



1996 Asian Women's Fund International Forum

Women's Rights as Human Rights

**Jointly sponsored by the United Nations Economic and Social
Council for Asia-Pacific and the Asian Women's Fund**

5-6 August 1996, United Nations University, Tokyo, Japan



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Introduction

At the 1993 World Conference on Human Rights in Vienna, women's rights were recognised to be fundamental *human* rights, and violence against women in the home was confirmed to be a social problem, not merely a private matter.

Furthermore, at the 1994 World Population Conference in Cairo, reproductive rights were recognised as an integral element of women's human rights.

In September 1995, the UN 4th World Conference on Women was held—for the first time in Asia—in Beijing. The Platform for Action adopted at the Conference places strong emphasis on the human rights of women. Measures taken thus far by governments and non-governmental organisations (NGOs) were reviewed, and 'women's human rights' and 'violence against women' were included in the twelve Critical Areas for Concern.

All over the world, governments and NGOs are currently acting to realise the goals of the Platform—the 1996 Asian Women's Fund International Forum was organised as one such contribution to this massive project. From August 7th - 9th, 1997, the Women and Development branch of the United Nations Economic and Social Commission for Asia-Pacific (ESCAP) convened a meeting of experts at the National Women's Education Centre in Japan. To take advantage of this wonderful opportunity, the Asian Women's Fund, with the cooperation of ESCAP, decided to sponsor an international forum, which was held at the UN University in Tokyo, August 5th - 6th, on this timely theme of 'women's rights as human rights'.

The proceedings of the forum have been brought together in English in this report, which we hope will help to further understanding of the women's human rights perspective, and contribute to the ongoing discussion on human rights issues which particularly affect women, such as trafficking and prostitution, domestic violence, and reproductive rights.

May 1997

Asian Women's Fund, Tokyo, Japan

Programme

Monday August 5, 1996

9:00 - 9:30

Opening

Ms. Teruko Kanehira

Board Member, Asian Women's Fund, and former Vice-governor of Tokyo

Ms. Haniwa Natori

Director, Policy Office for Gender Equality, Prime Minister's Secretariat, Government of Japan

9:30 - 10:00

Video Screening

10:00 - 11:00

Keynote Speeches

Promoting Women's Human Rights as Human Rights

Dr. Savitri Goonesekera

Faculty of Law, University of Colombo, Sri Lanka:

Asian Perspectives on Women's Rights as Human Rights.

(published separately; available from the Asian Women's Fund)

Ms. Rashim Ahluwalia

Director, External Relations Department, International Federation of the Red Cross and Red crescent Societies, Canada:

A Global Perspective on Promoting Women's Human Rights

11:30 - 12:30

Keynote Speeches

Ms. Salma Sobhan

Executive Director, A.S.K., Bangladesh.

Human Rights of Women Under Islam

Prof. Yasuko Yamashita

Bunkyo Women's University, Japan:

Women's Rights as Human Rights in Japan

14:00 - 17:00

Panel Forum 1: Women's Reproductive Rights

Ms. Rashim Ahluwalia

Director, External Relations Department,
International Federation of Red Cross and Red Crescent
Societies

Ms. Meera Kosambi

Director, Research Centre for Women's Studies, SNTD
Women's University, India.

Tuesday August 6, 1996

9:00 - 12:00

Panel Forum 2: Trafficking in Women and Children

Ms. Kien Serey Phal

President, Cambodian Women's Development Association.

Ms. Aurora de Dios

Executive Director, Coalition Against Trafficking in Women in
Asia and the Pacific; Member, UN Committee on the
Elimination of Discrimination Against Women.

13:30 - 16:30

Panel Forum 3: Domestic Violence

Ms. P. Imrana Jalal

Resource Trainer (Rights), Pacific Regional Human Rights,
Education Resource Team, Fiji

Ms. Meera Kosambi

Director, Research Centre for Women's Studies, SNTD
Women's University, India

16:30 - 16:45

Closing

Ms. Yasuko Takemura

Member of the House of Representatives, Japan

Ms. Teruko Kanehira

Board Member, Asian Women's Fund

Monday August 5, 1996

Opening

Ms. Teruko Kanehira

Board Member, Asian Women's Fund, and Former Vice-governor of Tokyo.

Summary of Opening Speech by Ms. Kanehira

Today we shall be discussing women's rights as human rights. The Japanese title translates as 'What do we Mean by "Women's Human Rights"?'.

At the 1993 World Conference on Human Rights in Vienna, it was officially recognised that women's rights are in fact fundamental *human* rights. Furthermore, marital, domestic issues, which had long been considered a private matter between husband and wife, are now being discussed as issues of concern for society at large.

Following the International Conference on Population and Development held in Cairo in 1994, reproductive rights of women were considered for the first time as women's human rights.

At the Beijing UN Fourth World Conference on Women, held for the first time in Asia in September 1995, violence against women was included as one of the twelve critical areas for action by the governments and NGOs in attendance, and there was much emphasis placed overall on the concept of women's rights as *human* rights.

The 1979 Convention on Elimination of All Forms of Discrimination against Women (CEDAW) was not widely ratified when it was introduced, particularly here in the Asia-Pacific region. By 1995 however, only Brunei and North Korea had yet to ratify—in every country women's human rights are being recognised, and national laws and institutions are being revised to support them.

Today Ms. Haniwa Natori, Director of the Office for Gender Equality of the Prime Minister's Secretariat, will no doubt speak about the work being done by the Japanese government and NGOs as follow up to the Beijing platform.

ESCAP

In the Asia-Pacific region, ESCAP (the Economic and Social Commission for Asia-Pacific) is the focal point for implementing projects concerned with women's human rights as human rights. ESCAP is convening an international Experts Group Meeting in Japan, from August 7th-9th, on the promotion of women's rights as human rights, and with the kind cooperation of ESCAP, the Asian Women's Fund was able to take this excellent opportunity to hold its 1996 International Forum on Women's Rights as Human Rights.

The Asian Women's Fund

On July 19, 1995 the government of Tomiichi Murayama helped to establish the Asian Women's Fund (AWF), which has two main objectives:

- To undertake a moral programme to try to atone for the suffering of the unfortunate women who were sexually enslaved by the Japanese Imperial Army during WW2 (the 'comfort women').
- To tackle contemporary women's human rights issues, through projects promoting the empowerment of women.

This forum is part of the latter; hereafter the AWF pledges to continue to endeavour to promote women's empowerment through a variety of activities. Today is an excellent opportunity to learn from each other about legal and humanitarian aspects of women's rights in our region.

I thank you all, in advance, for your active participation, and efforts towards making this a meaningful forum for each of us, and I would like to extend a warm personal welcome to our experts from abroad, and of course the Japanese participants and all the members of the floor. Our thanks to the United Nations University in Tokyo for providing us with such wonderful—and cool—surroundings.

(Original: Japanese)



Ms. Haniwa Natori

**Director of the Policy Office for Gender Equality,
Prime Minister's Secretariat, Government of Japan**

Summary of Speech by Ms. Natori

Creating a society in which men and women take joint responsibility is a major policy of this government. The Chief Cabinet Secretary is the Vice-chairman of the special office which exists to work towards this goal.

Of the 48,000 people who attended the Beijing conference, 5,000 of them were from Japan. The Beijing Declaration upheld the key concept that women's rights are in fact human rights. This year is the 50th anniversary of women achieving suffrage here in Japan, and it is a good opportunity to remember those who fought hard for that right, and to make this another 'springboard' year towards our aim of building an equal society.

On July 31, 1996 The Advisory Committee of the Policy Office for Gender Equality produced the *Vision of Gender Equality - Creating New Values for the Twenty First Century*, which lays out our agenda. In August 1994, the Office for Gender Equality was asked by the Prime Minister to advise him on policy for the next century,

incorporating the more than 500 comments which came in the wake of the Beijing conference.

There has been a great deal of economic and social change in the past fifty years here in Japan, and we firmly believe that in contemporary Japan a more equal society will benefit men as well as women. The main objectives are as follows:

- Increase participation of women in decision making
- Promote of awareness of gender as a socially-constructed concept
- Create new values of equality
- Contribute to the global community

Recommendations:

- Eliminate violence against women
- Improve reproductive rights
- Promote education on human rights
- Establish the necessary supporting institutions

The government received our report and plans to use it to assist them in the revision of laws and institutions, bringing us in line with international conventions.

This international forum takes up a timely theme. I hope the discussion will contribute to the improvement of the status of women. Thank you.

(Original: Japanese)



Keynote Presentations

Women's Rights as Human Rights: A Global Perspective

Ms. Rashim Ahluwalia

Director, External Relations Department, International Federation of Red Cross and Red Crescent Societies, Canada

I welcome this opportunity to address this meeting organised by the UN ESCAP and the Asian Women's Fund. In my presentation today, I hope to provide you with a global perspective on the subject of women and human rights, focusing particularly on what has been achieved in obtaining gender equality and the realities faced by millions of women worldwide - in other words the issue of the gap between **de jure** and **de facto** equality.

While there has been significant progress over the last 50 years, a great deal of work still remains to be done in order to ensure that all women and men actually enjoy the same rights they already have in national and international law. Of course, as new situations develop, there will also be a need to advocate for additional measures to protect and promote human rights for all. In order to cover this rather complex and vast topic, I have divided my presentation into four main sections, to cover the following:

1. Historical perspective at the international level
2. Global context
3. Major factors related to the vulnerability of women
4. The International Federation

Historical Perspective

Let me begin by giving you a brief historical perspective on the evolution of women's rights as human rights in modern times. The 'equal rights of men and women' were enshrined in the Preamble of the United Nations Charter in 1945, which for the first time in history legally established gender equality as a fundamental human right. Under Chapter 1, Article 1, the UN Charter states as a purpose and principle: 'To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'.

Similarly, the Universal Declaration of Human Rights adopted in 1948, under Article 2, states that;

Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status.

Yet discrimination against women persisted throughout most of the world. Prior to 1945, women enjoyed the right to vote in less than 50 countries (appendix 1 - chronology of women's right to vote).

The issue of the human rights of women really attained attention in the 1970s. The United Nations declared 1975 as International Women's Year, and convened in 1975 the First World Conference ever held on women, which was attended by 133 states. This was followed by the UN General Assembly proclaiming 1976 - 1985 as the 'United Nations Decade for Women: Equality, Development and Peace'.

It also established the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW). A major milestone in relation to women's rights was the adoption in 1979 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (appendix 2 - Chronology of Human Rights Instruments).

This Convention has since been ratified by over 100 states and commits governments to take all 'appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men'. The Second World Conference on Women was held in Copenhagen, Denmark in 1980.

Another landmark event was the 1985 World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, held in Nairobi. At this meeting the Nairobi Forward-Looking Strategies for the Advancement of Women (FLS) to the year 2000 were adopted by consensus. A five year review of the implementation of the FLS was undertaken in 1990 by the UN Commission on Status of Women, created in 1949.

The results showed a deterioration in the status of women, particularly in the areas of education, employment, and health, and pointed out that the issue of improving status of women had received only low priority.

As you will all recall, recently in September 1995, the Fourth World Conference on Women was held in Beijing, China. This conference adopted a Plan of Action to achieve the stated objectives of the FLS during the final five years of this century. Gender issues, including human rights aspects were also covered within other major world conferences, e.g. the 1993 Human Rights conference in Vienna, the 1994 International Conference on Population and Development in Cairo, the 1995 Social Summit in Copenhagen, and also the 1996 Habitat Conference in Istanbul, Turkey.

Even from this brief account of the historical perspective it is evident that a lot of work has been carried out by many to advocate for and obtain significant progress in gender equality in law and theory. At the same time, it shows that there has been a continuing need to focus on improving the situation of women globally, due to gender inequality in practice.

The Global Context

Let us then examine the situation of women in the global context. In 1993, 1.3 billion people were considered to be living in absolute poverty. Conflicts in some 60 countries in Africa, Europe and other regions, disrupted economies, and reduced public expenditures in basic sectors, the dissolution of social safety nets, rising unemployment and human rights abuses have led to increasing numbers of vulnerable people and victims. Another aspect of the global context we need to take into account is the impact of embargoes on civilian populations, especially already vulnerable women, and their families.

With the world's population estimated to reach 8.5 billion by the year 2025 as forecast by the UN Fund for Population, increasingly be a global phenomenon bringing serious consequences in its train. These include growing exploitation and abuse of people in the labour market, greater incidence of prostitution, exposure to sexually-transmitted diseases, including AIDS, rising risk of the spread of other communicable diseases, and heightened tensions that lead to violence.

It is noteworthy that half of the world's migrants are women and current trends indicate that more women will be on the move in order to improve their own economic conditions and that of their families.

In 1993 it was estimated that there were almost 100 million international migrants, over 18 million refugees, and approximately 24 million displaced people fleeing violence, drought, environmental degradation and economic deterioration. At the national level, 20-30 million of the world's poorest move each year from rural to urban areas. Women will often make up well over 80 percent of refugees and displaced populations, and in most cases are also single head of households.

A key health indicator, which has not changed significantly over the years, is maternal mortality. More than half a million women still die annually from preventable childbirth related causes. A major contributory factor is the lack of informed and effective choice and control over their fertility and reproductive health.

In many developing countries this situation is linked to literacy, access to credit, employment and availability of adequate nutrition and basic health services. However, in some countries of Central and Eastern Europe, as well as the CIS, despite a high literacy rate, maternal mortality rates are up to 10 times higher than those in Western countries. The extremely high rate of abortion, which has been resorted to as a means of family planning due to unavailability or inaccessibility of modern contraceptive methods, is an important contributory factor. For example, in Russia, it is estimated that for every 100 births there are 224 abortions. Furthermore, WHO projects that by the end of the decade, over 13 million women will have been affected by HIV.

Another area of concern is that teenage pregnancy is on the rise, with one of the highest rates being in the United States, along with higher numbers of school drop-outs, growing prostitution, and exposure to HIV and STDs. Young women are being targeted for sales of tobacco in some parts of the world. Yet another issue of growing concern is that women are increasingly victims of violence in most countries in the world. In addition to domestic violence, they have been made special targets in the context of armed conflict, e.g. in the former Yugoslavia. They, along with their children, are also often victims of landmines in several parts of the world.

This overall situation is best illustrated and summarised in the following statistics:

- Two thirds of the world's illiterate are female
- 500,000 women die annually from childbirth-related causes, and maternal mortality rates in developing countries are 15 times higher than in developed countries.
- Over 500 million rural women in developing countries live in chronic poverty (363 million in Asia, 130 million in sub-Saharan Africa, 43 million in Latin America and the Caribbean, and 18 million in the Near East and North Africa)
- One third of all households are headed by women (e.g. 40-50% in the Caribbean and 30% for all of Africa)
- 13 million women will be HIV positive by the year 2000.
- Over 80% of the world's refugees and displaced are women and children.

- Women and girls are more vulnerable to sexual and other violence, and are compelled to assume total responsibility for their family during natural disasters, armed conflict and civil strife.

A report produced by the International Labour Organisation, published only a few days ago, confirms the continuing disparity between men and women. It highlights, among other matters, that women work between 2 and 10 hours per week more than men do; yet they are twice as likely to be made redundant and twice as likely to experience poverty.

