INTRODUCTION

In December 2012, the Korean Women’s Development Institute (KDWI), under the National Research Council for Economics, Humanities and Social Sciences, in collaboration with Kamala Chandrakirana, Member of the UN Working Group on discrimination against women in law and in practice (the Working Group), convened a Regional Expert Group Meeting in Seoul, Korea. The meeting brought together activists from countries in Asia that have undergone political transition since the establishment of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The meeting was co-chaired by Kamala Chandrakirana and Heisoo Shin, member of the UN Committee on Economic Social and Cultural Rights.

The purpose of this document is to:

• Share experiences, insights, and lessons learned of the women’s movement concerning political transitions across Asia, including Burma, Cambodia, Indonesia, Kyrgyzstan, Nepal, Philippines, South Korea, Sri Lanka, and Thailand;

• Identify the opportunities and challenges for gender equality during and after political transition; and

• Provide recommendations to the women’s movement, Working Group, states, donors, and civil society to advance women’s political rights in the context of nation-building, development, and human rights.

It responds to the needs to:

• Chart and evaluate overall impacts of major political transitions and/or democratization on women’s citizenship, empowerment and political leadership; and

• Take stock of wins and losses of the women’s movement across Asia in advocating for women’s political rights and the elimination of discrimination against women in law and practice.

1 Written by Mary Jane Real; Edited by Devi Leiper O’Malley and Julie Shaw; Photo Credit Devi Leiper O’Malley. Please contact renewingresourcesrights@gmail.com for comments and questions.

2 The Working Group “understands political transition in the widest sense of the term, including transitions that involve fundamental change of the political regime and/or of the legal system”. Participants clarified that ‘political transition’ does not necessarily mean a positive progression from authoritarian to democratic political systems, but actually can give rise to other forms of authoritarianism.
CHARTING IMPACTS OF POLITICAL TRANSITIONS: OPPORTUNITIES AND CHALLENGES

There is general momentum for advancing women’s political rights at the international level. Recent findings on political transitions note the current world average of women in national parliaments is at twenty percent, which is nearly double since 1995, the year the Beijing Platform for Action (BPFA) was adopted. Furthermore, one-third of the countries that have achieved percentages of thirty percent or higher are countries considered as being in transition. Countries emerging out of conflict after the year 2000 generated the most changes in terms of legislative and constitutional reform as well as increases in female political participation when compared with non-post conflict countries in the same region. Against this backdrop, participants highlighted the following windows of opportunity and ongoing challenges for women.

1. Inroads in constitution drafting of non-discrimination and gender equality principles

The re-writing of constitutions that usually follow political transitions has provided women with the opportunity to incorporate principles on women’s human rights into fundamental laws.

- The 1987 Philippine constitution after the overthrow of the Marcos dictatorship contains new provisions against discrimination on the basis of sex and other social status.

- Gender equality has been enshrined in the 1993 constitution of Cambodia drafted under the auspices of the UN Transitory Authority in Cambodia (UNTAC) that operated in the country from 1992 to 1993 after the fall of the despot Khmer Rouge regime.

- Following the end of Soeharto’s authoritarian rule in 1998, Indonesia amended its constitution to include non-discrimination, the right to affirmative action, and a firmer acknowledgement of human rights.

Spotlight on Nepal: maneuvering political opportunities and delays

In Nepal, an interim constitution was enforced in 2007 following the signing of the Comprehensive Peace Agreement that ended the civil war in 2006. It provides for the elections of a Constituent Assembly, which was charged with writing a permanent constitution, to be promulgated by 28 May 2010. The elections, postponed twice, finally took place on 10 April 2008. A historic thirty-three percent representation of women resulted in a strong women’s lobby that succeed in including various provisions on women’s human rights in the draft. Women were also able to foreground issues on women’s citizenship rights, proportional representation, and the establishment of a women’s commission, albeit these concerns have remained contentious even among the women. Women’s issues however were eclipsed by successive resignation of Prime Ministers and the myriad disputes among the political parties and ethnic groups. The political in-fighting in the coalition government caused unreasonable delays and led to the dissolution of the Constituent Assembly on 27 May 2012 without the promulgation of a new constitution. The experience in Nepal illustrates that more powerful stakeholders are able to hijack constitutional drafting processes and in spite of their increased representation, women have remained a peripheral political force.

