



CONCLUSION

As political will strengthens, as knowledge deepens and important implementation lessons are learned, as capacity and ownership grows, the environment for women's rights and gender equality in Southeast Asia is showing definite signs of progress. The range of national strategies and approaches to implement CEDAW highlighted in this publication are cause for optimism; not only because they are helping to promote real, positive change in the situation of women, but also because they are practical examples of just how to convert commitment on gender equality into concrete action. They exemplify what is working, and what could potentially be replicated or scaled up to accelerate change.

However, as gender advocates across the region will attest, this is only the tip of the iceberg. Despite the broadening constituency within government and civil society that is developing in each country in support of women's rights, the reality is that much more needs to be done. In all seven countries discussed, implementation and accountability for gender equality and the empowerment of women is lagging behind the commitments and normative agreements that these countries have made. Actions, not words, need to expand exponentially in the future to close the gaps and overcome the obstacles that prevent women from the full realization of their rights.

Looking forward, this final chapter suggests areas around CEDAW implementation that would particularly benefit from more concentrated attention and effort in the near future, particularly in terms of seizing new opportunities, and confronting new or persistent barriers to progress.

• Institutionalizing CEDAW in national planning

National gender equality priorities are currently being laid out in national action plans for women, and through specific laws or policies on gender-related sectoral issues, such as violence against women, trafficking or female migrant workers. While these are all critical first steps to begin removing gender discrimination and empowering women, a host of challenges can crop up in the subsequent implementation of these plans, laws, and policies. New policies can be enacted but the requisite human and financial resources to set them in

motion may be inadequate. National gender action plans may be well intentioned but placed low on the overall government agenda when it comes to investment of resources, developing capacities and tracking accountability. They may have no connection to broader national planning processes, and therefore be isolated from the budget allocations that support national development or poverty reduction strategies.

A key indicator of whether countries are ready to advance from committing to women's human rights in words to taking action is when these rights become embedded into mainstream national development strategies. Incorporating the objectives, indicators and deliverables that are already available in national gender frameworks into broader national planning processes will be essential to pushing gender equality achievements to the next level. Integrating CEDAW obligations and CEDAW based indicators for instance, in national planning across all sectors rather than just sectors most frequently associated with women, such as education and health, will improve overall policy impact on key gender equality concerns. Similarly, linking CEDAW reporting and monitoring efforts with national development strategies will help promote a more holistic and concerted approach to removing gender discrimination and empowering women—it can help to streamline reporting requirements and deliverables, forge greater ownership among different stakeholders, and reinforce that achieving gender equality is the responsibility of the whole government and not just of the National Women's Machinery (NWM) or gender-related departments in various ministries and agencies.

In this context, the Concluding Observations can be immensely useful. While several governments in Southeast Asia have already successfully begun using them as reference points to examine national policy and legal frameworks for implementation gaps and challenges, their full potential as a powerful road map on just what steps should be taken is still not yet being sufficiently tapped. Paying more attention to the recommendations made in the Concluding Observations could be invaluable to helping states better agree on priorities, set concrete, time bound targets, and roll out more effective action plans within government, and in tandem with civil society organizations.

• Follow the money – Tracking CEDAW compliance through gender responsive budgeting

CEDAW requires governments to assess how women compare with men, as beneficiaries of and contributors to government budgets. It requires that the raising and spending of public money be non-discriminatory and consistent with substantive equality between women and men, and it requires governments to secure women's participation as active citizens in decisions about the way in which public money is raised and spent. These requirements can be addressed through the use of gender responsive budgeting as a tool for states to assess their compliance with CEDAW.

People's access to services and resources are determined by how budgets are formulated. Discrimination can either be reinforced or eliminated by budget policies. Gender responsive budgeting applies a rights-based approach to budgets that situates women's rights at the core of policy and resource allocation decisions at all levels. It helps to define the requirements of good budget performance from a gender perspective, and identify the implications of budgets for women and girls as compared to men and boys. It details the elements necessary to critically assess budget policy processes, the appropriateness of allocations, and the standards necessary to ensure non-discriminatory economic and budget policies. It also requires that women are not regarded as a vulnerable group who are the beneficiaries of government assistance but rather as rights holders, whose governments are under obligation to empower and protect.¹

In a few countries of the region, gender responsive budgeting is already being used as a means of measuring whether commitments to improve the situation of women are actually backed up with the necessary financial resources to implement them. Gender advocates have also increasingly used gender budget analysis tools to identify existing gender gaps and biases in allocations, spending and revenue raising measures. Many more countries would benefit from applying a gender lens to their national and local government budgeting processes to fast track equality for women. The focus on appropriate resource allocation helps to align budgets with state obligations to CEDAW implementation—it helps stakeholders to advocate for greater resources for women to level the playing field, and importantly, it also serves as a means to quantitatively benchmark results, track expenditure and set policy priorities that ensure accountability to women.