Major Factors relating to the Vulnerability of Women

Let us turn now to the root causes of the scenario I have just presented. Women, and their dependants make up the largest percentage of vulnerable and victims, both during and following conflict and disasters, as well as in more peaceful times. Their underlying vulnerabilities are based on the close and dynamic interaction between key factors such as poverty, discrimination, human rights abuses, poor health, illiteracy, lack of information and family planning services, environmental degradation, demographic pressures and violence.

Often, these pre-existing inequalities are exacerbated by special situations such as maternal or man-made crises. Sadly we see a steady upward trend in the number of vulnerable and victims, with the majority being women and their dependants. In many countries, partly as a consequence of structural adjustment programmes, the level of public expenditures has gone down in basic sectors such as education, health, and social welfare.

Within the context of the changing nature of conflicts which increasingly affect civilian populations, women have been made specific targets of violence in conflict situations, which has brought enduring trauma into the lives of uncounted women in conflict areas such as the former Yugoslavia and Rwanda. They have also been made direct victims or caretakers of victims of landmines in places such as Afghanistan, Cambodia, Angola and Mozambique. Other women are having to cope with new burdens resulting from the humanitarian impact of sanctions such as in the case of Iraq.

Deterioration of women's and children's health in some large areas of the world - particularly in Central Europe and the former Soviet Union - is also an emerging social disaster.

A key reason for the maintenance of inequality, again according to the ILO report, is the continuing discrimination against women in the education system, which in spite of labour market legislation, leaves them excessively vulnerable.

These realities and trends have important implications for governments, UN and other international organisations, and NGOs. Several of the 12 areas of critical concern highlighted in the Beijing Platform for Action cover these topics. Of particular interest are the recommendations related to women and health; women and armed conflict, and the human rights of women. These and other recommendations address

some of the persisting, as well as new factors related to the vulnerability of women. Of course, unless these are properly implemented, there will still be a lack of progress in achieving human rights of a large number of women worldwide.

The factors described above are both causes and indicators of gender disparities, which in turn reflect the gap between the human rights of women in law and theory versus the actual enjoyment of these rights by the millions of vulnerable women. How can we talk about human rights in general or women's rights as human rights when such a large number of women and young girls are still effectively denied access to basic rights of literacy, education, health (including reproductive health), food, security, adequate housing, employment, and income security? How can we promote women's rights as human rights without informing women themselves, and communities at the local level about their human and legal rights?

Addressing some of the root causes of vulnerability in general, and vulnerability in human rights terms must be seen as a pre-requisite for the translation of women's human rights into reality. We all have a collective responsibility to do what we can in our relevant areas of work to reduce and eliminate the discrepancy between equality guaranteed to women by law and their actual status and situation in society. Overall, this requires political will matched by appropriate allocation of resources. Finally, as stated by Dr. Nafis Sadik, Executive Director of the United Nations Population Fund, 'No fundamental change in favour of women is possible without a massive change in male attitudes'.

The International Federation

I would like at this point to take the opportunity to describe briefly the role of the International Federation of the Red Cross and Red Crescent Societies, particularly in relation to women. The IFRC, with its 169 member National Red Cross and Red Crescent Societies, has its mission to 'improve the situation of the most vulnerable', that is 'those at greatest risk from situations that threaten their survival or their capacity to live with a minimum of social and economic security and human dignity'. In this context, special attention is paid to those women who make up the largest percentage of the most vulnerable everywhere.

The International Federations work is based on strict adherence to our Fundamental Principles, which include Neutrality, Impartiality, and Independence. A major part of our work focuses on refugees and internally displaced persons. Through our Strategic Work Plan for the Nineties, we are focusing on issues of vulnerability through three major goals: 1) enhanced respect for human dignity and humanitarian values; 2) improved ability to cope with crisis; and 3) strengthened capacity of vulnerable people in their daily lives.

These goals are addressed through a number of programmes into which the gender dimension is integrated. These include primary health care, water and sanitation, family planning and reproductive health, AIDS, literacy, training and income-generation, as well as disaster preparedness. We are also involved in psycho-social and other support for women victims of rape and other violence in crisis situations.

In December 1995, the International Conference of the Red Cross and Red Crescent, in which 133 States Parties to the Geneva Convention took part, adopted a resolution on 'protection of the civilian population in periods of armed conflict' which included a specific section with regard to women, including the development of preventative measures.

Protecting and promoting human rights, which are women's rights, is not only a matter of legislation and inter-governmental consultations and review. It is, first and foremost, a matter of the daily efforts to address the problems and obstacles faced by women, whether in ensuring a decent life—or life at all—for themselves, their children, their families, or in other spheres of life.

The National Red Cross and Red Crescent Societies, although often not using the language of Human Rights, are nevertheless closely involved in the fundamental practical issues: providing health services, teaching basic skills, encouraging women's participation in the affairs of their own community, or by providing the minimum sustenance required for the maintenance of life.

In this respect, the greatest contribution is made, not by governments or the international community, nor by organisations and institutions, but by the individual volunteer, motivated by the Principal of Humanity, to take responsibility for their fellow beings.

In conclusion, I would like to reiterate the gap between **de jure** and **de facto** equality for millions of marginalised, disadvantaged, and victimised women globally. This, in turn, requires at the practical level the reduction and elimination of gender disparities which continue to persist such as literacy, economic participation, health, and decision-making. These disparities in effect constitute an obstacle to the actual enjoyment of women's rights as human rights.

The Platform for Action adopted in Beijing provides a useful framework for guiding the international community's work in support of the advancement of women. It addresses the area of inequality I have mentioned as well as topical concerns such as the situation of women in armed conflicts, human rights, and food security. More emphasis is also needed on preventative measures to reduce and eliminate gender-specific violence, while ensuring psycho-social support and rehabilitation assistance to those already made victims.

A close link between protection and assistance to refugees, internally displaced and other vulnerable groups is well established and should continue to be emphasised. These action need to be completed by informing women and men about their human and legal rights. The international community and in particular governments, must undertake additional supportive measures—both in legislation and in practice—to eliminate the root causes of poverty and violence, including disregard or abuse of human rights. Indeed, the actual enjoyment of their rights by women should be a key indicator of the level of social and economic development, as well as genuine respect for human rights.

Appendix 1. Chronology of Women's Right to Vote

1893	New Zealand		Dominica, Nepal
1901	Australia	1952	Argentina, Bolivia, Côte d'Ivoire, Greece
1906	Finland	1953	Bhutan, Mexico, Sudan
1913	Norway	1954	Belize, Nigeria
1915	Denmark, Greenland, Iceland	1955	Ethiopia, Ghana, Honduras, Nicaragua
1917	Canada, (USSR)	1956	Benin, Burkina Faso, Cambodia, Central African Republic, Chad, Comoros, Egypt, Gabon, Guinea, Laos, Mali, Mauritania, Mauritius, Niger, Somalia, Togo, Tunisia
1918	Austria, Ireland, Poland, Sweden, United Kingdom	1957	Columbia, Lebanon, Malaysia
1919	Belgium, Germany, Luxembourg, Netherlands	1959	Madagascar, Tanzania
1920	Czechoslovakia, USA	1960	Cyprus
1923	Mongolia	1961	Burundi, Gambia, Rwanda, Sierra Leone
1928	Ecuador	1962	Algeria, Bahamas, Monaco, Paraguay, Uganda
1931	Portugal, Spain, Sri Lanka	1963	Congo, Equatorial Guinea, Iran, Kenya, Libya, Morocco
1932	Maldives, Thailand, Uruguay	1964	Afghanistan, Malawi, Zambia
1934	Brazil, Cuba, Turkey	1965	Botswana
1935	Burma	1966	Guyana, Lesotho
1936	Puerto Rico	1967	Granada, St. Christopher-Nevis, St. Lucia, St. Vincent and Grenadines, Yemen, Zaire
1937	Pakistan, Philippines	1968	Nauru, Swaziland
1941	Panama	1971	Switzerland
1942	Dominican Republic	1973	Jordan, San Marino
1944	Bermuda, Bulgaria, France, Guadeloupe, Jamaica, Martinique	1975	Angola, Cape Verde, Papua New Guinea
1945	Albania, Guatemala, Indonesia, Italy, Japan Senegal, Solomon Islands	1977	Guinea Bissau, Mozambique
1946	Cameroon, Djibouti, Liberia, Romania, Trinidad and Tobago, Vietnam, (Yugoslavia)	1978	Zimbabwe
1947	Bangladesh, Bolivia, Malta, Venezuela	1980	Iraq, Vanuatu
1948	Israel, Korea, Singapore, Surinam	1984	Liechtenstein
1949	Chile, China, Costa Rica, Syria	1989	Namibia
1950	El Salvador, Haiti, India, Peru		
1951	Antigua and Barbuda, Barbados,		

Source: K. Tomasevski, Women and Human Rights, (London and New Jersey, Zed Books, 1993), p.9

Appendix 2: Chronology of Main Human Rights Instruments

1945	United Nations Charter	1967	Declaration on the Elimination of Discrimination against Women
1948	Universal Declaration of Human Rights and Duties of Man	1968	Proclamation of Teheran
	Convention on the Prevention and Punishment of Genocide	1969	American Convention on Human Rights
1949	Convention on the Suppression of Traffic in Persons		Declaration on Social Progress and Development
1950	European Convention for the Protection of Human Rights and Fundamental Freedoms	1971	Declaration on the Rights of Mentally Retarded Persons
1951	Convention on the Status of Refugees	1973	International Convention on the Suppression and Punishment of Apartheid
1952	Convention on the Political Rights of Women	1974	Universal Declaration on the Eradication of Hunger and Malnutrition
1953	Protocol amending the 1926 Slavery Convention		Declaration on the Protection of Women and Children in Emergency and Armed Conflict
1956	Supplementary Convention on the Abolition of Slavery	1975	Declaration on the Rights of Disabled Persons
1957	Convention on the Nationality of Married Women		Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
1958	Discrimination (Employment and Occupation) Convention	1978	Declaration on Race and Racial Prejudice
1960	Convention Against Discrimination (in Education)	1979	Convention on the Elimination of All Forms of Discrimination against Women
1961	European Social Charter	1981	African Charter of Human and Peoples' Rights
1962	Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages		Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief
1965	Recommendations on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages	1984	Convention against Torture and Inhuman or Degrading Treatment or Punishment
	International Conventions on the Elimination of All Forms of Racial Discrimination	1989	Convention on the Rights of the Child
1966	International Covenant on Economic, Social and Cultural Rights	1991	International Convention for the Protection of Human Rights of All Migrant Workers and Their Families
	International Covenant on Civil and Political Rights		
	Protocol relating to the Status of Refugees		

Source: K. Tomasevski, Women and Human Rights, (London and New Jersey, Zed Books, 1993), p.46

Human Rights of Women under Islam

Ms. Salma Sobhan
Executive Director, A.S.K., Bangladesh:

Summary of Presentation by Ms. Sobhan

Thank you to the two previous speakers for explaining so lucidly the background to the issue of women's rights as human rights on the international agenda.

The Universal Declaration of Human Rights was of course meant to include women, but they were marginalised, and women have had to fight to assert their humanity, and have their rights recognised as fundamental human rights.

Women under Islam

Why is the non-Muslim world so interested in women under Islam? I feel that there are two main reasons; the external factors related to OPEC, accelerated since the break-up of the Soviet Union, and internal reasons, which Prof. Goonesekera mentioned, related to the attempt in Asia to dismiss the concept of human rights as Eurocentric.

Muslim scholars themselves make statements that there is a difference between a 'Western' viewpoint and an Islamic viewpoint. I think that is why non-Muslims are interested in the status of women in Muslim society. Curiosity is actually fuelled by statement internal scholars make, referring to a different viewpoint engendered by religion, with a Western view centred on man, and an Islamic view centred on God.

To quote Dr R. Hassan, such sweeping statements are quite unjustified. After all, human rights refers to concern for, and the dignity of, all human beings, of all religions, and therefore cannot be said to be 'anti-religion'. It almost a contradiction in terms to say that the concept of human rights has no moral or ethical validity.

The Koran, and the way in which Muslims view the Koran, is of central importance. Something which is not widely recognised by non-Muslims is that, for the believer, the Koran is the direct word of God. It is therefore seen as blasphemous or sacrilegious to try to interpret it. Despite this, only about 80 verses of the Koran relate directly to law, although Islamic law, the *Shariah*, is complex, and must have been built-up through exegesis, or extrapolation.

All Koranic passages, which were revealed in a specific time and place, have a message which is relevant in other circumstances. The reader must understand the implications of the Koranic expressions, during the time which they were expressed,

in order to determine their proper meaning. There is continuity and permanence throughout the Koranic text, in order to avoid relativism. Each community must understand the fundamental and unchangeable meaning, and implement that in their own unique reflection. It is not the text itself which changes, but the capacity and understanding of the text within a community of people. Some traditional Islamic scholars challenge this viewpoint, but that is in fact the way that most of the text of the *Shariah* have been built up.

The Rights of Women under Islam

Dr. R. Hassan says that according to the Koran, God created men and women from a single life-cell, and therefore both have male and female parts, and together constitute the human species. Thus, men and women are equal in the eyes of God. Therefore men and women cannot become unequal to each other in essence, although in reality most Muslim societies are extremely unequal, and superiority of man over woman is taken to be self-evident. Not only do men believe in their superiority, but women too are socialised into believing that they themselves are inferior. I am convinced that the Koran does not discriminate against women. In fact, referring back to the historical context in which the Koran was first delivered, it actually upholds the dignity of downtrodden and oppressed classes, and is thus, in this sense further weighted in favour of women.

At the time when Islam was first delivered, women had no status at all. The Koran gave women status, identity, and acknowledged them as owners of property and of their own bodies. For example, in Islamic societies an adult women cannot be given in marriage without her consent, and a child married against her will may annul the union when she reaches adulthood. However, the interpretation of the Koran has always been undertaken by men, and has lead to the distortion of the truth beyond recognition. It has been used as a tool to justify women's bondage, when it was meant to empower, as indeed it did in the early days.

Most Muslim women have no problems with Islam itself, but instead with the behaviour of many Muslim men, and those who use religion to justify control over women. This is a consequence of the fact that interpretation of sources has been kept in an exclusively male domain.

Women were at the forefront on national independence movements in many Islamic countries, but once independence was won they were once again pushed back. However, despite discrimination against women in many Muslim countries, this is not universal, as exemplified by the existence of three Muslim women prime ministers at the time of the Cairo conference. We cannot generalise about the status of women in Muslim societies, or indeed in any society, since status is a product of the complex interaction between religion, culture and history. In many ways women's human rights are more securely entrenched in Islam because they are bolstered by the doctrines of the religion which they profess.

Corrigendum

Page 16 paragraph 5 line 3:

“The text is, therefore, inviolable. It cannot, however, be blasphemous or sacrilegious to try to interpret it. This is obvious. Only about 80 verses of the Koran relate directly to law although Islamic law, the Shariah, is complex. This clearly shows that the body of the Shariah must have been built up through interpretations of jurists”.

