. (Neimanis, A. p. 19) Unfortunately, most of the South East Asian countries do not have sufficient financial and human resources to compile such comprehensive research and analysis that would be useful in their gender mainstreaming work.

Another challenge faced by governments is enforcement and implementation of gender sensitive laws. According to the United Nations Research Institute for Social Development (UNRISD) these difficulties may be explained by budgetary constraints, weak accountability for gender issues within political institutions and society, and administrative and institutional weaknesses of government institutions in managing gender policy in the region. (Land Tenure Reform and Gender Equality. 2006. p. 1)

Women's Groups and Non-Profit Organizations

Gender mainstreaming in policy and legislation is actively advocated by non-profit bodies, specifically women's groups and women's non-profit organizations. Nelia Agbon suggests that there are many reasons explaining progress made with gender mainstreaming in South-East Asia, among which she highlights

“the determination of women's groups that worked together around specific advocacy campaigns.” (Agbon, N. Expert Opinion. 2008)

A good example of such an advocacy campaign is the work of women's movements and organizations in India actively lobbying for the passage of the *Reservation Bill* that guarantees at least 33 per cent reserved seats for women in parliament and the legislative assembly. Additionally, women's organizations throughout the region have helped state agencies to draft new constitutions granting women equal rights to men, and have lobbied successfully for various changes in laws and policies. For instance, in Thailand, women's groups lobbied for the right to retain family names after marriage, and for a quota in village councils that would make decisions on allocations of money through a government village fund proposal. (The Challenge of Implementing Gender Responsive Legislation in Central Asia. 2005. p.67)

Challenges:

Although women's organizations and groups play an important role in advocating for gender mainstreaming into national policy and legislation, they have very limited resources, which restricts their activities and outreach. They often cannot cover expenses for publishing educational materials, sending staff members to regions for advocacy campaigns, participating at international events and conferences, etc. Such limitations significantly weaken the basis of women's organizations and groups and their ability to impact policy decisions.

Conclusion:

Gender mainstreaming has become an important tool in promoting democratic values and principles in South-East Asia. This process involves national governments, international organizations and non-profit women's institutions, and requires a comprehensive approach to gender issues in the region. It is an undeniable fact that for the past decade, women made a significant progress in public and social life. For instance, a survey conducted by the Inter-Parliamentary Union found that the number of women in parliaments in Asia has increased from 13.2% to 17% between 1995-2008. (Ballington, J. 2008. p. 14) Additionally, governments not only became signatories of important international conventions aimed at eliminating gender discrimination and bringing gender equality in all spheres of life, but also initiated policy and legislative changes in their respective countries. Gender sensitive laws and regulations became part of democratic reform processes that are ongoing in the region. Such progress would not have been possible without the strong support and advocacy from the women's groups and organizations in the region, the number of which have significantly increase in the past several years.

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