• Building economic literacy of gender advocates

Policies that are put into place to manage economic growth and wellbeing can both positively and negatively affect poverty reduction efforts and people's enjoyment of their rights. They can also impact women and men differently, and have implications to the achievement of gender equality. When governments consider macroeconomic measures to reduce budget deficits, international debt burdens, or negotiate new trade regimes, it is still rare for them to analyze and consider the specific effects of these measures on women. Such effects include for example, the burden of care being shifted to women when subsidies for basic services such as healthcare are cut, or the steady increase in female workers being pushed into the informal sector and into unsafe and precarious work when export led manufacturing is promoted as a driver of the economy.

The structural poverty in many Southeast Asian countries is deepening from the effects of the current global economic crisis. Amongst the poor, women, who are already suffering from less education, less access to employment opportunities, less access to land and credit facilities, and an overwhelming presence in the informal sector, are facing ever more precarious livelihood situations as the crisis takes its toll. While governments are discussing the impact of the economic crisis, and formulating stimulus packages and economic recovery policies, the voices of these women remain largely absent.

An urgent need exists therefore, for gender advocates to claim their rights and actively contribute to these processes. To do this, they need support to enhance their understanding of macroeconomic and trade policies and how to apply CEDAW and other human rights instruments to make these rights-based and gender-responsive. They need to be able to influence national, regional, and global economic and trade development strategies and processes to ensure that gender concerns are not excluded, and the gender dimensions of these processes are taken into account by decision-makers.

• Including excluded women

The CEDAW Committee, other human rights treaty bodies, and the Human Rights Council have repeatedly expressed concern that national human rights protections are not properly being extended to groups of women who are subject to multiple forms of discrimination—such as women from indigenous or ethnic minority communities, religious minorities, sexual minorities,

disabled women, migrant workers, and women living with HIV/AIDS, among others. In the Concluding Observations of many Southeast Asian countries, the CEDAW Committee has consistently recommended that greater attention and resources go towards improving the situation of excluded women, and ensuring their voices are heard and their priorities included within mainstream policy decision-making.

As mentioned in this publication, civil society groups in a few countries have begun expanding their work to respond to the concerns of women from marginalized communities. In recent years, excluded women themselves have also begun mobilizing to advocate for attention to the rights violations that they face. These efforts must be supported and ramped up—much more can be done to promote their rights and increase their capabilities to use CEDAW and other human rights instruments to articulate and advance their agendas.

Fortunately, a recent expansion in the international human rights system has seen the development of new standards particularly in such areas as the rights of migrants, the rights of the disabled, the rights of sexual minorities and the rights of indigenous peoples. These new standards, when combined with the existing normative frameworks of other treaties like CEDAW, in a ‘CEDAW-plus’ approach for instance, can be critical tools for governments, NGOs and excluded women themselves to apply to make national women’s human rights frameworks more inclusive.

• Improving access to justice

While legal reform to guarantee women’s rights is a critical step in the right direction, poor implementation and enforcement of laws can quickly slow or negate any positive impact. The role the justice system plays here is crucial to ensure that not only are laws to protect and empower women enforced, but that women are at once also able to access and claim their rights through them.

Unfortunately, formal justice systems too often present numerous barriers to women seeking justice. Deep seated gender biases in judicial decision-making prevail in many countries, including in Southeast Asia. A woman may have difficulty using the courts because her evidence does not have the same weight as a man’s; she may face time limits for bringing a case forward; she may fear retribution for standing up against perceived male prerogatives; or she may not be

able to reach the courts because of the distances involved or because the costs may be prohibitive.² Intimidating police and judicial procedures and biased attitudes of personnel handling cases can also stand in the way of women seeking justice through the formal judicial system.

Because of the challenges associated with accessing formal justice, the role of informal or traditional justice systems is extremely important to consider in any discussion around improving protections for women and advancing respect for gender equality. In Southeast Asia, many of these informal systems operate at the village level and are governed by customary practice, religious law or other locally grounded normative systems—they deal with a wide range of issues, from resolving disputes, recording marriages, to allocating land ownership and land-use rights. Often, these systems are the only justice mechanisms that villagers will ever come into contact with.