Women's Rights as Human Rights in Japan

Prof. Yasuko Yamashita
Bunkyo Women's University, Japan

Summary of Presentation by Prof. Yamashita

It is relatively rare in Japan to have a conference where we can hear directly from Asian women, and I am a little disappointed that there are not more people in attendance today.

Up until the 1993 UN World Conference on Human Rights in Vienna, the goal was to achieve for women equal rights with men. However since women's rights are often violated in ways specific to their gender, it was thought that we should go a step farther and advocate for rights particular to women.

Reasons for the Development of the Perspective of Women's Human Rights

The UN Decade of Women promoted international exchange, and through these discussions many of the taboos surrounding the violence against women deeply entrenched in many of our social customs began to be broken down. Furthermore, the general increase in women's participation in society has brought certain issues such as sexual discrimination in the workplace to prominence.

The Vienna International Court was convened to take up the rights of women, and specifically to deal with mass rape during the conflict in the former Yugoslavia, the issue of the 'comfort women', torture of women prisoners of war, and domestic violence. Violence towards women was taken up in the United Nations General Assembly in December 1993 and the UN Declaration on the Elimination of Violence against Women was adopted.

Ms. Radhika Coomaraswamy was appointed as Special Rapporteur to report on violence against women. The central theme at the 1994 International Conference on Population and Development was reproductive rights and health, which is one of the areas in which we can promote women's human rights. There was however some opposition to the inclusion of women's human rights under the umbrella of human rights, against which we voiced our demands that women's issues should not be left to side committees, but should be fully integrated into mainstream UN activities.

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) has been very important, but there was originally no system whereby individuals could notify the UN directly of abuses, and so this was incorporated into the Beijing Platform.

Women's Human Rights in Japan

Before World War 2, women's rights were not recognised under the patriarchal Japanese system, so that when a woman married she became a part of her husband's family with no individual rights—working for the greater good of the family was considered the most important virtue. However following Japan's defeat in WW2 there was dramatic change, marked by two important milestones.

The Allied Occupation

The first major change was due to the policies introduced by the Allied Occupation, under the command of General Douglas MacArthur, in an attempt to purge Japan of militarism. It was recognised that greater equality between the sexes was an important step towards this objective, and thus in December 1945 women were granted suffrage, in 1946 a new constitution was promulgated, and in 1947 the Civil code was amended. The aim of these reforms was to ensure women had the same rights as men, and came into being largely thanks to a young American woman called Beate Shirota-Gordon, who was social welfare commissioner with the Occupation Forces. Shirota-Gordon, who published her biography 'Christmas 1945' last year, had lived in Japan between the ages of 5 and 16, and so knew first-hand the position of Japanese women—the lack of property and inheritance rights, and the fact that, for example, when the crops failed farmers sold their daughters. She proposed to include articles which would ensure full rights and equality for Japanese women, but unfortunately the majority of her recommendations were not incorporated. There was opposition from other American officials, as well as from the Japanese side.

CEDAW

The second major milestone was the ratification by Japan of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1985. Until that time, for example, children born to a Japanese woman married to a non-Japanese man were not eligible for Japanese citizenship, and this serious problem was reported by Seiko Kinjo and others. Unlike the US, which grants citizenship to those born in its territory regardless of the nationality of the parents, Japan belongs to the group of countries which grants citizenship on the basis of blood lineage, carried in the Japanese male line. So for example, children born to Japanese mother and an American father in Okinawa would be stateless at birth, and were ineligible for Japanese citizenship. This was finally amended in 1985 inline with international conventions..

Deeply entrenched inequality in employment of men and women was targeted, with the Equal Employment Opportunity Law was enacted in 1985. It was, however a compromise, lacking efficacy, and there remains discrimination in recruitment, wages, and promotion. Fusae Ichikawa, who was active in the movement for women's suffrage after the war, points out that it is at least a step in the right direction, but far from satisfactory.

In another related improvement, home economics as a high school subject—which had only been necessary for female students until 1994—was made compulsory for students of both sexes.

Once a country is party to CEDAW a report to the CEDAW Committee must be made after the first year, and thereafter every four years. The first report from Japan in 1987 was reviewed in 1988 by the CEDAW committee, who in turn submitted 138 questions and comments. The Japanese government did not respond, except for the subsequent enactment of a law to facilitate child care leave for men as well as women, and the ratification (in 1995) of the International Labour Organisation Convention 156 (ILO) concerning equal opportunity and treatment for workers with family responsibilities.

We can therefore say that there is steady, if slow progress being made with regards to de jure guarantees of women's rights in Japan.

CEDAW was adopted at the General Assembly of the United Nations in 1979, and as of February 1996 had been ratified by 151 nations. It is an important monument to the UN Decade of Women (1975-85), providing the comprehensive legal framework for women's human rights around the world, as confirmed by today's speakers. Its central aim is to eliminate the concept of a fixed division of labour according to gender, but despite equality in law there remains considerable inequality in reality, embedded in social customs and employment regulations, and these areas must be targeted.

The February 1992 Second Report and October 1993 Third Report by Japan were examined by the CEDAW committee in January 1994. In February 1995 the fourteenth committee made public its final comment to Japan. In paragraph 628 the committee points out that Japanese NGOs are interested in CEDAW, and that more than 10 NGOs had in fact produced counter-reports to the government's report. When the latter was examined in New York, 24 NGOs attended as observers. The government has the central role since its report is discussed at the CEDAW level, but the NGOs have an important indirect role, and to be most effective they should continue to make their own reports and monitor the government's activities. In paragraph 634 the CEDAW committee in fact requested the government to have more active dialogue with the NGOs before the next report is drafted.

Paragraphs 630-633 refer to the United Nations Human Development Report (UNDP), according to which Japan was ranked number two in the world in 1993. However, when the economic and social status of women is incorporated the ranking drops to fourteen. Commissioner Salma Khan of Bangladesh pointed out that the Japanese government would seem not to be interested in incorporating women fully into its economic development, and that this is huge waste of the country's highly educated female population. CEDAW assures women's right to participate in all sectors of life and Article 4 recommends affirmative action to redress inequality in education, political participation and employment.

Paragraph 631 notes that despite an abundance of data there is a lack of analysis by the Japanese government of the social customs and institutions at the root of

discrimination, and of there is also a lack of discussion concerning of the actions necessary to improve the current situation, (pointed out by the Egyptian Ambassador to Japan, Commissioner Mervat Tallawy.)

Paragraph 634 sets out recommendations as to measures necessary in order to combat discrimination in work and private life. Paragraph 632 notes that despite the introduction of the Equal Employment Opportunity Law (EEOL) there is still inequality and discrimination, and paragraph 636 requests government to demand that private companies observe the law, and to formulate new measures to realise equality in wages and promotion. NGOs have produced numerous counter reports, including names of large companies and details of their wage scales etc. Article 11 of CEDAW sets the principle of equal pay for equal work, but when the Japanese government was questioned about its progress on this issue, the representatives merely talked about the 'unique situation' of Japan's wages system, and failed to provide any concrete response regarding the reality of the equal pay principle. The fulfilment of Article 11 is an *obligation* on the part of Japan as a party to CEDAW, and Japan must therefore ensure its realisation. Questions were raised about the efficacy of the EEOL, but the Japanese government asserted that there was a lack of consensus regarding the introduction of a punishment clause for those companies who break the law. However this is once again this is an obligation on the part of Japan.

At a committee to discuss issues relating to children and women held on July 16 this year, workers' representatives demanded comprehensive measures to eliminate discrimination in recruitment, employment, promotion and retirement, with punishment of those who break the law, and the names of violators announces publicly. Employers were however in opposition, and said they would merely like to 'consider' the situation. The Ministry of Labour decided to set up a phone line to listen to public to the sexual exploitation opinion. **If you have any comments please send a fax to 03-3593-8433.**

Paragraph 633 refers to the sexual exploitation of Asian women in Japan, and also violations committed against women during WW2. The commission says that CEDAW is applicable not only to Japanese women, but to women of all nationalities. The lack of any reference to these issues in the Japanese government report is extremely disappointing. Paragraph 635 therefore recommends that the government study the sexual exploitation of foreign women in Japan and report at the next round. Furthermore the Commission asked Japan to devise special measures to resolve the issue of Japanese WW2 crimes against women and to report at the next round.

Following the second report to the Committee, the twenty three committee members send a questionnaire to the government in question, who must then reply. One of the questions put to the Japanese government with regards to Article 6 was: 'Is the government considering compensation to women forced to prostitution under special conditions?' The Japanese government did not respond, perhaps because the committee did not use the term 'comfort women' explicitly. Many members commented that Japan should tackle the 'comfort women' issue much more seriously, and stated clearly that Japan should compensate the victims. The Hosokawa government subsequently stated that they would actively create policies aimed at resolving issues involving Asian women.

Despite the comments from the Committee, at the last round the response from the Japanese government lasted only 12 minutes. With regards to the 'comfort women', the government said, at the end of their report that they would 'announce the results of a survey in August 1993' Also;

We have apologised to the 'comfort women' who have suffered physically and mentally. With regard to the 'comfort women' issue we have been serious in tackling this in line with the San Francisco Peace Treaty as well as other relevant conventions. We are contemplating seriously as to how we can express our feelings of remorse.

This statement came at the end of the term of the Hosokawa government.

Conclusion

Last September the Fourth UN Women's Conference attended by more than 50,000 women, was convened in Beijing, and the Beijing Platform was adopted by consensus. The slogan of the Conference was 'empowerment', and I felt enormous power on the part of those women.

In Japan, as introduced by Ms. Natori, the Policy Office for Gender Equality has published the *Vision of Gender equality—Creating New Values for the 21st Century*. Their vision is to adhere to and actively promote CEDAW, and they are giving full consideration to the idea of introducing a system whereby individuals can notify the UN of violations.

There is however a gap between this vision and political and social reality. This is exemplified well by unfortunate events during the 136th session of the Diet, which closed this June. There was procrastination regarding the amendment of the Civil Code, and yet in an unprecedented move the Eugenics Protection Law (*yuseihogoho*) was reformed, without discussion, in just four days despite its controversial nature. In its new form, stripped of items except those relating to abortion, it was renamed the 'Mother's Body Protection Law' (*botaihogoho*).

The legal council was to discuss the amendment of the Civil Code, which would have been the third major breakthrough for women and children's rights in Japan, but in the patriarchal environment of the Diet the issue did not even make the agenda.

Recently women's studies has made it on to the curriculum in numerous universities, but discussions pertaining to women's human rights tend to take place solely among women, and we are thus not making enough progress. This is reflected in prevailing attitudes towards the 'comfort women' issue of the Japanese government; the Asian Women's Fund is isolated, and the government maintains a stubborn attitude, reducing the effectiveness of our efforts. Ms. Yoshiko Otaka, Ms. Mutsuko Miki and Mr. Yasuaki Onuma—proponents for the AWF—said in a recent article that the state should pay compensation. I agree with this sentiment, although I am not against the activities of the AWF. I feel that all Japanese people should take responsibility, and although it is only a small sum, my husband and I have donated 10,000 yen. However I believe that the government has an obligation to take direct action.

I hope today's participants and audience will listen to the voices of the women of Asia, and to take part in a discussion of the important issues. Then we must communicate these things to the government, and to Japanese men. Thank you.

(Original: Japanese)

Panel Forum 1: Women's Reproductive Rights

Women's Reproductive Rights: Basic Rights to Health and Choice

Ms. Rashim Ahluwalia

**Director, External Relations,
International Federation of Red Cross and Red Crescent Societies**

I would like to address this topic within a framework of the dynamic interrelationship between reproductive health, women's rights, and development, especially in relation to vulnerable women.

Traditionally, women's health and reproductive issues were dealt with for the most part within clinically-orientated maternal and child health programmes. Over the last 20 years, there has been a broadening of this perspective. Women's health improved significantly during this period, as a result of decline in infectious diseases, improved access to safe water, sanitation, better primary health care, and better nutrition. Life expectancy at birth for women rose, for example in Asia from 44 years in 1950 to 61 years in 1980. Other socio-economic indicators also showed improvement.

On the other hand, for millions of women worldwide, significant gaps continue to exist in the areas of education, health, income, and human rights. While maternal mortality has been eliminated in developed countries, according to the 1990 World Economic Survey one out of every two deaths among women of reproductive age in parts of South East Asia was pregnancy related. **Of the 500,000 annual maternal deaths, ninety-nine percent occur in developing countries.** Overall, during the 1980s, maternal and infant mortality increased in some developing countries, especially in Africa, partly as a consequence of structural adjustment related to general economic crisis.

Over the last decade, renewed attention is being placed on women's health—including reproductive health—together with the emphasis on women's human rights, as well as the right to development. The series of global conferences held in the 1990s have included relevant aspects of gender, health, rights, and demographics, in order to formulate plans of action for socially just and equitable, sustainable development for

the 21st century. These conferences include Habitat II (1996, Istanbul), the Fourth World Conference on Women (1995, Beijing), World Summit for Social Development (ICPD) (1994, Cairo), and the World Conference on Human Rights (June 1993, Vienna).

The ICPD Programme of Action and the Beijing Platform for Action recognised reproductive rights as including 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters related to the reproductive system and to its functions and processes. Men and women have the right to be informed and to have access to safe, effective, affordable and acceptable methods of their choice for the regulation of fertility which are not against the law, as well as the right of access to health care for safe pregnancy and childbirth'. Special attention was also paid to the need to ensure these same rights for refugees, displaced, and other vulnerable women.

Increasingly, there is recognition that social, economic, humanitarian and human rights are interconnected. Women's reproductive health rights have a dual dimension—they are a matter of basic human rights and choice; and an integral part of their role in socio-economic development. We have often heard that 'women hold up half the sky', and that 'development without the active participation of women is a contradiction in terms'. At least then, women need to be able to choose and balance between their economically productive and reproductive roles.

This latter point requires that women, especially those who are marginalised, disadvantaged and vulnerable, have access to primary health care, reproductive health care, healthy and safe working conditions, primary and secondary education, food security, housing, clean water, 'legal capacity' employment, decision-making. And equality of opportunity with men. It also means a change in the attitudes and roles of men as needed.

I would like at this point to show a WHO video entitled 'Why did Mrs X die?'. It will, I hope, illustrate the close interaction between reproductive health, rights and development for a vast number of women in developing countries.

[Video Screening]

As you saw from the video, social, economic, health, and human rights factors have a significant impact on the human rights factors ability of women to care for themselves, their families, and to contribute to the socio-economic development of their communities. Although the implications of these interrelated factors are clear both in policy and programme terms, there is a gap in actual implementation. This gap must be filled in order to translate at least the already generally accepted rights into reality. It is only then that individuals will be in a better position to direct the course of their own lives as a matter of basic freedom and right. Reproductive health, in this context, should be regarded as a means to achieve, and as a reflection of, women's rights and socio-economic development. We owe this to the countless women who are currently trapped in a vicious circle of ill health, discrimination, and poverty. When we discuss reproductive health and rights, let us think of what this

means to a Mrs X. Let us commit ourselves to stopping other women going down the same road as Mrs X.

