

10<sup>th</sup> Informal ASEM Seminar on Human Rights

*“Human Rights and Gender Equality”*

*Manila, The Philippines / 7-9 July 2010*

**Background**

The Vienna Declaration and Programme of action reaffirmed the rights of women as an inalienable, integral and indivisible part of universal human rights. The Fourth World Conference on Women in Beijing proved to be a successful forum in mobilizing worldwide attention towards gender equality and the advancement of women as well as in establishing a comprehensive framework in the formats of Declaration and Platform of Action along with the UN Declaration on Sexual Orientation and Gender Identity.

However gender inequality remains a widespread form of discrimination that is not restricted to particular countries, regions, or religions. Around the world, women continue to be victims of human rights violations who have been the most vulnerable group during the economic recessions with limited access to rights, resources and opportunity.

Women's rights are regarded as freedoms inherently possessed by women. These rights encompass the right to education, the right to vote and the right to equal wages and employment opportunities. Though such rights have been progressing, disparity between ASEM countries still exist.

Under CEDAW<sup>1</sup>, States are required to eliminate the many different forms of discrimination that women confront, not only by making sure that there are no existing laws that directly discriminate women on grounds of sex or sexual orientation, but also by ensuring that all necessary arrangements are put in place that will allow women to experience equality in their lives.

---

<sup>1</sup> The key international agreement on women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is also described as the international bill of women's rights. Ratified by 185 UN Member States, CEDAW encompasses a global consensus on the changes that need to take place in order to realise women's human rights.

Based on relevant international standards and on comparisons between ASEM countries, the seminar will examine how to improve women's rights putting an end to the social, political and economic discrimination based on sex. Moreover, the seminar will try to identify the current trends in Europe and Asia regarding women's rights and gender equality. The fight for gender equality and gender mainstreaming requires enhancing cooperation with stakeholders such as employers, NGOs, academia, media and other civil society actors. While broader questions of sexual orientation and gender identity have been tackled in the past, this seminar will certainly be the first attempt to link Human Rights and gender equality within the ASEM framework—in an informal and unofficial manner.

There have traditionally been great differences in the participation of women in society in the ASEM countries. In some societies, there still exist discriminatory prejudice and practices against women ignoring the dignity of women due to the remnants of the patriarchal society. Whether this extends to broader equality with respect to discrimination based on gender identity or sexual orientation needs further investigation. Nevertheless, there has been remarkable progress in achieving gender equality in laws and institutions that could provide positive examples to fully implement international standards on gender equality.

Despite the progress over the past decade, we need to strengthen our efforts to enhance women's rights of integrity as well as sexual self-determination.

### **General objective**

The seminar aims at developing a human rights approach to the issues raised by gender equality and share good practices in ASEM countries and discuss ways of better protecting women's rights with broadening to gender rights.

### **Specific objectives**

- To identify trends on how women's rights and gender equality are protected across ASEM countries
- To find common challenges between two regions in terms of gender rights
- To formulate recommendations for relevant institutions at a national, regional and inter-regional level.

## Working Group Questions

### *Cross-cutting questions*

1. What are the relevant legal frameworks on all aspects of gender equality?
2. How can we accelerate implementation of relevant international human rights treaties including conventions and remove reservation to it?
3. How is discrimination based on gender addressed?
4. What are the emerging issues related to gender equality and identity?
5. What are the relevant statistics/trends?
6. How are public awareness and education promoted for the integration of gender perspective in all levels of public and private institutions?
7. What are good practices and positive experiences that can be shared for mainstreaming gender issues?
8. How can we strengthen the existing machinery for gender equality by providing adequate human and financial resources at all levels and in all areas?
9. What measures are in place to improve social welfare services for women outside the social security system?
10. Do we need international norms on gender rights beyond women's rights?

### *1. Working group 1: political rights*

- 1.1. What measures are in place to promote gender equality in political representation and decision-making?
  - 1.1.1 Suffrage and voting
- 1.2. How can we create discussion platforms that bring all relevant stakeholders to participate in order to enhance the representation of women in the political arenas e.g. the legislature, executive, judiciary as well as on national and local level?
- 1.3. What measures are in place to support to increase the number of women at executive positions in the public agencies and institution?
- 1.4. What experiences or good practices have been effective in the promotion of equality?
- 1.5. Do we need specific legislation or just temporary measures? Is positive discrimination necessary to better implement human rights in the long run?

- 1.6. What sanctions apply when quotas are not reached?
- 1.7. What measures are in place to grant asylum to anyone facing unjust persecution in their home country because of their sexual orientation and/or gender identity?
- 1.8. What measures are in place to encourage women to join collective organisations (trade unions, political parties, NGOs etc.) and increase the representation of women in their management?