Most informal justice systems are notoriously prejudicial to women—they tend to be dominated by male elders or community leaders so women's voices are rarely included in decision-making, and they tend to be hotbeds for patriarchal notions of how men and women should behave. They can play a significant role in perpetuating discrimination against women at the very basic, everyday level, especially when legal reform does not trickle down from the national to the grassroots level, or it might conflict with traditional beliefs and require a significant overhaul in behaviour and attitudes.

Efforts to address discrimination against women within the informal justice arena are seriously lacking in Southeast Asia. While there are emerging examples of initiatives to engage religious and civic leaders in local communities in some countries, there is still too little knowledge and information being shared in general about how to properly advance women's rights in this area. Related to this is the rise of religious fundamentalism and cultural conservatism in the region, which is making its impact felt predominantly at the grassroots level, and often through informal justice systems. These forces are not just serious impediments to women's empowerment, they are also eroding gains that have been won. For example, in some countries, religion is being used to translate the need to improve protections for women into actions that actually serve to restrict women's freedoms.

Legal education is paramount here, especially in ensuring that CEDAW and human rights standards are incorporated not just within formal legal processes but also informal ones. Importantly, women themselves must also be made aware of the rights that CEDAW guarantees so that they can claim them by systematically referencing the Convention when they make their cases.

Another point of concern with regards to access to justice is the existence of dual legal systems in some countries of the region. The CEDAW Committee has raised concerns that such dual systems of civil and Syariah law perpetuate discrimination against women, particularly in the spheres of personal status, marriage and family relations. Inconsistencies between the systems and lack of clarity in legal interpretation due to multiple versions of Syariah law are adversely affecting the rights of women, especially Muslim women, and obstructing their access to justice. Rights and protections around divorce and inheritance for instance tend to differ in both systems, and often conflict with the provisions of the Convention.

Greater efforts to undertake reform to align both legal systems with each other and with CEDAW are needed. The CEDAW Committee is urging for better knowledge sharing and analysis of comparative jurisprudence and legislation of other countries where more progressive interpretations of Islamic law have been codified. They have also highlighted the importance of partnering with Islamic research institutions, religious leaders and community groups, including women's organizations, to promote dialogue and garner support for legal reform.

• **Young people – The key to transforming negative gender stereotypes**

It is widely accepted that targeting the young generation is a critical, and necessary, approach to achieve social transformation. Cultivating the values of respect for human rights and the dignity of all human persons from a young age can be a powerful attack on harmful social traditions that legitimize discrimination and inequality. Yet, only limited attention is going towards educating the young about human rights and harnessing their energy to promote gender equality. As showcased in this publication, there have been some innovative attempts to engage and involve young people through awareness-raising activities, and through popular mediums

they can relate to such as music, dance and pop culture. In some countries, the education system is being targeted as a key entry point to start removing gender stereotypes and begin embedding concepts of gender equality through curriculum reform and teacher training. These actions are critical and hold immense potential to be replicated and scaled-up.

Within the NGO community, much more can be done to encourage young women and men to become gender advocates. Beyond raising their awareness about CEDAW and women's rights, young people also need to be given the opportunity to give their opinion, and develop and run programmes themselves. As is often the case in many organizations, senior, experienced activists do not make enough room for younger women or men to participate in decision-making, take on responsibilities and develop leadership skills. The importance of building the capacity of the next generation of gender advocates cannot be overemphasized—they will be the driving force behind the continued advancement of women's human rights in the future.

Making the leap – South-south exchange as a boost for gender equality

Of the issue areas mentioned above, some are where stakeholder actions are already beginning to yield results, and where opportunities to scale-up are emerging. Others have yet to be properly explored. Still others need to be prioritized now to effectively confront enduring discriminatory practices that refuse to acknowledge the rights that women are claiming, and threaten to erode them. All, if systematically and conscientiously addressed and afforded the necessary will, capacity and resources, can result in a qualitative leap forward for women's rights.

The value of South-South learning and know-how exchange is an integral part of making this leap—the initiatives and strategies showcased in this publication are already an important contribution to a growing well of knowledge around CEDAW implementation that is increasingly deeper, richer and more varied as government and civil society actions intensify. This well must be tapped at the regional level to promote dialogue and expand the use and impact of ideas among countries to complement, enrich and inspire national efforts. This can be an effective mechanism for building sustainable capacity. It is also a sure way of boosting progress towards gender equality, so that CEDAW becomes a ubiquitous, living framework to improve women's lives everywhere in the region.

ENDNOTES

1. See Elson, Diane, *Budgeting for Women's Rights*, UNIFEM, 2006.
2. *Who Answers to Women? Gender and Accountability*, Progress of the World's Women 2008/2009, UNIFEM, 2008, pp.78-79.