Women's Reproductive Rights in India

Ms. Meera Kosambi

Director, Research Centre for Women's Studies, SNDT University, India

This is rather a dismal subject, but the situation of women in developing countries is grim, and India is typical. The neglect of women's health is a major problem in India. I am not proud to say this, but the truth should be known. India and South Asia in general, are an exception to the demographic rule which states there is a surplus of women in the population. In fact, in South Asia there is a deficit of women, and this proportion is increasing. The causes are the general neglect of women's health, and also violence against women.

Women's Reproductive Rights

The concept of reproductive rights encompasses a women's freedom of choice and control over her own fertility. However in India, in general, women have no control over their reproductive life, and this is related to their overall lack of status in Indian society. The Indian population is very heterogeneous; of the total population of about 845 million, 80-85% are Hindu, 10-15% are Muslim, and the remainder belong to religious minority communities. Hindu practices are prevalent in India, and are also followed by many non-Hindus. Hindu families are traditionally patriarchal and extended in structure, controlled by the oldest male, and male members in general. The main organising principle is the superiority of men and the subservience of women.

There is also an economic aspect, since in the traditional Hindu family, all ancestral property is held jointly by the men of the family; women have no property rights. There are a few exceptions to this, as in the case of my home state of Western India, where the Succession Act was modified two years ago to give daughters an equal share. This is an exceptional situation however, and in general women are not seen as having an economically productive role. This is compounded by cultural factors, such as women's lack of education, and low skill level, which make it difficult for them to make an economic contribution to the household. There is of course, a small minority of highly educated women in positions of power, but they are very few and far between. There are also women heads of household, but they too tend to be in the poorest strata of society.

A further problem is the 'burden' placed on the parents of daughters due to dowry demands. Dowry was originally a way of compensating daughters, since could not

inherit property, by giving them something portable, such as money or jewellery when they left the house to marry. However, as a result of the low status of women in the new family, the dowry was taken away by the husband, and over the years this transformed into a demand for dowry. Therefore in order to see their daughters married, parents must pay a sizeable amount of money to the groom's family. All of these factors combine to produce the view that girls are a burden to the parental family, and an instrument of exploitation. There is therefore a preference for sons, who are not a financial burden, will carry on the family line, and carry out ancestral duties, and will also support their parents in old age, necessary since India lacks a sound social welfare system.

When a woman gets married, it is expected that she will quickly produce sons—motherhood is highly valued, as are children, particularly boys. Therefore, the husband's family has a stake in her reproductive life, and they decide when and how many children the new wife will have. Most families want at least two sons. The woman herself may want only two or three children, but her husband's family will stipulate a certain number before she can start to take control of her own fertility.

Women are also under other outside pressures. There is a population problem in India, and the government, partly due to international pressure, has been keen to promote family planning. The result has been massive family planning campaigns, at first focusing on the relatively easy and cheap option of male sterilisation (vasectomy). This however proved to be politically sensitive, and the focus was shifted to women.

There are various benefits and disadvantages associated with the shift in emphasis to female family planning. One of the benefits is the legalisation of abortion in 1971. Women can now receive legal, safe and free abortions in the case of pregnancy resulting from rape, if there is a risk to the mother's health from the pregnancy, and in some cases as a method of family planning—for example in the failure of contraceptives. This has, in theory, given women some control, but in practice women can rarely exercise control over her own body according to her own wishes. There have also been mass sterilisation of women in rural areas, although not always in very hygienic conditions, as well as publicity campaigns for other methods of contraception, such as IUDs and the new injectables. However, some of these have not been adequately tested. In another angle, many of the private medical centres in India offering maternity care are thought to frequently advise patients, who mainly come from the upper socio-economic strata, to undergo unnecessary and costly treatments, such as caesarean section.

Superficially, it would appear that there is access to adequate care provided by the government, but in reality the prevailing value system deprives women of freedom, choice, and control, and as a testimony to this, statistics show that women in the reproductive age group show a much higher mortality rate than other groups.

Reproductive Rights: Questions from the Floor

Questions:

Can you describe a desirable institutional and legal framework whereby reproductive rights could be guaranteed?

Are there international systems by which to evaluate achievements in the field of protecting women's reproductive rights?

Among governments, NGOs, and other international organisations, who has made the most progress in the field of women's reproductive rights?

Comments from the Panellists

Ms. Ahluwalia:

The issue was discussed at the Beijing Conference, the Cairo Population Conference, and the World Conference on Human Rights, and a definition of reproductive rights has been incorporated in legal documents. The basic concept encompasses the fundamental right of couples and individuals to decide freely the number and spacing of their children, and to have access to information, education, and services which will allow them to make an informed and responsible choice. Furthermore, it also includes a right to obtain the highest standard of reproductive health, and thirdly, a right to make decisions concerning reproduction free of discrimination, coercion, or violence.

Most of the progress in this area has been made by the non-governmental sector. This has included a lot of work by scientific and technical groups, such as the Population Council and Family Health International, researching new and safer contraceptives. This kind of research gives the necessary practical tools to the advocates fighting for women's reproductive rights. The UN and its various instruments have also been central.

Ms. Kosambi:

The crucial elements of reproductive rights are: adequate health care; access to contraceptives; absence of coercion from family or governments; choice and control by women themselves. In India, 'autonomous activist groups' formed by medical professionals and women's activist groups, have campaigned successfully for the government to introduce progressive legislation, and have also been active in disseminating information, especially to the rural poor.

Question

I believe the low status of women in India is due to the influence of the Hindu religion. Are there any efforts being made within the Hindu community to improve that status?

Ms. Kosambi:

As I said, the situation is extremely complex, and non-Hindu groups in India also subscribe to similar values regarding women. However I think efforts are being made within all the groups.

Question

In your country what is the current situation with regards to artificial insemination, surrogate motherhood, and other new methods, and what are the implications for women's reproductive health?

Ms. Ahluwalia:

It is a very complex subject, and there are pros and cons associated with all methods. Recently this issue received a lot of publicity when a large number of frozen embryos, resulting from in vitro fertilisation treatment, were to be destroyed in the UK—under British law, unused embryos should be destroyed after five years. This raised a number of difficult questions; how much say should the individual donors of the embryos have, and what to do if the donors couldn't be traced, etc. There is a dilemma regarding the rights of the parents, and also of the embryo itself. One of the benefits of these kinds of treatments is that couples who otherwise could not have a child may have some hope of becoming parents. However, it is open to abuse, and we must think about how we can limit the negative repercussions.

Ms. Kosambi:

It has not yet become an ethical issue in India, as there is very little application of these techniques.

Ms. Ahluwalia:

It is also not really a major issue yet in Europe, except perhaps in the UK, France, and Italy. More women are working, and postponing childbirth, and this may be a factor in the increased demand for these treatments.

Question

(To Ms. Ahluwalia)

What is the current priority of the International Red Cross regarding women's health in developing countries?

Ms. Ahluwalia:

Our main priority is to ensure a comprehensive approach, providing support for income-generation projects, as well as technical services. These include activities such as preparing communities for natural disasters, ensuring a safe blood supply, ensuring women's access to information and services, etc. Although our priority is health, we recognise that women need income, food, etc., in order to look healthy. We have found that this kind of integrated approach is far more effective than a vertical one..

Question

(From participant from Uzbekistan)

Is there a difference with regards to family planning, between urban working women, and rural women?

Is there a difference in the number of children in families where women work for ten or fifteen years before having children, and traditional rural families?

Ms. Kosambi:

It depends on the economic status of the family. The urban poor are similar to rural families, so urbanisation per se does not necessarily have a beneficial effect. However, urbanisation combined with better food, shelter and education does tend to lower fertility. Furthermore, nuclearisation of the family tends to lead to husbands and wives making choices together, and thus often has a positive impact. Urban families also tend to have higher expectations concerning their children's education etc., and they therefore have a higher stake in having a smaller family. I should say that having a large family may be the result of a 'rational choice' in certain settings, and is not necessarily a failure. However, in general, urbanisation accompanied by improved socio-economic conditions, tends to lead to smaller families.

Ms. Ahluwalia:

rural to urban migration doesn't always lead to improved economic status. Half of all migrants are women, and they are often exploited in the urban setting, failing to gain the benefits which they had expected.

Comment from Prof. Goonesekera:

The literacy rate has been shown to have a direct relation to the fertility rate, even in rural populations. There is also a necessity for the women to feel a *need* or *desire* to reduce their own fertility.

Question to Ms Ahluwalia

In your presentation you said that medical services should be provided to migrant and internally displaced women. How can this be achieved by the host communities?

This is a very interesting question, because it cuts across three different populations; internal migrants, international migrants, and refugees. The legal framework is clearest with regards to refugees, as there is a UN agency, the UN High Commissioner for Refugees (UNHCR), and there is a mandate regarding the treatment of refugees in receiving countries. The situation is complicated by political concerns in the case of internally displaced persons, and in the case of migrants, it depends on the form of their migration - whether rural to urban, from one region to another, or international. It is a very complex phenomena, so there is a need for these distinctions. The Red Cross and other organisations do deal with these problems, and are involved in negotiating with governments to provide assistance to these groups:

Follow-up to previous question

I wished to emphasise the latter, international migrants. As you mentioned, half of all migrants are women, and they may be illegal. In such cases, they may not wish to reveal themselves in order to avail themselves of basic health services. We have problems trying to compel governments to provide these very basic services to migrant women, especially as governments fear that through provision, they may in fact be legitimising the migrants to a certain extent.

Ms Ahluwalia:

This is a growing problem. There is ongoing dialogue between the UNHCR, and governments. One possible solution could come in the form of bilateral agreements between sending and receiving countries, since both have a responsibility. One aspect of this would be education programmes in sending countries to warn and advise those people considering international migration. In the host countries, women in particular are good at making their own communities and support networks, but this alone is not adequate. What is needed is a multilateral framework dealing with international migration issues. There is the International Organisation for Migration (IOM) in Geneva, but in general this is an issue which has yet to be tackled.

Concluding Statements from the Panellists

Ms. Kosambi:

First, to elaborate on my answer to the previous question regarding Hindu ideology perpetuating discrimination against women—it is to some extent true, but religion impacts on women's reproductive rights in a variety of ways. Discrimination is in-built into the general social ethos, and, for example, the Indian Christian (mostly Roman Catholic) and Muslim communities are also against the use of contraceptives. Religious ideology has a very complex interrelation on women's reproductive rights, but in general it can be said that many work to the detriment of women.

As Prof. Goonesekera pointed out, improved literacy and education brings increased control for women over their own reproductive health. However, demographers are not clear as to the exact nature of the correlation. The Indian government is making an effort in this area, but they tend to hold women solely responsible for the number of their children, and we therefore have the unfortunate situation where women have a great deal of responsibility without having actual control.

Ms. Ahluwalia

I think there are four key points;

1. Each one of us needs to believe that through our actions as individuals we can actually make a difference. Women's reproductive rights should not be the exclusive concern of civil servants.
2. These issues are a matter of a *fundamental* right to, and of, life.
3. Allocation of resources—we must ensure that there is a full-range, and appropriate, allocation of information and services.
4. Prioritise—after today's discussion perhaps we could take up the issue of maternal mortality as our first priority.

Overall, progress should be measured by the degree of actual implementation at the grassroots level, and not by the number or size of conferences, although these are very important for raising awareness and generating commitment.

Tuesday, August 6

Panel Forum 2: Trafficking in Women And Female Children

Trafficking and Prostitution in Cambodia

Ms. Kien Serey Phal

President, Cambodian Women's Development Association

Prostitution is not a new phenomenon in Cambodia—it became a major issue during 1970-75, when other social problems caused by the worsening civil war facilitated its growth. During the time of the Khmer Rouge (KR), prostitution was completely banned and eliminated. But the problem reared its head again after the ousting of the KR. During 1980s the number of prostitutes in the country as a whole was estimated to be 7-8,000.

After the sudden arrival of the UN Transitional Authority in Cambodia (UNTAC), the incidence of prostitution increased dramatically again - not only in Phnom Penh, but in all major provincial towns. By the end of 1992, the number of prostitutes in Phnom Penh alone was said to be more than 20,000. With the departure of UNTAC in 1993 the number of prostitutes decreased, and In 1994 it was estimated that there were between 8,000-10,000. However, what has been alarming is that, while the number of prostitutes declined, their average age also went down. Surveys done by the Cambodian Women's Development Association (CWDA) showed that while the minimum age of prostitutes had been 18 years in October 1992, by April 1993 it had dropped to 15 years, and we can currently see girls as young as 12 and 13 working in the sex industry. Surveys in fact found that 35% of prostitutes were under 18 years of age. It should be noted that the actual number of children engaged in prostitution could actually be much higher, since surveys are, for security reasons, only conducted in places where prostitution is practised in a relatively open way.

Surveys also confirm the rise in the abduction or deception of women and children, for their sale to brothels; 48% of prostitutes has been sold to brothels. Furthermore, trafficking women and children in and out of the country by international sex traders is compounding the problem. Sex trafficking does not only affect Cambodian women and children, but also Vietnamese, Thai and Chinese, who are being brought into the country to work as prostitutes. It is likely that many of them are thereafter trafficked to other countries.

None of the prostitutes said that they had wanted to join the sex trade, but cited poverty and deception—particularly by those they trusted—as reasons. About one fourth of the girls may eventually be sold and trafficked to another country by their first owner. The remaining 75% would eventually be sold to another owner in the same area, or in another province. There is a hierarchical pricing system in the trading

of women and children , which is decided by factors such as virginity, age, prettiness etc.

Working and Living Conditions of Women and Children in Brothels

Prostitutes can be divided into two main groups; those controlled by their owners, and those who are not. This division is based primarily on whether or not the girls have been able to generate income to pay off the amount that the 'owner' originally paid for them. In other words, all girls are at first under the full control of the owner, before they can pass in to the second category, where they are relatively 'free' from the owner.

Health problems include contraction of sexually transmitted diseases (STDs), bodily injury, and general physical fatigue. Gonorrhoea, syphilis, and uterine or vaginal infections, accompanied by discharges or bleeding, are commonly reported. Physical injuries come mainly from beating and other forms of physical abuse by clients and brothel owners. One of the most common complaints is of poor living conditions; cramped quarters, not enough time to sleep, lack of nutritious food, and irregular mealtimes.

The social isolation suffered by prostitutes, and their being cut off from their relatives and natural support networks means that the any available support is to be found in the establishment where they work. There is large degree of interdependence among the prostitutes themselves, and between the prostitutes and the brothel-owners. The girls live in a constant state of stress, which undermines their mental and physical health.

84% of the girls interviewed wanted to stop working in prostitution. Their reasons include; shame; desire to return to their home village and be reunited with their families; desire to start a new life, to set up a small business or work in a more 'decent' occupation; they do not want to grow old as prostitutes; they want to have a job which generates useful skills, etc. It should be noted that all child prostitutes belong to this group, who still have some hope for the future. A smaller percentage of girls—around 16%—have given up hope of freedom from prostitution. They cite the following reasons; shame; lack of other skills, and no other way to generate income, etc.