## *2. Working Group 2: Civil & Economic Rights*

- 2.1. How is gender equality promoted in civil and socio-economic rights such as :
  - 2.1.1. Equal pay for equal work
  - 2.1.2. Property rights
  - 2.1.3. Marriage/divorce
  - 2.1.4. Custody/adoption
  - 2.1.5. Inheritance
  - 2.1.6. Pension policies (linked to marriage)
  - 2.1.7. Family name policy
  - 2.1.8. Co-habitation
- 2.2. Does gender identity change legal capacities?
- 2.3. How can the rights of women in vulnerable groups be protected?
  - 2.3.1. Female irregular workers
  - 2.3.2. Female migrant workers
  - 2.3.3. Disabled women
  - 2.3.4. Impoverished women
  - 2.3.5. Rural women
  - 2.3.6. Female prisoners
- 2.4. How are working women's maternity leave and benefits protected by labour law or social benefits law? What paternity rights are there?
- 2.5. What efforts have been made to eliminate the root causes for women's economic dependence (where it exists) and improve economic prospects of women?
- 2.6. How can women's rights be protected in criminal justice procedures encompassing investigation, prosecution, trials and legal aid services?
- 2.7. How is women's right to work promoted by guaranteeing fair working conditions and strengthening administrative and judicial remedies?
  - 2.7.1. What measures are in place to ensure equal opportunities for women and men in the labour market?

- 2.8. Is there a digital divide resulting from gender equality?
- 2.9. What measures are in place to improve inadequacy of childcare, disabled and elderly care facilities for women?
- 2.10. What measures are in place to develop policies in order to eliminate environmental and occupational health risks for women?

### 3. *Working group 3 : socio-cultural rights*

- 3.1. How is gender equality promoted in such socio-cultural rights such as:
  - 3.1.1. Access to education
  - 3.1.2. Health and reproductive rights
  - 3.1.3. Religion and customary tradition
- 3.2. Who are the actors in promoting gender equality in socio-cultural questions and What are their roles?
- 3.3. Who are the major gender equality movements and interest groups, and what have they achieved?
- 3.4. How can gender equality be promoted against stereotyping in the media and advertising?
- 3.5. How can forced marriage and discrimination on the grounds of marital status be prevented?
- 3.6. How can gender sensitivity be enhanced by boosting human rights education to civil society?
- 3.7. How can equal sharing of domestic and family tasks between women and men be promoted?
- 3.8. What measures are in place to improve men's awareness on sexually transmitted infections and reproductive health for women's health?

#### 4. *Working group 4: gender-based violence*

- 4.1. What are the trends regarding violence against women? What about violence based on sexual orientation?
- 4.2. With regard to domestic violence:
  - 4.2.1. What kinds of protection are in place for the victim?
  - 4.2.2. How is the issue of marital rape addressed?
  - 4.2.3. How severe are the punishments and how can this effectiveness be assessed?
  - 4.2.4. What non-legislated measures or community practices exist?
- 4.3. How are protections against sexual harassment and violence in the work place assessed?
4. 4 What action is being taken to address human rights violations of female domestic workers?
- 4.5. What is the nature of public consciousness/societal attitudes with regard to gender-based violence?
- 4.6. What measures are needed to eradicate the exploitation of prostitution caused by poverty & other factors, e.g. human trafficking and irregular migration?
- 4.7. Are there measures needed to eradicate traditional practices like female genital mutilation against women?

## References:

### *International standards:*

- Universal Declaration of Human Rights (1948)
- Convention for Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- European Convention on Human Rights(1953)
- Convention against discrimination in education (1960)
- Convention on consent to marriage, minimum age for marriage and regulation of marriage (1962)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- UN Convention on the Elimination of All Forms of Discrimination against Women (1970)
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment(1975)
- The Declaration on The Elimination of Violence against Women (1993)
- The Beijing Platform for Action (1995)
- The ILO Convention on Homework (1996)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
- UN Declaration on sexual orientation and gender identity
- 

### *Other references:*

<http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/821.html>

<http://www.amnesty.org.au/news/comments/19993/>

<http://www.hrw.org/en/news/2008/12/11/un-general-assembly-address-sexual-orientation-and-gender-identity>

<http://catholicactionuk.blogspot.com/2008/12/un-battle-over-gender-identity.html>

[http://www.c-fam.org/publications/id.905/pub\\_detail.asp](http://www.c-fam.org/publications/id.905/pub_detail.asp)