



Foreign & Commonwealth Office

Research Analysts paper

Southeast Asia's women – status and rights

KEY POINTS

- Historically the women of Southeast Asia experienced greater autonomy than their counterparts in China or India. Whilst there is marked diversity in the region and some groups and elites fare much better than others, traditions of relative gender balance persist.
- The Association of South-East Asian Nations (ASEAN) has numerous declarations and commitments to advance the rights of women and children; but implementation is patchy and domestic legislation variable. The regional human rights body lacks enforcement powers.
- Most Southeast Asian nations outperform China, India and Japan in terms of the gender gap - the Philippines is ranked seventh globally. But political empowerment is weak across the board, including in well-developed Singapore, Malaysia and Brunei. As elsewhere poverty undermines women's access to education and healthcare in many countries.
- Violence against women and children is a concern across the region. Millions of Southeast Asian women are at risk of trafficking and abuse as domestic and migrant workers around the world.
- Rising religious conservatism and sharia type laws are undermining women's rights in Muslim majority countries, where Female Genital Mutilation (FGM) is also prevalent.

DETAIL

Historical Context – relative equality

1. Historically Southeast Asia differed from both China and India in its gender relations; with a regional pattern of relative balance between men and women which has persisted to this day. Southeast Asian traditional belief systems often emphasised the complementarity of male and female roles; with women as important economic actors. It was usually only in the royal and noble houses that men practiced polygamy and women's activities were restricted. Early European sources often judged the women of Southeast Asia as more

effective than the men in business and many traders took 'temporary wives' to support their business ventures¹.

2. But with increased outside (Chinese, European, Middle Eastern) influence Southeast Asian men came to dominate political association. The most prominent women's movements of the colonial era were often linked to religious organisations but they tended to have little focus on women's issues per se. With the end of the colonial period women gained the same political rights as men but many of the more recently established patriarchal norms endured.

3. However the region's tendency to relative gender balance has also proved resilient. Although a region known for its Islamic piety the matrilineal Minangkabau society, of West Sumatra in Indonesia, is one where women, not men, control property, inheritance and family wealth. Southeast Asia is also relatively tolerant of flexibility around sexual identity, although this appears to be eroding in some Muslim majority countries.

4. Women are generally less encumbered by status inhibitions than Southeast Asian men and came to dominate the large-scale manufacturing workforce and migrant worker flows from the 1970s onwards. On most measures the situation for women in Southeast Asia is less restrictive and dangerous than in South Asia or Sub-Saharan Africa.

Legal Framework – plenty of commitments

5. All ASEAN member states are party to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the only human rights treaties universally adopted across ASEAN. Although only four (Timor-Leste, Philippines, Thailand and Cambodia) are parties to the CEDAW Optional Protocol, which gives individuals the right of individual complaint. The ASEAN Commission for the Promotion and Protection of Women and Children (ACWC) was established in 2010 to 'promote and protect the human rights and fundamental freedoms of women and children in ASEAN'. It supports implementation of CRC and CEDAW and, like the ASEAN Inter-governmental Commission on Human Rights (AICHR), the emphasis is on 'promoting and protecting' but there are no compliance mechanisms and the ACWC has no mandate to receive and investigate complaints of human rights violations.

6. **ASEAN** has also agreed the: Declaration of the Advancement of Women in the ASEAN Region (1988); ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004); Declaration on the Elimination of Violence against Women in the ASEAN Region (2004); and the Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010). The ASEAN Summit in November 2015 agreed a Convention Against Trafficking in Persons (especially women and children)², to try and boost regional co-operation.

7. As on other issues the main problem is not one of a lack of laws and agreements. A study³ revealed that e.g. all ASEAN member states have enacted laws and have adopted programmes to protect women and children from violence, exploitation, and abuse and discrimination in the context of migration. But there is considerable variation in national legal frameworks and how far along each has gone in implementation and monitoring. Under-reporting and weak data collection also limits understanding of the situation.

¹ *'A History of Southeast Asia – critical crossroads'* by Anthony Reid, 2015.

² <http://www.asean.org/storage/images/2015/November/actip/ACTIP.PDF>

³ <http://hrrca.org/wp-content/uploads/2015/05/Women-and-Children-BASELINE-STUDY-VOL-1-Synthesis-Brunei-Darussalam-Cambodia.pdf>

So what is the reality on the ground?

8. The **Gender Gap Index 2015**⁴ benchmarked national gender gaps on economic, political, educational and health criteria. The gender pay gap in East Asia and the Pacific was 20%, significantly better than South Asia and Africa and ahead of the global average of 24%. The index showed marked variation across the region but **most Southeast Asian countries were outperforming China, Japan and India**⁵. Indonesia, Cambodia and Malaysia were the regional back-markers. The Philippines was ranked seventh globally, ahead of both New Zealand and Australia in the Asia-Pacific. The Philippines scored very highly on education and health indicators, less so on political empowerment, which was the story across the region. Singapore, for all its economic strength, had very similar scores to Laos; suggesting wealth alone is no guarantor of equality. Low rates of female political empowerment are a global challenge but may also be rooted in Southeast Asian traditions of male domination of public discourse, status and hierarchy.