Although the problem is still in its early stages, with the more organised forms appearing only in the last two or three years, the trafficking of women and children is fast becoming a major concern. However, despite this rapid growth, there is still no clear policy or programme aimed at dealing with the problem. Although there are intermittent raids on prostitution dens, when it has been confirmed that some of the women and children rescued had been abducted, there have been no prosecutions of brothel owners, procurers, pimps, or customers. Instead, most of these actions lead to harassment of prostitutes, reinforcing further the concept that they are culprits rather than victims. There are also some programmes, mostly initiated by NGOs, that address the education, training, health, social, employment, and legal needs of women in the sex trade, and those that have been trafficked. Public attitudes, especially of

men, and the relatives of prostitutes, compound the difficulties of these women and children.

Violations of the Human Rights of Women in the Sex Trade

The inadequacy of laws and the legal system to provide protection to women in sex work, and the almost total control of brothels or sex-ring operators over the women, has given rise to several serious violations of the human and health rights of women in brothels. These include:

- **Torture and inhuman treatment:** physical beating; forced confinement; forced intake of drugs to service many clients; malnutrition.
- **Violations of personal security and bodily integrity:** forced sex during sickness or menstruation; forced to undergo unhygienic and dangerous surgical procedures; raped by male workers in brothels, or by local authority workers.
- **Economic exploitation:** overwork, income is taken by owners, lack of medical care for treatment of STDs, no rights to protest against clients or brothel owners.
- **Forced to engage in unprotected sex:** not permitted to refuse clients' demands, even for unprotected sex; refusal usually results in physical or mental torture.

Social Factors Affecting the Rights of Women in Brothels

Aside from the inadequacy of the law and legal system, the serious violations of the human rights of women in brothels stems from a number of other factors:

- **Stereotyping of women**—as providers of pleasure to men; media depiction of women as sex objects.
- **Unequal access to education**—resulting in marginalisation of women into this kind of work.
- **Social ostracism of prostitutes**—making it difficult for them to seek assistance for their health and security needs.

The Intervention Needed

Increased monitoring, investigation and research; development of intervention action programmes to cover:

- **Preventative action;** education/awareness raising; family support; community development; shelter for women and children; advocacy for police and legislative reforms, etc.
- **Emergency response;** monitoring and urgent action programme, such as rescue-police action operations; counselling therapy for victims and their families; family-tracing programmes; media aid; shelter for women and children escaping from prostitution; legal assistance, etc.
- **Rehabilitation of victims of prostitution;** education, socio-economic and employment-generation programme for victims; community awareness-development programmes, etc.
- **Upgrading skills and knowledge of officials**

- **Strengthen coordination mechanisms for effective implementation;** especially law enforcement.
- **Strengthening international co-ordination** in monitoring; investigation; border control; tracing and repatriation; regional/ international campaigns for prevention of sex trafficking, and prosecution of the perpetrators of sex crimes, etc.

Ms. Aurora de Dios

**Executive Director, Coalition Against Trafficking in Women in Asia and the Pacific
Member, UN Committee on the Elimination of Discrimination Against Women**

Summary of Speech by Ms. de Dios

Thank you to Ms. Kien Serey Phal for her presentation, which provides us with a microcosm of what the world of prostitution is all about. In my presentation I would like to talk about the macro scale, in the context of the Asia-Pacific region, based on a study carried out by the 'Coalition Against Trafficking in Women', with the cooperation of fifteen women's organisations in the region. Asia-Pacific is however only the so-called tip of the iceberg, with other regions all over the world experiencing similar problems.

Trafficking is not a new problem. At the turn of the century, there were already international agreements to control it, the first, among European countries in 1904, and then in 1910, 1921, 1933, and the most recent, 'The Convention on the Suppression of Trafficking of Persons and the Prostitution of Others', was ratified by 63 nations. However, there are new, contemporary forms of trafficking appearing, and many people feel that the Convention should be renewed. In the 1990s trafficking has not abated, but instead is becoming an ever bigger problem for both developed and developing countries, and victimising women, young girls, and also young boys. Greater personal mobility, for work and leisure, combined with new information technologies such as fax, internet, have helped to transform trafficking into a highly syndicated global operation. Current estimates of the number of those being trafficked are staggering; hundreds of thousands, even millions—far greater than 100 years ago. Experts recognise this as a human rights crisis which needs the urgent attention of all governments and civil society.

Studies have shown Asia to be a locus for the modern-day trafficking of women and young girls, although many estimates seem to be on the conservative side. I would like to discuss the magnitude of this problem, and the factors which account for this trade. I would also like to look at this problem as a human rights problem—and a feminist one—putting it in the context of the inequalities of power between men and women, adults and children, developed and developing countries, and different classes in society. Then I would like to examine what has been done so far by governments

and NGOs, and identify the bold initiatives necessary to address and eliminate this human problem.

The Magnitude of the Problem

There has been a phenomenal rise in the incidence of trafficking in recent years, with the major movements of women spanning the globe; from Asia to Europe, the Americas to Africa, Africa to Europe, Eastern Europe to Asia (in particular Japan), Middle East and Israel. The incidence of trafficking to the NICs is also on the increase. UNICEF estimates a million child prostitutes in Asia alone, with particularly alarming numbers in India, Thailand, and the Philippines, and there was an International Conference last August in Sweden to discuss ways to deal with this.

According to Asia Watch, in the last ten years an estimated 200,000 women and girls have been trafficked from Bangladesh to Pakistan, and this continues at the rate of 200-400 monthly. From Burma to Thailand there have been an estimated 20,000-30,000. In 1994, the Chinese authorities rescued 2,731 children from prostitution (although again, I should emphasise that these kind of figures are almost certainly conservative). According to the book 'Rape for Profit', about 50,000 Nepalese women and girls have been trafficked to India—one news report says that about 5,000 are trafficked every year. In India, an estimated 2.3 million women and girls are involved in prostitution, and of those, one quarter are minors. There are over one thousand red light districts in the country.

The estimates of the number of prostitutes in Thailand are staggering, with about 300,000 - 2.8 million. An estimated 4.6 million Thai men use prostitutes regularly, and some 500,000 sex tourists got there every year.

In New Zealand, a study by Carl Somerville reveals that 6,000-8,000 of registered prostitutes are Asian. Christof Stope, in his celebrated book 'Ils sont ces Gentils,' describes how trafficking in Europe involves mostly Asian women. In Indonesia, there were an estimated 500,000 prostitutes in 1994, although only 65,000 are registered. Localised bordello complexes are managed by local government regulations.

It is no secret that Japan has the biggest sex industry in Asia, recently 'employing' mostly Thai, Filipino, and women from other neighbouring countries. Japanese men also make up the largest number of sex tourists in Asia.

In the Philippines there are an estimated 300,000 prostitutes, and over 75,000 of those are prostituted children.

Now in China, there are 70 million unmarried men—a consequence of the Chinese family's preference for sons. Many of these are desperately seeking wives, and as a result there has been a large increase in trafficking of women from into China from Vietnam.

Perhaps the above is some of the most sordid data available, but it is truly indicative of the magnitude of the problem in the Asia-Pacific region.

We must ask ourselves the question, why, in this day and age of higher standards in human rights, world conferences on women and social development—advances in science and technology that would have been mind-boggling one hundred years ago—why are we not able to stop this sexual slavery of women, girls, and boys, and why is this happening to such a large extent in Asia.

The Causes of Trafficking

Trafficking is defined as the transport, sale, or purchase of women or girls for gain or profit, for the purpose of prostitution, bonded labour, or any form of sexual enslavement, within a country or abroad. There are a variety of areas into which women are trafficked, including: brothel prostitution, military prostitution, sex tourism, marriage matching, entertainment work as a front, etc. I am particular concerned about trafficking for prostitution as a distinct form which involves women and young girls. Local prostitution and trafficking are however indivisibly connected, and are part of the continuation of sexual exploitation, feeding on each other. Trafficking is also intertwined with migration for work, which provides a legitimate channel through which trafficking can occur. It is also the easiest way to entice women, with false promises of a better life.

There is widespread trafficking of prostitutes via the routes open to domestic helpers and entertainers, to areas where women are in great demand, often among the riskiest areas. This form of recruitment has led to abuse and prostitution all over Asia.

Also, trafficking in the guise of legitimate marriage arrangements has become a bigger problem due to technologies such as the internet. We have mail-order brides, satellite marriages, such as those organised by the Moonies, pen-pal clubs, etc., where Third World women are enticed by images of a better lifestyle, or a romantic image of marriage, and on the other hand are men, who are fed exotic images of submissive women who will do their bidding. Third party marriage agencies do this for profit. In Germany, for example, there are more than 60 'matrimonial agencies' specialising in women from Asia, Latin America, and Eastern Europe. Last year I received a phone call from Finland, where an agency charging from US\$7,000-10,000, had enticed about 110 Filipinas to Finland to marry Finnish men who are looking specifically for these kind of Asian women. In Australia, a man can buy a wife for the same price as a second hand car—about \$6,000-7,000. Some Australian men have engaged in what is known as 'serial sponsorship', whereby they marry, divorce, and re-marry in quick succession. One man is known to have married, and divorced, seven Filipinas.

There is trafficking for 'high-end' work in exclusive casinos and clubs for business executives, and then there is also 'low-end' work, catering to seedy bars and beer halls, patronised by plantation workers and so on, for example, in Malaysia. Cross-border trafficking is one of the most violent forms, involving kidnap, abduction etc. Furthermore, there is a high incidence of prostitution near to army bases, and naval ports, for example in Okinawa and the Philippines.

Wherever promotion of tourism has been adopted as a policy of a government, we see the simultaneous development of sex tourism. This has been the case in the Philippines, Thailand, Goa, etc.

The reasons for the existence of trafficking are extremely complex, and I do not wish to oversimplify, however we can recognise the following as underlying reasons for the existence of trafficking and prostitution in the region:

- **Structural reasons/ regional disparity in the level of economic development;** Asia-Pacific is the fastest growing region in the world; but very high growth in some areas turns attention away from the other Asia—economically stagnant and deeply impoverished. There is trafficking of Asian women and girls to Japan, Europe and North America, as well as from poorer areas to areas of high growth within the region. In general we can say that poverty is a major driving force, pushing women to do almost anything to improve their lives and the lives of their families.
- **Prostitution has become part of the capitalist enterprise;** trafficking is organised by independent operators on an international, syndicated scale, down to individuals such as taxi drivers and golf caddies. Many people have profited from the large scale commodification of women.
- **The mainstreaming of prostitution—‘the prostitution of culture’:** through media images of women as sexually available, society is increasingly accepting of prostitution. There is a blurring of the lines between acceptable and non-acceptable forms of sexual behaviour. Pornography has played a major role in presenting violent and dehumanised images of women—women as body parts; breasts; a vagina; a voice on the end of a telephone line. Men have been socialised into seeing women as sex objects. This has also been reinforced by groups seeking to glamorise prostitution as work—as a career choice—and also by posing false dichotomies between acceptable and non-acceptable forms of prostitution.

Here I would like to pause and think about the language we use to describe prostitution. By using the term ‘sex worker’, we are sanitising prostitution, and deflecting attention away from the violence, dehumanisation, and slavery that surrounds this activity. This is not work! As Ms. Kien asserted, it is certainly not the kind of ‘work’ that we want for women.

I think that the prostitution has been divided into false dichotomies, and non-choices. For example, what does it mean to separate adult and child prostitution. Are we saying to girls ‘not now, when you are 6 to 17 years old, but when you are 18 it’s OK’. When we say there is a difference between voluntary and forced prostitution, are we really talking about *choices* for women? Or are these really *non-choices*, or *false choices*. When we say that it is OK in First World countries because they are rich, and not OK in the Third World because they are poor. Can we really de-link the First World from the Third? I think these dichotomies actually reduce and isolate the problem to only the most extreme forms of sexual exploitation, and it reduces everything else to the level of the acceptable. It renders invisible the harm trafficking and prostitution do to women, even if they are not ‘forced’. It places undue burden on the women themselves to prove that they were coerced, and thus limits the possibilities for legal protection to only those who can show beyond any doubt that they were forced. But how should we measure coercion and force? There are very many sophisticated forms of coercion. Many women have little choice - studies have shown that economic deprivation, experience of previous abuse, incest, failed marriages etc., all put women in a vulnerable position. The focus, in terms of

'individual choice' blurs our insight into the powerful economic, social and cultural factors which put women in prostitution and keep them there.

Governments reliant on tourism as a development strategy to bring in foreign currency, and the continued policy of some governments of sending women overseas to earn dollars contribute to the problem by maintaining an official condemnation, and actual unofficial tolerance.

Also, the persistence of the family ideology, which is particularly strong in Asia, and compels women to sacrifice themselves for their family. Familial obligation is a powerful negative force with women justify their own victimisation.

Why We Should Regard Trafficking and Prostitution as Women's Human Rights Issues

Trafficking and prostitution result in terrible forms of human rights abuses of women—sexual enslavement, beating, torture, debt bondage—many women perish en route, many more live in conditions of terrible deprivation and continual mental and physical abuse. Prostitution and trafficking are the only trades where daily violence inflicted on the minds, bodies, and souls of women are part of the job.

We have interviewed 300 women in prostitution at military bases in Philippines. They said that they are abused daily; kicked, punched, raped, sodomised—but they cannot complain, because they are prostitutes—they have no rights, and little option but to resign themselves to their fate.

We should look at prostitution as a site of violence, where men play out their most sadistic and dehumanising acts against women, girls, and boys, and that it is acceptable to society! I should also point out that in many countries, for example Taiwan, there is a preference for young, virginal girls. In Taiwan, 40% of young prostitutes are aboriginal girls, and there have been reports of girls under 13 made to undergo hormonal injections by brothel owners in order to hasten their physical development to appeal to clients.

What we have is a global human rights crisis in violence against women; a crisis which has been silenced, and made invisible by male clients, pimps, recruitment agencies, and often by the state apparatus who have conspired to keep this 'open secret' non-issue in human rights. The core issue is and always will be the dehumanisation and oppression of women and girls, and their alienation from their own bodies and bodily integrity, by prostitution systems which reduce her to a thing, which can be sold to the highest bidder. Sexual exploitation under pimps, trafficking and prostitution systems occur in a continuum, from what is revolting and objectionable—mass rape in Bosnia, the sexual enslavement of the 'comfort women' by the Japanese military during WW2—to seemingly benign, mainstream forms, such as prostitution disguised as tourism, and the glossy pictures of women in *Penthouse* and *Playboy*. These are all manifestations of sexual exploitation of women, whether seemingly consensual or explicitly violent. Both undermine the rights of women *not* to be prostituted.

Furthermore, trafficking is a human rights issue because it unduly targets the poorest and most disadvantaged. Class, race, and sexist biases are at work when Third World women are portrayed as submissive, docile sex-objects who can be made to serve the needs of lonely, alienated men from the West, or burned-out workaholics from Japan. We need to answer the question, why have we so implicitly consented to this dehumanisation of women, making them incapable of declaring their rights as human beings, when 'decent' women like you and I can claim freedom from rape, battery, and sexual harassment.

What should be done by governments and NGOs?

Recognising that trafficking is a global phenomenon, make efforts to readdress the imbalance between rich and poor regions and countries. Explore the possibility of laws of extra-territoriality (e.g. Belgium has enacted the first anti-trafficking law, with many more countries in the process of doing so.)

- Realisation that women caught up in trafficking are victims, and to give them the necessary trauma assistance, instead of criminalising and penalising them.
- Assistance to women to rebuild their lives; for example, provision of shelter, temporary visas, which may give them time to identify their tormentors and see them prosecuted.
- Targeting the big trafficking syndicates.

Thanks to efforts like these many women realise for the first time in their life that they can say no to violence.

We must shift the discourse regarding prostitution away from women. The question 'why do women become involved in prostitution?' is often asked; but I think we should instead ask 'why do men need to use women in prostitution?'. Men must take responsibility for their sexual behaviour. Prostitution is very much about men; about the inequalities of power which exist between men and women, adults and children, rich and poor. In France there is an organisation—Le Mouvement du Nid—which tries to help men to get away from using women. In Finland there have been studies investigating the reasons why men go to prostitutes. They conclude that it is to exert their power and control over women. We should communicate to men that they must also take action. Society has a social and moral responsibility to ensure that women in prostitution are not doubly victimised by being detained, stigmatised, and deported. We must take action on both the local and international level.

Trafficking in Women and Female Children: Questions from the Floor

Note from the Chairperson:

The data revealed by the speakers is quite astonishing. We have realised that we must think about men and prostitution. There have been many studies in Thailand which show that on average married men visit prostitutes once a month, and single men, about once a week. In Bangkok and Chaing Mai in Thailand, it is estimated that

2~3% of pregnant women are HIV positive. In Japan there are many Thai and Filipina prostitutes. Having myself lived in Thailand, I have witnessed the sad and shameful spectacle of Japanese male sex tourists. Recently Taiwanese and Korean groups of men are following suit, and there is a continued presence of Europeans, although less visible, as they tend to go as individuals, rather than members of group tours.

Question

As a recent phenomenon here in Japan high school, middle school, and occasionally primary school students are engaging in 'contractual relationships' (*enjokousai* in Japanese), some certainly involving sex, with men sometimes in their 50s and 60s. The girls want pocket money, or have a sexual need. Japanese society cannot deal with this situation, and adults do not know what to say to these girls. Do you have any suggestions as to how we can communicate to them that it is not right? In advanced industrial countries material life is rich, but our spiritual life is so poor. Is this kind of problem appearing in other developed countries too?

Ms. de Dios:

It is a very good question, but there are no easy answers. That young women choose to sell their bodies in order for them to increase their consumption of non-necessities etc., poses a dilemma. Men are socialised to see women as sexual objects, but women also view themselves as having no value if they are not sexually attractive to men. In this way both are victims of what I refer to as the 'prostitution of culture'—when we no longer know what is acceptable and what is not, due to the 'mainstreaming of exploitation'. In Japan there are many explicit advertisements, and pornography is a very lucrative business—young people see images of themselves like this and it is no wonder that they come to accept it as a normal state of affairs.

As I said there are no simple solutions, but the best way for women to empower themselves is for them to understand their human rights, and the best way of achieving this is through education. If they are empowered in such a way I do not think they will take their bodily integrity and human dignity for granted. This is however a long process, which needs the cooperation of families, schools, and the community at large. With this aim in mind the Women's Studies Association in the Philippines is proposing a change in the curriculum, so that bodily integrity and not to transgress the rights of others, will be taught from nursery school. This kind of problem mentioned seems to be making an appearance in the developed countries, where it is not a question of poverty, but of women taking the decision to sell their bodies lightly, as if it were a choice between MacDonald's or Wendy's hamburgers. It is a problem of values, and I think education is the key.

Ms. Kien:

This phenomenon is not so common in Cambodia, although increased contact with other countries, through foreign tourists etc., have caused some change in prevailing values. I think we should ask ourselves the question 'why do girls want money?', and see if we can not find a solution within the family. Youth associations and so on can be effective in promoting discussion of life values with children.

Question to Ms. Kien:

(from a Japanese post-graduate student)

You said that there is no law to prohibit prostitution in Cambodia. Is a bill not being drafted by the current coalition government?

Ms. Kien:

Not yet. On January 16, 1996 the Kidnapping and Trafficking in Persons Law was adopted, but it is far from adequate, and needs further revision.

Question:

I am so ashamed that Japanese men go abroad to buy sex. I wonder about the wives and mothers of these men back in Japan—what can we do in the family that our boys will grow up into decent citizens. Has there been any research into strategies for preventing men from behaving in this way?

Ms. de Dios:

We know why women are involved in prostitution, but we don't know about the men. As I mentioned earlier, there was a study done by the Finnish government which found that men go to prostitutes in order to exert power over women. Men themselves must take responsibility for their behaviour, and engage frankly in discussions—many men pretend this issue does not exist, or at least doesn't concern them. I myself, having limited time and resources, am compelled to concern myself with the women, since many of them are in life threatening situations.

In France the 'Mouvement du Nid', which means 'nest', and MOVE—Men Opposed to Violence—in San Francisco, are groups which explore the reasons why men treat women violently, and strategies to deal with this violence.

I have a son, and I often worry about him in this respect. I do not tell him what he can or cannot do, as I believe he must decide for himself. Once, when I went away for a few months, an uncle asked him if he wanted to go to a prostitute—in the Philippines it is not a moral question for many men. My son apparently replied that he didn't think it is right to treat women in that way—he had obviously decided for himself. It is a great personal relief for me, but it must be hard for him, as everywhere we are assaulted with images of naked women. When we say 'entertainment for men' its meaning is invariably sexual. Why are men so limited to images of commodified women. We need to problematise that. We cannot change the world for men - they must do their share of the work, because they account for more than half of the problem.

Chairperson:

There are some men here today, and I wonder if one of you could speak out and share with us your insight into how we can tackle this situation?

Comment from member of the floor; a bank employee:

I am an ordinary Japanese business man. I try to be a good husband and father. Men often talk about *soupland* (the Japanese term for massage parlours/ brothels etc.), and there seems to be a distinction between prostitutes and other women. For example, if your company discovered that you were having an extra-marital sexual relationship,

you may lose your position, but having bought sex from a prostitute is not considered to be so bad. There is a double-standard.

There are a lot of pressures on men to go along with their friends or colleagues—and if you do not, you are branded as ‘not a real man’ and so on. You need a lot of courage to say no, and if you do refuse to join-in you are likely to be ostracised by the group.

Concerning sexual harassment in the workplace, if we are to change the attitudes of men I think we need more opportunities in which to discuss the problem.

On the issue of sex tourism, I think implementing a law of extra-territoriality, whereby people who commit offences abroad can be prosecuted in their own country, will be helpful. What do you think about this approach?

Chairperson:

The Mitsubishi Motors sexual harassment case brought by female factory workers in the US has had some positive impact, bringing the issue out into the open, in both the US and Japan. Could the panellists comment on the concept of extra-territoriality?

Ms. de Dios:

Thank you very much for your courage in speaking out here today. It is not often that men speak out at these conferences, especially on the issue of prostitution. We need this kind of input. Group or peer pressure is a strong justification for men to go to prostitutes, and get away with it as acceptable behaviour. I think this is true of all societies and perhaps especially here in Japan.

On the issue of extra-territoriality, at present, in the countries who have introduced such a law, it only applies in cases of paedophilia and child prostitution. Society has finally said no to this transgression of the dignity of our children. And yet we know that this violence takes place at every stage in the life-cycle. Some people say that it is too late for adult prostitutes, but I say that it is not too late—every woman who can be empowered to reclaim her dignity is important.

However if sex tourists are to be prosecuted in their own national courts, e.g. in Japan, then prostitution itself must be problematised within Japanese society. At present it is basically accepted by both men and women, and nobody talks about it. We need to assess our own views on this issue locally, before we can act internationally. We in the Philippines, must ask ourselves why we are sending our women to Japan as ‘entertainers,’ knowing that they may end up involved in prostitution. There is an attempt to come up with a bill in the Philippines to deal with trafficking and prostitution, including raising the legal age for employment in the entertainment industry from 18 to 21, with a further clause to specify that ‘entertainment’ should under no circumstances include prostitution. It is very difficult to monitor, but standards must be set, and then governments and NGOs must monitor as best they can, and make efforts to keep the issue in the public eye.

There is so much trafficking of children that we have been forced to review our attitudes, but we must further examine the full range of abuse against women, children, and men, and ask ourselves again the basic question, *why do we tolerate it?*

Comment from Prof. Goonesekera:

We agree trafficking and prostitution is devastating to women and children. We also know that demand for sexual services is created by their legitimacy. Therefore we must make abuse of women *not* legitimate. If we look back to the early 18th century debates concerning using slaves for economic activity, we see that there was big money involved, and there was social legitimacy for this practice. So, how did we get to the 20th century, where it is recognised across the board that you cannot use people for economic activity through a process of enslavement. It does still occur in the form of bonded labour and so on, but there is an international ethos denying its legitimacy. Can we not get the same kind of consensus—international standard setting—to treat the economic exploitation of women in prostitution as a violation of human rights. There are, however, problems in the case of adult women, where we can say that they are engaging in prostitution through choice. Well, in this case is it not possible to at first isolate areas, such as the sexual exploitation of children, where we can clearly say that there is no choice or consent? 187 countries have ratified the Convention on the Rights of the Child—a clear commitment to protect children (under 18s) from exploitation in prostitution. Therefore we can at least focus on strong sanctions—including media exposure of abusers, prosecution of brothel owners or those engaging in sexual exploitation of children? Similarly, why can we not have consensus on controls against abduction, trafficking, torture and physical abuse. Instead of saying each society must work on its own, I think we must prioritise, and push governments who have ratified international treaties to do more..

I will also add that in India, Kenya, and so on, where there are women tourists from the West, there are cases of women using boys in prostitution, and this is also a potential problem.

Ms. de Dios:

All kinds of child prostitution is absolutely objectionable, and there is strong advocacy for that principle. However, standards and regulations concerning sex tourism vary greatly among countries, and there is no consensus. The biggest difference between prostitution 100 years ago and prostitution now, is that it is now a major international industry. Every move we move towards exposing prostitution as a site of violence is met with huge resistance, even from governments. In many cases there is state complicity—governments are benefiting from the status quo, through bribes, licenses, taxes, tourism... and it is thus very difficult to get their cooperation. For example, an anti-trafficking bill is now being prepared in the Philippines, but it is up against huge resistance from the big entertainment recruitment agencies, which are multi-million dollar industries. Sometimes women themselves say that if prostitution is the way in which women wish to express their sexuality, then it is OK, so this is another problem.

However, I agree absolutely that we should prioritise children, but adults are also important. Article 6 of CEDAW refers to prostitution and trafficking, but it does not qualify it in terms of choice or force. No government, except perhaps the

Netherlands', has officially sanctioned prostitution as an industry in which they wish their women citizens to work. When there is an ethnic conflict or war, somehow the UN can move to send its peacekeepers, etc., but when we say that 100,000s of women are being trafficked, no one treats it as an international crisis. Do we not value women's lives enough to invest or risk something for them.

Chairperson:

In Japan, there was a vicious book published, which greatly angered the Thai government, encouraging Japanese men to go to Thailand to buy sex. I believe there has been a legal case against the publisher, and I would like to ask lawyer Ms. Yoko Hayashi to tell us about it.

Ms. Yoko Hayashi, (Lawyer, Japan):

The book 'Buying Sex in Thailand' is a guide book detailing where to find prostitutes in Thailand, including prices and so on, written by four Japanese freelance writers. It sold more than 50,000 copies in Japan, and at Tokyo Narita International Airport it was given a prominent place on book stands. Women's groups called for its withdrawal. The publisher refused, but agreed in writing that when revised, the book would include the views of opposing groups. However when the second edition appeared it was exactly the same as the first, and there were protests from the Thai Embassy in Japan.

Action against this kind of publication is frustrated by the laws governing freedom of speech, but in this case we had a written letter from the company in question promising to revise the book, and we are able to sue them for breach of contract. The case is still being heard at the Tokyo District Court. Publishing culture in Japan supports this kind of book, but we stand firmly in opposition.

Ms. de Dios:

We in the Philippines certainly support you in this struggle. Networking among women's groups is an effective way to bring this kind of issue to the public attention. For example, solidarity among Asian women's groups brought the issue of Japanese sex tourism into view in the 1970s. Women's groups in Germany sent copies of magazines containing pornographic images of Asian women, to groups in the Philippines, who then protested to the German government, resulting in the withdrawal of the offending publications. In the Philippines recently the Coalition Against Trafficking Women filed a suit against a newspaper called 'Buy and Sell,' which published classifieds of women for wives or girlfriends. It has been stopped. This kind of advocacy is important to bring the issue to the public attention, make the business community aware of unacceptable practices, and make it shameful for men to buy them.

Another strategy which we have employed recently is study-exchanges, where activists from countries sending sex tourists and from those countries on the receiving end organise exchange visits to understand their respective situations. Last year we organised such an exchange in cooperation with Australian NGOs, who visited all the problem resorts in the Philippines, followed by a three-day dialogue with local activists and government officials. This kind of grassroots initiative is an excellent way to strengthen our mutual understanding and efforts, and Japanese women too

must make efforts to strengthen their links with women's groups in Thailand, the Philippines, etc.

Comment from Ms. Salma Sobhan:

I am concerned that paedophiles are tapping-in to serious publications concerning the commercial sexual exploitation of children, and using the information for their own noxious purposes. I think this is something we should be aware of.

Ms. de Dios:

I agree that it is very difficult as paedophiles, are so efficient at networking. There is also a problem with language; at the Stockholm conference someone asked the question 'why can't you accept the fact that some people are comfortable with *inter-generational sex*?'—which in plain language obviously means paedophilia. By using different expressions, people are trying to sanitise—make socially acceptable—an unacceptable practice. In the same way some people now call prostitution 'sex work'. The first step must be for society to say that it will under no circumstances tolerate these abuses—and then we must take action.

Panel Forum 3: Domestic Violence

Criminal Assault of Women in the Home in Fiji

Ms. P. Imrana Jalal

Resource Trainer (Rights), Pacific Region Human Rights Education Resource Team,
Fiji

Summary of Speech by Ms. Jalal

As an introduction, I would like to talk a little about Fiji. Many people are not familiar with the Pacific Islands, and the region often gets lumped in with Asia, and as such does not always receive adequate attention. The Pacific covers one third of the earth's surface, but has a population of only 6 million people, living in 16 different Pacific Island countries. Fiji is in the South Pacific, in the general geopolitical area of Melanesia, on the border with Polynesia, five hours flying from Australia. It has a population of about one million. The population is 45% indigenous Fijian, of Melanesian and Polynesian descent. A further 45% are, like myself, fourth and fifth generation descendants of Indians who were brought to Fiji by the British to work on the sugar plantations. The remaining 10% are people of mixed racial heritage, mostly ancestors of the British. Fiji was a British colony for 150 years, and gained independence, without a war, in 1970. Following 17 years of multi-racial democracy, there was a military coup in 1987, and the present government is military-backed. The issue of women's rights is inseparable from the issue of democracy. Fiji is, as

you probably know, is very poor—you can feed a family on \$10 a day. It is an agricultural economy based on exports of sugar, copra and bananas.