Cross-cutting issues

9. WHO estimates that 28% of Southeast Asian women have experienced intimate partner violence⁶. There is marked variation across the region in terms of the legal protection offered against **domestic violence** and in many cases women are encouraged to deal with the issue outside the formal justice system. A 2010 study by the UN Office on Drugs and Crime in Vietnam found 58% of ever-married women had experienced some form of domestic violence although only 13% had sought help from the justice system⁷. Some problems are specific to certain countries; e.g. incidents of acid attack have been reported in Cambodia and Vietnam and **violence associated with conflict** has been identified in parts of Indonesia, Burma, the Philippines, and Thailand.

10. A high proportion of women report major barriers to accessing **health services** in Cambodia (72 per cent) and Timor-Leste (86 per cent)⁸. Socio-economic status matters and women from **poorer and rural households** are particularly likely to experience difficulties. In Vietnam, ethnic and indigenous minority women are less likely than non-indigenous women to have access to contraception, antenatal care and skilled birth attendance.

11. The Asia Pacific region has the highest number of **domestic workers** (21.5 million) globally⁹. The International Labour Organisation (ILO) estimates there are 2.6 million in Indonesia alone. Domestic workers are particularly vulnerable to violence and abuse and often work very long hours for little or no pay. The ILO Domestic Workers Convention (No. 189) requires States to extend basic labour rights to domestic workers, but to date the Philippines is the only country in East Asia and the Pacific to have ratified the convention.

12. There are also significant **flows of migrant (domestic, usually female) workers** within Southeast Asia; generally from the poorer to richer countries. Malaysia is the main destination for Indonesian migrant workers and many of the domestic workers in Singapore are Indonesian; whilst most of Thailand's are Burmese. Migrant domestic workers are particularly vulnerable to abuse as they are often excluded from labour laws and social insurance schemes and removed from their family and social support networks. Some recruitment agencies are complicit in the abuse.

⁴ <http://reports.weforum.org/global-gender-gap-report-2015/#frame/dd4ad>

⁵ Nb. Burma and Timor-Leste are not included due to lack of data.

⁶ http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf

⁷ <https://www.unodc.org/southeastasiaandpacific/en/vietnam/2014/06/domestic-violence/story.html>

⁸ <http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/poww-2015-factsheet-eastasiapacific-en.pdf?v=1&d=20151023T211444>

⁹ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf

13. The Philippines and Indonesia are major source countries of **female migrant workers internationally** and the numbers continue to rise. Estimates vary but there are thought to be several million documented Indonesian workers overseas (75% of whom were women) at any one time and even more undocumented workers. Reports of labour exploitation and excessive debts are common, with a high proportion of problems originating in the Middle East. Many of the sponsorship schemes are poorly regulated, leaving migrants vulnerable to non-payment of wages, loss of outside contact, discrepancies between promised and actual working conditions, and sometimes physical abuse.

14. **Trafficking of women and children**¹⁰ is a very serious concern in the region. An International Organization for Migration (IOM) study in 2000 estimated that one third of the global trafficking trade were women and children from Southeast Asia¹¹. Over half of those trafficked into the US are believed to come from Southeast Asia but most trafficking occurs within the region; often into forced labour, domestic servitude or the sex industry. There are significant flows from the Mekong sub-region into Thailand, which is ranked highly as an origin, transit and destination country. Around 20% of people leaving Indonesia are thought to be trafficked¹². Cambodia is a major source country for trafficking to Thailand but also receives women and girls from Vietnam, many to work in the sex industry. Across the region it is a complex picture with trafficking, smuggling, economic migration and refugee flight often intertwined.

15. **Political expediency and increasing religious conservatism** is leading to the adoption of Sharia type laws in all of the Muslim majority countries of Southeast Asia. 365 laws (mostly enacted at the regional level) have been identified in Indonesia which discriminate against women¹³. The dual civil and religious court systems in Malaysia and Brunei risk undermining women's rights, in particular in relation to marriage and family relations.

16. **Female genital mutilation (FGM)** amongst the region's Muslim women is generally held to be near universal although reliable data is hard to come by¹⁴. The form it takes is usually less severe than that in sub-saharan Africa however there are concerns that its prevalence is increasing. No Southeast Asian country has banned FGM although the Indonesian Ministry of Health has tried to regulate it. FGM remains widely socially accepted and most Muslims in Southeast Asia believe that FGM is *wajib*, or obligatory¹⁵. Some scholars argue that FGM is only 'recommended' but very few actively oppose it.

¹⁰ The Palermo Protocol defines trafficking as "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

¹¹ <http://www.unesco.org/most/migration/ctsea.pdf>

¹² http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi401.pdf

¹³ <http://www.thejakartapost.com/news/2015/03/22/komnas-perempuan-meets-jokowi-calls-end-discriminatory-bylaws.html>

¹⁴ http://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf

¹⁵ http://etmu.fi/wp-content/uploads/2013/01/FJEM_2_2008.pdf