The status of women is similar to that of women in other developing countries. They are underrepresented in the economy—only 23% of women are employed outside the home, and they have the lowest incomes—and there are very few women in politics.

A note on terminology; instead of ‘domestic violence,’ I will refer to ‘criminal assault against women in the home’. I feel that the term ‘domestic violence’ implies that violence somehow belongs in the home—is an nature part of the domestic scene, rather than unacceptable criminal behaviour.

Of all the criminal assaults committed in the Pacific region, 95% are committed against women. There is a logic in the Pacific which asserts that ‘men are hit by their wives, so why shouldn’t men hit their wives?’. There are occasional cases of wives hitting their husbands, notably in Papua New Guinea, the Solomon islands, and Vanuatu, but the kinds of injuries sustained by men are minor, whereas those inflicted on women by their husbands are often severe, such as kicking and punching in the head and stomach. There is no comparison in the actual type of violence.

We cannot look at criminal assault against women in the home in isolation, and must examine the social context in which it occurs; the inequalities of money and power, and the across-the-board discrimination which thwarts women’s attempts to fight back.

Features of Criminal Assault Against Women in the Home in Fiji

- It is not considered a distinct crime—cases are treated in the same way as two men fighting in the street.
- The legal system places no value on women, and is unsympathetic when husbands beat their wives. Furthermore it is the responsibility of the victim to lay and pursue charges.
- There is constant focus on reconciliation.
- Even if prosecuted, men are never imprisoned.
- There is a tendency for courts to punish men by issuing a ‘keep the peace order’, whereby if they promise not to re-offend for one year, they can avoid prison.
- There is a patrilocal system, where a women marries and becomes a member of her husbands household. There is a customary practice called *bulubulu*, where the husband’s family apologise to the wife’s parents, without sanction against the husband himself, and law courts can take this into consideration.

The Incidence of Criminal Assault Against Women in the Home

The legal system is a legacy of British colonial rule, and all the main features of the British legal system were inherited, including the concept that if women are beaten by their husbands it is a private, domestic matter. Criminal Assault against women in the home is the most common form of assault in Fiji. If the husband beats his wife he can be charged with Common Assault, with a maximum sentence of one year’s

imprisonment, but this is never imposed in reality. Even in the case of serious injury, the charge is Common Assault.

Organised in 1984 as a response to the high incidence of criminal assault and rape, the Fiji Women's Crisis Center has been active in bringing the problem to the attention of the public. The number of women seeking assistance at the centre has increased by 1000% over the 10 years, as an indicator of the level of demand for these services. In 1983 there were 343 reported cases of domestic disputes, which in the context of the small population is an extremely large figure. Moreover we believe that only 10% of cases are actually reported to the police. As an indicator of the attitudes of Fijian men, the Prime Minister, in 1994, publicly made the comment: If you relax at home by kicking your wife, then do it'. In light of the subsequent protest he hastily apologised, saying that his remarks were meant as a joke!

Police Attitudes

The police do not normally respond to calls for help from women themselves, or from concerned neighbours. Recently, because of the work of the Fiji Women's Crisis Centre, and increased public awareness of the problem, the police have become more likely to respond, but even if the husband continues hitting his wife in front of them they are unlikely to intervene. Should the husband punch one of the policemen however, he will immediately be arrested. As is the case in most places in the world, the police place greater weight on the privacy of the home than on the fact that a crime is being committed. They say that they have no power to enter a house, but in fact under British law, the police have authority to enter a private home if they believe a crime is being committed within. Since however in the Pacific most policemen probably beat their wives too, they have little inclination to 'interfere' in other people's lives.

In Fiji, policemen are often also headmen and chiefs, and so have huge powers in both statutory and customary law. Therefore, if the chief of the village, who is also a policeman, beats his wife, how can a women seek his help?

Furthermore, anyone who tries to help a women who is being assaulted by her husband is labelled as a 'homebreaker'—I have been accused of breaking up homes in order to steal the husbands!

Customary beliefs compound the problem. Fijian community, and particularly the indigenous community, is very hierarchical, and patriarchal in structure. Thus the police will not arrest a chief who beats his wife, and if the chief does it, so do all the other men in the village.

If a case makes it to court there is considerable pressure on the couple to reconcile. There is no social welfare system in the Pacific, and so the judge will emphasise to the wife the economic consequences of losing her husband, which are indeed grim. Organisations like the Fiji Women's Crisis Centre are trying to persuade women to make sure that their husbands are punished *before* accepting a reconciliation. It is widely known that men who beat their wives are recidivists—they continue unless they are punished or receive some sort of counselling.

The responsibility for taking a case to court is on the women. The police will cooperate if they are pushed, but as in any society, you need money, time, and knowledge to push for action. A poor woman, or a woman with a full-time job is disadvantaged in this respect. The police complain that it is a waste of their time because women always drop the charges and reconcile, but in a study by the Commonwealth Secretariat it is shown that there is no greater withdrawal of charges by battered wives than by victims of any other crime. The courts, judges, and magistrates represent powerful conservative forces—in their eyes women are property, and since ‘a man’s home is his castle’ they do not support wives to prosecute. I have been practising law in Fiji for 11 years and I know of only one case when the husband was sent to prison—when he cut off his wife’s leg! He said in mitigation ‘But my Lord, I bought her a wooden leg....’ His sentence was reduced from four years to only one! In 99% of cases there is merely a fine or ‘keep the peace order’. This reflects the prevailing attitude towards women who are beaten.

What can Women Do?

- Separate or divorce, and apply for maintenance from the ex-husband, but for poverty-stricken women this will undoubtedly only make their lives more difficult.
- Apply for a non-molestation order to be issued against the husband, but these are rarely enforced.

Until women have more economic and political power, together with legal solutions, they are faced by a future of poverty and violence. The Pacific is in many ways a ‘paradise’, but as in all paradises there is a ‘serpent’, in our case the serpent of discrimination—although women themselves are making great efforts to realise their empowerment..

Please refer to the paper by Ms. Jalal: ‘Criminal Assault Against Women in the Home in Fiji’.

Chairperson:

In Japan, the term ‘domestic violence’ (*kateinai boryoku*) has usually been used to refer to children assaulting their mothers. It is only recently that the issue of violence by men against their wives has been recognised as a serious social problem. Ms. Jalal has talked about the use of appropriate language, and I think we too need to find a better Japanese term to reflect the true nature of the situation.

Ms. Meera Kosambi

Director, Research Centre for Women's Studies, SNDT Women's University, India

Summary of Speech by Ms. Kosambi

Ms. Jalal has made the main points very clearly, and I am sure the situation is similar in most societies in this region. The point about labelling domestic violence as 'criminal assault' is a valuable one. In India too, most violence against women is trivialised, sanctioned and justified *because* it occurs within the family. Any kind of legal action against is seen as an 'interference' in family affairs. The tragedy is, in India we do have laws to deal with most kinds of violence within the family, but there are mostly ineffectual.

India has a population of 952 million, with a great deal of ethnicity and linguistic diversity, which makes it very difficult to generalise. It is perhaps similar to discussing a region which contains several countries. The most common type of domestic violence across the country is wife battering. It is perhaps a measure of how the Indian mind works that this is not considered serious enough to be taken cognisance of in the law. This kind of 'daily, routine' violence is not taken seriously, although violence for some specific purpose, such as dowry, is likely to be recognised as a crime under the law.

In most cases, as in Fiji, wives will not file a complaint. In an overwhelming number of cases the reason is the belief that a wife should obey her husband, and must therefore accept violence as a matter of obedience. Women and men are socialised to think it is acceptable. A woman would not think of going to the police, and should she attempt to do so, her family would be the first to discourage her. Secondly there is an argument that going to the police will dishonour the family. If she persists, despite efforts to sensitise them, the police are likely to criticise the women for making a fuss. After all, he himself probably beats his wife. Or he will put the blame on the woman, which is a further victimisation of the victim. **Violence is legitimised and the victim is held responsible for the violence.** The situation is improving somewhat due to action by women's groups, and sensitisation of the police. There is a strong argument gaining credibility that if a man is punished by being made to spend a night in the police cells, he will be deterred from continuing to beat his wife.

Violence against women and wives by itself is not considered a particularly serious offence, unless it occurs in connection with another offence, usually dowry related harassment. Yesterday I discussed the background to dowry related demands, and the way that women are economically disadvantaged in traditional Hindu society, although the custom of dowry is practised equally by non-Hindus. There was a question of whether this discrimination is rooted in the Hindu religion, and this may or not be the case, but I would assert that wherever there is a justification for exploiting women, all groups take advantage.

Dowry demands are on the increase because of increased consumerism—it is an easy way to get money. Laws prohibit it, but it is so common that even lawmakers themselves are involved in the practice. Dowry demands often continue after marriage, and the scope of the law is being widened to include this. Now in India a woman who dies under suspicious circumstances within seven years of her marriage is automatically assumed to be the victim of dowry harassment.

However, despite these improvements the problem remains widespread. Once married a woman belongs to her husband's family, and her own family may be unwilling to step in. Social values stigmatise a woman separated or divorced from her husband, and brand her as a failure. Similarly parents who are seen to encourage a daughter to leave her husband are also censured. Parents may have other daughters whom they must marry off, with the further burden of their dowries, and very often they will not complain until their daughter is actually dead. Dowry murder by burning is common, because it is difficult to prove, and easy to camouflage as an accident. The woman victim herself may even declare it was an accident while she is on her death bed, for fear her children will be further victimised by the husband's family should she tell the truth. These are the most routine types of violence in the family in India.

There are other types of violence which are not so common, but which nonetheless do exist. There are cases of female foeticide, involving sex-selective abortions of female fetuses. This is connected to the concept of women as a burden, and the problems of dowry, coupled with pressures to reduce the number of children. If the family is to have only two or three children then there is a clear preference for boys, as is also the case in China. Techniques developed to detect foetal abnormalities are being used to select the sex of children. There is legislation to prevent this in government hospitals, but it is very difficult to monitor the private sector. This has been occurring on a small scale since the 1980s, and was prohibited by law in 1988. A further problem is female infanticide, which occurs for similar reasons, although on a very small scale. The other very serious type of violence occurring in the family, again on a very small scale, but which deserves our attention is widow immolation (*sati*). Widow immolation is, unlike the other, fairly universal types of domestic violence, very typically Indian. Its traditional rationale was that a woman is defined solely through her role as wife and mother, therefore on the death of her husband she too was cremated (although this practice has always been limited to a small number of areas and castes). This practice was banned in 1829 under British law, but was not included in the penal code of Independent India on the understanding that it had by that time already ceased to exist. Although there are no clear statistics, there are thought to have been about thirty cases throughout India in the last fifty years. Despite this small incidence the horrific nature of the practice attracts attention, and in 1987 the much publicised case of the forced immolation of a young educated, middle-class woman led to comprehensive new legislation being established in 1988. It is now an offence to commit the act. To aid or abet in the practice, or to glorify it as a religious act. I should repeat that this is not a wide-scale phenomenon in India, but the fact that it has been allowed to happen ignored by the police and government, until there was massive pressure, is extremely disturbing, and this is why we always mention it.

In conclusion, there is a wide spectrum of violence in the family in India, which starts before birth in the case of female foeticide, and in rare case, ends in widow immolation. Despite attempts to punish the perpetrators, the threat of violence, particularly wife battering and dowry related harassment, exist on a very large scale in India.

Please refer to the paper by Ms. Kosambi: 'Promoting Women's Rights as Human Rights: National Paper for India'

Chairperson:

We recognise that this is a universal problem. I would like to give a brief description of the situation in Japan.

According to white papers and other statistics, there is very little crime in Japan in comparison to other advanced nations. However violence against women is not clearly documented. Statistics published by the courts show that the second and third most common reason for filing for divorce is consistently that there has been violence by the husband. The absence of statistics has meant an absence of clear policy. There are certain shelters established under the Prevention of Prostitution law, but it is psychologically difficult for women who are not involved in prostitution to seek help at these kind of centres. There are no specific laws for dealing with domestic violence, and it is not treated as a specific crime. In Japanese legal textbooks there is no such thing as marital rape. However, in a landmark decision 7 or 8 years ago, a husband and a friend both raped his wife, from whom he had been separated for almost 7 years. Both men were found guilty, only because there was a third party involved. Views are divided as to the verdict in the case of rape by a husband, even when the couple have been separated for many years.

Women in Japan have recently pushed the issue of domestic violence into the public arena, and last year the police agency announced new sensitivity training for police in dealing with victims of domestic violence. The police are becoming much more pro-victim, which is very welcome. There are further initiatives such as providing counselling for families of murder victims. Next month, at the invitation of the police force I will be giving lectures on violence against women to about 300 police trainees. I have talked to women's groups on many occasions, but this will be my first experience to talk to the police about these issues.

The Tokyo Metropolitan Government established a new committee in June 1996 to tackle the issue of violence against women. They will be developing questionnaires for a survey next year. The Japan Bar Association have conducted these kinds of surveys in the past, but this is the first time for a public authority to undertake such a task, and I feel it is one tangible result of the Beijing Conference.

Domestic Violence: Questions from the Floor

Question:

Ms. Hayashi mentioned violence by children against parents in Japan. Is there a problem of violence between parents and children, or of wives towards husbands in your countries?

Ms. Jalal:

In Fiji, there is considerable violence committed by fathers against their children—about 97% of all violence towards children in the family is committed by fathers. I have never heard of a case of children beating their parents in the Pacific, and I was very surprised to hear that this is a problem in Japan. I think that the key to understanding this problem is understanding that there is always violence by the powerful against the powerless, whether it be adults against children, or husbands against wives. In the Pacific, as I said earlier, there are a small number of cases of violence by wives towards husbands—about 5% of all cases of violence in the home—but the kind of violence is trivial in comparison to that committed by men. Women mostly slap or push, as opposed to regular beatings—kicking and punching—which men inflict on their wives.

Ms. Kosambi:

The situation in India is even more 'stereotypical,' with many husbands beating their wives routinely. I have never heard of a case of a wife beating her husband, and I am sure if such an incident were to take place it would be so sensational as to be very widely publicised.

There is however violence against children within the family, in the form of;

- **Physical violence**—with the intention of disciplining the child, or as an expression of , or outlet for aggression.
- **Sexual violence/ incest**—although the extent of this problem is very difficult to gauge in any given society. The debate began in the West, particularly in the US, in the 1980s, but very few women are willing to come forward to admit that they have been sexually abused within the family. In India there have been sporadic studies which show that the problem exists on a wide-scale, and that the perpetrator is usually the father, step-father (although remarriage for women is not common in India), brothers, uncles, or a close family friend. This pattern seems to be universal, but it is discussed very little. It is a threat to girls, and also boys, and is perhaps more prevalent than we are led to believe.

Question:

In your countries, does the government or public authorities provide shelters or support centres where victimised women can seek refuge and assistance?

Ms. Kosambi:

Yes, although it varies from state to state. In my state in Western India, there are both state-run and private NGO-run shelters. The main problem is that although these shelters can provide assistance for women victims of domestic violence in the short-

term, there is little they can do on a more permanent basis. Daughters are in general not as well educated as sons, and 'women with careers' is a very restricted, urban phenomenon. Women in shelters often have limited skills and educational, and it is very difficult for a woman in India to get employment for which she will earn a living wage.

Furthermore, as in most countries, often men cannot accept that their wife could leave them, and women are pursued (as we have seen in the recent O.J. Simpson case in the US). Thus women who leave their violent husbands face economic uncertainty, as well a continued physical threat. Short-term solutions do exist, but the opportunities for a woman to lead a viable, independent existence are limited.

Ms. Jalal:

The Women's Crisis Centre estimates that there is criminal assault against the wife in one in four marriages in Fiji, and it is quoted as a reason in 50% of divorces. However there are no shelters. Unfortunately the Crisis Centre does not have sufficient money to fund a refuge, and we can only try to help women victims relocate.

Question to Ms. Kosambi:

What kinds of activities by women's groups helped establish the laws to protect women from dowry related violence?

Ms. Kosambi:

The Women's Movement became active in the 1970s in response to two very high profile cases of violence against women. One involved a rape in which the judgement was a typical case of 'victimise the victim'. The second was a dreadful case of dowry-related murder. Autonomous women's groups protested in a variety of ways;

- putting pressure on the government;
- pushing for media publicity;
- shaming the perpetrator, by demonstrating in front of the family's house, publicly identifying the family.

This kind of activity has been successful in raising awareness; there have even been movies made with this message, despite the fact that the Indian film industry is famous for escapist fantasies.

However, it is not a problem of lack of publicity or legislation, but perhaps that demanding dowry is such an easy way to make money. Some feminist scholars say that this is the way in which capitalism works, and that when women can be exploited, they will be. In some cases, a man who has driven his wife to suicide, will marry again and extract dowry from the next wife. It becomes an economic institution, with significant amounts of money at stake, with even judges, government officials, lawyers and so on involved in the practice.

Ms. Jalal:

As women's activists we must look at the whole picture, and not at violence against women in isolation. Dowry is a good example of this. There is a saying, 'show me a

man who beats his wife when she earns more than him!' We have to examine how the different forces work in concert.

Question:

The need for gender-sensitivity training of doctors, lawyers, police etc., was discussed at the Beijing Conference. What kind of programmes are effective, and are there any such programmes in your countries?

Ms. Kosambi:

In my own state in Western India government institutes carry out training programmes, in which I have sometimes been involved, several times a year, during which violence against women, the portrayal of women in the media, and so on, are discussed. Efforts are being made to re-educate key groups such as lawyers, police, doctors and government officials.

Ms. Jalal:

I work for a project called the 'Pacific Regional Human rights Resource Team'. We do gender-sensitivity training with every group that we work with - it *must* be a component of legal literacy or human rights training. For example, we hold a five-day workshop for the police, where we work on improving their understanding of gender-specific violence, spending one whole day on the question of 'What is Gender?', 'How do ideas about gender influence the way police carry out investigations?', etc. This is an essential component of the course. However, it is very difficult to get judges to come for gender training, as they strongly believe that they are absolutely neutral and objective. We tend to invite judges to 'a workshop on human rights' in order to get them to attend.

I would like to mention the excellent *Oxfam Gender Training Manual*, which was distributed at the Beijing Conference. It explains how to *teach* human rights, which can be difficult for those of us who are not trained teachers, and when dealing with students who are hostile to the idea. The following is an example of an activity:

Imagine you can only have one child - write down the gender you would prefer, and five reasons why. Exchange papers and read out to the group for discussion.

Through this kind of activity, underlying ideas about gender, and the value which society places on men are clearly revealed.

Ms Kosambi:

Educating the educators is also important. In my state, all college lecturers are required to undergo two refresher courses a year. These are multi-disciplinary and recently Women's Studies has been introduced. This is one more way in which we can have a direct input into the community.

Question:

What are the ways in which developed and developing countries can work together to deal with the issue of domestic violence?

Ms. Jalal:

I personally think the fundamental imbalance of power between men and women is at the root, and unless we attack those attitudes, no amount of legislation will be effective. However, the industrialised nations can support developing countries through ODA and so on. In the Pacific Islands, the Japanese government does not support any women's development projects, and when the embassy in Fiji was approached, they said that it is not part of their mandate. Australian women's groups have forced the government to assist women's projects, and similarly Japanese NGOs can keep the pressure on their government. On the multilateral level, input from NGOs to the UN is important.

Ms. Kosambi:

It must be recognised that violence against women is not a personal or familial issue, but a societal, national one. I have been involved in some Western programmes where we were trying to identify areas for further research related to women and development. I suggested violence against women, but my (all male) colleagues resisted, saying that it is not relevant. However UNESCO and UNIFEM now recognise that it is most definitely related, as violence negates the effect of other development related programmes.

Ways of empowering women include making more options open; there is great pressure on women to marry, and once married they cannot leave because many could not survive financially, as well as facing enormous societal disapproval.

Comment from Chairperson (Ms. Hayashi):

I would like to reiterate what the two speakers have said that the fundamental problem is the imbalance of power, and the pressing need to empower women. We must make women independent through laws, institutions, equal pay, affirmative action wherever necessary. International cooperation between advanced and developing nations is also crucial. Japan is ranked number one or two (interchangeably with the US) in terms of the amount spent yearly on ODA, but is Japanese ODA being used to empower women? As tax-payers we must take monitor and follow-up on the ways in which our money is being spent.

Ms. Kosambi:

In my state in Western India there is free education for girls, which helps to ensure that parents send their daughters to school (it is not however foolproof, because there are of course other reasons why parents don't send their daughters to school.) Furthermore, the Indian government has introduced a quota system to increase the participation rate of women in local government. There are three tiers of local government at the in rural areas; village, group of villages, and district, and at the councils at each of these levels 33% of seats are reserved for women. At first this kind of initiative amounts to tokenism, but over time, as it becomes institutionalise, it can lead to real change.

Question:

Is there a link between inheritance of property and violence in the family? I wonder if there is also violence directed at sisters?

Ms. Kosambi:

In India it is very complex and therefore difficult to generalise, but by and large daughters do not inherit. As I have already discussed, they are traditionally compensated by 'portable wealth,' which has come to be exploited as demands for dowry by the husbands family. Two states have recently introduced legislation to give daughters an equal share with sons, and greed may lead to violence. Certainly, women are poorer because they do not inherit and are as such more prone to victimisation. In some cases a woman can inherit from a husband, which should empower her to some extent, but in such cases widows are often victimised by the dead husband's family, and driven out of the house, so that the family can get the inheritance.

Follow-up Question:

How about the Muslim community?

Ms. Salma Sobhan:

Allocation of inheritance is fixed according to the Muslim law, and the person who dies can decide the allocation of one third by will. In my own case, on my death my mother, spouse who outlives me, and my two children will receive an allocated share which I cannot influence. Parents receive one sixth each, a surviving husband one quarter, and a wife one eighth (or in the case that there is more than wife, one eighth collectively). The Koran makes no provision for sons, but where there is one daughter, she will receive one half, and where there is more than one daughter they receive two thirds between them. However a separate verse says that boys should get twice their sisters' share, which is obviously impossible in many cases. Jurists have resolved this inconsistency by saying that it only applies when there are no heirs. There are also differences between the *Sunni* and *Shia* Muslims.

Ms. Jalal:

In Fiji, young unmarried sisters/daughters are carefully guarded, with violence or the threat of violence, to ensure the preservation of their virginity, which is regarded as the cardinal virtue. The theory is that if she is kept under strict control until marriage she can marry, and after that she will be the property of her husband and no longer a concern.

Ms. Hayashi:

Yesterday Prof. Yamashita discussed the pre-war Civil Code in Japan, which dictated the first son's right to inheritance. Now we have a system of equal inheritance by all the children of the deceased, but in reality, particularly in farming areas, farms tend to be inherited solely by the eldest son. Even if a wife survives her husband she may be compensated by a paltry sum, so there is a significant disparity between the law and social reality. Violence among siblings is not recognised as a crime in Japan, and I am not aware of any cases. Perhaps the nuclearisation of the family has relieved some of these family tensions, although lack of statistics may be a factor.

Comment from Prof. Goonesekera:

Japan is an advanced industrial nation whilst Fiji, India, and Sri Lanka are developing countries, but I am struck by the common experiences we share. Ms. Hayashi mentioned the problem of marital rape in Japan. In Sri Lanka we recently tried to

introduce legislation concerning marital rape, but the legal community denied that it could even exist as a valid concept when couples were living together. Ultimately there is an offence in the eyes of the law only if the couple are legally separated. Judges are difficult to reach, and police trivialise the situation, so we have almost the same problems and failures in all our countries. I would like to ask Ms. Kosambi:

Legislation on dowry murder and *sati* (widow immolation) has been introduced thanks to pressure from women activists. Has there been a reduction in the incidence of dowry-related deaths, or any incidences of *sati*, since the new laws were enacted?

To both Panellists:

Have there been any cases brought against the police in relation to their handling of domestic violence in your countries? Are there any legal sanctions we can use against the police to address their apathy?

Ms. Kosambi:

In the case of dowry deaths, reporting is poor, and statistics are inaccurate, but there is a general feeling that after 20 years of protest incidence is not really going down. There have however been no cases of widow immolation since the one I mentioned.

As for police inaction, In India, police violence is considered to be the more serious problem. Violence at the hands of the police belongs to a separate category of offence, and there are provisions for punishing perpetrators. However I do not know if there have been any prosecutions.

In India, the concept of marital rape does not exist because a woman, through entering into marriage, thereby gives her consent once and for all. If a couple are divorced, then forced intercourse is technically rape, but carries milder punishment than in other rape cases. The reasoning is that even this kind of forced intercourse might lead to a reconciliation, and the primary aim of the law is to preserve the sanctity of marriage.

Ms. Jalal:

In the US, a women's group forced the police to respond seriously to criminal assault in the home by suing them for their inaction. The case was settled out of court, but with the result that now, when a woman calls they have a policy of compulsory intervention. I think that it is a very effective way of affecting policy and practice, and I am sure that it will happen in Fiji in the next ten years or so.

Closing

Ms. Yasuko Takemura

Member of House of Councillors, Government of Japan

**Vice-chairperson of the Inter-party Ad Hoc Committee on Issues relating to the 50th
Anniversary of the End of WW2**

We have come to the end of the second day of this conference on women's rights as human rights, and I would like to extend my sincere thanks to all of you for your participation, and my admiration for your commitment to the issues.

Promoting human rights has been a central theme in my life, and through my work I have been fortunate to be able to visit a number of countries in Asia, where I have always been treated with great hospitality. I am currently President of a group promoting human rights in Myanmar, and a representative of an ad hoc committee of Japanese legislators who are concerned about the situation in East Timor. These countries are our neighbours, but I feel that it is sometimes difficult to approach our relationship from a 'Western' viewpoint. I am also a member of a parliamentarians Amnesty International Group, and until last year we had not been able to set foot in East Timor. On our visit, the Indonesian government seemed somewhat perplexed by us, perhaps because Amnesty is a Western-based group. As an Asian I feel that it may not always be appropriate to take a Western message to other Asian countries. However, Japan is considered an advanced industrial nation, and we must take a close interest in how we spend our ODA.

This forum has been attended by mainly Asian women, and I think that this is very significant. Needless to say, the subject of women's right as human rights was discussed extensively in Beijing, and there were many excellent workshops on ways of empowering women. The Asian Women's Fund, one of today's sponsors, was discussed at the Beijing conference, and representatives from Asian countries quite rightly grilled the Japanese representatives on issues of compensation to victims of military sexual slavery during WW2. I myself serve on a special committee on the 'comfort women' issue, and I would like to take this opportunity to talk a little about this. There is a great deal of criticism of the AWF, and I myself think that in principle it should be the responsibility of the state to compensate victims of illegal acts committed by the state. Such acts must be atoned for, and I do not believe that we have done all we can. Why is state compensation not possible? The explanation from the Japanese government is far from satisfactory. The Korean and Japanese governments settled issues of compensation at the national level through bilateral agreements after the war, and under international law there is no precedent for subsequent state compensation to individuals. However, most Japanese people do not have a clear understanding of the facts.

The AWF was set up in 1995 under private initiatives, but I think that the government should contribute at least half of the necessary funds. If they were to do so, I am sure

there would be far more support from the public. At the time the Fund was established I commented to the government that I do not accept that the state cannot do more towards compensating individuals. The committee has spent more than 50 hours in session, and consequently there was a resolution in Parliament calling for an official apology to be given to the victims. Half of the Members of the House of Councillors were absent at the time of the vote, and so the resolution was adopted in the House of Representatives but not in the Upper House. There is much resistance among older members of the Liberal Democratic Party, many of whom do not even accept that any crime was committed.

The government has agreed to spend ¥500 million from the public purse every year, plus ¥720 million over the next 10 years, for medical and other such projects, decided on by the AWF in conjunction with welfare services in the receiving countries. I feel that it is anomalous that the government is prepared to commit to spending this amount of money, but will not pay compensation directly. The government is of course worried that it will create a precedent, and many more people may come forward with compensation demands. The AWF staff are currently working under very difficult conditions—there has been very harsh protests against the AWF, but I wonder if closing the Fund would ensure state compensation—if it that were the case then I would be all in favour. I think we must ask the ‘comfort women’ to accept atonement money and the letter of apology from the Prime Minister, whilst continuing to demand that the government pay compensation from public money. We must also address other issues, such as the case of workers who were brought to Japan under the wartime forced labour schemes.

I am known as a ‘humanitarian’ Parliamentarian, but there are very few of us—the concept of human rights is still very weak in Japan. I will however keep on fighting!

(Original: Japanese)

Ms. Teruko Kanehira
Board Member, Asian Women's Fund

The Asian Women's Fund is privileged to have been a joint sponsor of this conference. Tomorrow ESCAP will be hosting an Experts Meeting on the human rights of women, and we have taken advantage of this gathering of specialists realise this forum. I would like to say thank-you to ESCAP for their cooperation, and to all the panellists and members of the floor. As Ms. Takemura has said, there has been some opposition to the AWF, and to this forum, and I apologise for any inconvenience this may have caused you. I would like to express my admiration for the very high quality of the presentations and discussion of the last two days, and I only regret we were unable to attract more attention. We hope however to distribute the reports from this conference, and that they will play a role in the project of enlightening the public as to the importance of the women's rights as human rights perspective.

The Asian Women's Fund was established to express our remorse and offer some atonement to the women who were victims of Japanese military sexual slavery, including provision of medical and welfare services and other programmes, to try to compensate as best we can for what we have done. At the same time we realise the importance of promoting human rights, and so as the second 'pillar' of the Fund we are organising a programme from a human rights perspective, with projects aimed at improving the status and dignity of women—this forum is one of this year's projects. This is however only the beginning of this endeavour—we greatly appreciate your support, and look forward to hearing your ideas and suggestions as to the most effective approaches.

I thank you all again for your participation over the last two days—I know that many of you will be travelling to Ranzan in Saitama for tomorrow's ESCAP Experts Meeting at the National Women's Education Centre. I hope that it will be a great success. As an organiser of this conference, and a representative of the AWF I would like to thank you all again, and wish you a safe journey home.

(Original: Japanese)



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