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5 Presentation of Chea Vannath, Senior Advisor Girl Guide Association, Cambodia
6 Presentation of Andy Yentiaryani, Commissioner, Head of Sub-commission for public participation, Komnas Perempuan, Indonesia
7 Presentation by Sapana Pradhan Malla, Former Member of Parliament and Pushpa Bhusal, Advocate, Chief of Constitutional and Legal Department, Nepal
2. Significant progress in adoption of gender-sensitive laws and policies

Many countries in Asia have seen a surge in the adoption of gender-sensitive laws and policies as the transition to more democratic governments coincided with a global momentum for women’s human rights. The UN Decade for Women (1975-1985), the UN World Conferences on Women (Mexico 1975; Copenhagen 1980; Nairobi 1985; Beijing 1995), led to the creation of the CEDAW (1981), and the appointment of the UN Special Rapporteur on Violence against Women in 1994, the first UN mechanism specifically to address women’s concerns. As attested in a study on the correlation between social movements and Violence Against Women (VAW) policies in 70 countries over three decades (1975-2005), it is the presence of autonomous women’s movements that is the determining factor in producing enduring progressive policy changes for women, and not a liberal government or progressive culture.\(^8\) Participants reflected on their own national experiences:

- Following the transition from martial law to a democratically installed government in 1986, the Philippines has enacted several significant laws on women. They include the Mail Order Bride Law of 1989 (RA 6955); Women in Nation Building Act of 1991 (RA 7192); Anti-Sexual Harassment Act of 1995 (RA 7877); Anti-Trafficking in Persons Act of 2003 (RA 9208); Anti-Violence Against Women and their Children Act of 2004 (RA 9262); The Magna Carta of Women Act of 2009 (RA 9710). Most recently, the Responsible Parenthood Act of 2012 (Republic Act 10354) was also passed, a compromised version of over fifteen years of struggle between the Catholic Church and its allies, and women’s rights advocates to pass a reproductive rights bill.

- During a similar period of political transition, South Korea also passed groundbreaking laws on gender equality such as: The Equal Employment Act (1987); The Act on the Punishment of Sexual Crimes and Protection of Victims (1994); Women’s Development Act (1995); and the Gender Discrimination, Prevention and Relief Act (1999). The establishment in 1987 of the Korean Women’s Association United, marked a progressive turn in the Korean women’s movement, and the support of democratic governments under Kim Dae-jung and those that followed the military dictatorship, made the enactment of these laws possible.\(^9\)

- After a coalition-government was formed in Nepal when the armed conflict ended in 2006, more gender-sensitive laws were also enacted such as the Gender Equality Act 2063 (2006); the Citizenship Act 2063 (2006) that enabled children to claim citizenship through their mothers for the first time; the Human Trafficking and Transportation Control Act 2064 (2007); the Foreign Employment Act 2064 (2007) with special guarantees for women’s employment abroad; and the Domestic Violence Crime and Punishment Act 2066 (2009).\(^10\) Law reform happened not only through the Parliament but also through landmark cases that challenge gender discrimination in law and practice. For example, the Nepal Supreme Court legislated against marital rape in the Meera Dhungana case.\(^11\) Women’s groups in the country have seized threats in the vacuum of power and strategized litigation before the courts.

- In Sri Lanka, amendments to the Penal Code, specifically the imposition of mandatory minimum sentences of 10 years for rape and related sexual crimes; a reform in the age of marriage for non-Muslims to 18 years old, and the passage of the Domestic Violence Act, all took place in 1995.\(^12\) Active women’s mobilization that rode the tide of the global advocacy on women’s human rights has bought about such positive legislative changes amidst an on-going conflict in the country.

While countries in Asia have adopted women-friendly laws and policies and almost all have enacted legislation on VAW, implementation has been hampered by the governments’ insufficient allocation of infrastructure and

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\(^9\) Presentation of Eun Kyung Kim, Research Fellow and Head of International Development and Cooperation Team, KWDI, South Korea\n
\(^10\) Presentation by Sapana Pradhan Malla, Former Member of Parliament and Pushpa Bhusal, Advocate, Chief of Constitutional and Legal Department, Nepal\n
\(^11\) *Ibid.*\n
\(^12\) Presentation of Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka.
resources. Instead, many governments have been dependent on donors to fund implementation initiatives. Donor-driven projects risk being unsustainable.  

3. Creation of national institutions on women’s empowerment

Political shifts emerging from conflict or changes in government that took place since the 1990s during the era of global mobilization on women’s human rights provided an opening for the creation of national women’s institutions. However, the viability and effectiveness of these institutions are still subjected to political will and recent trends of conservatism among right-wing governments have curtailed their power.

- In Cambodia, the Ministry of Women’s Affairs in 1998 and together with the National Council for Women constitute the national machinery for promoting women’s empowerment and gender mainstreaming.  

- The Ministry of Gender Equality in Korea was set up in 2001. However, due to a backlash against its progressive stance on gender-sensitive legislations and alliance with the women’s movement, the Ministry was restructured into gender equality and family in 2005 and it was downsized in 2008, under a more conservative government.  

- Previously, the Ministry of Women’s Affairs was focused solely on women, and was not linked to other sectors such as health, social welfare, disabilities, or elderly. A right-wing government in Sri Lanka revised the mandate of the ministry by added children in its mandate – institutionally reinforcing the stereotype regarding women’s role in reproduction. The Ministry was sidelined during development of Sri Lanka’s ten-year national policy planning in the rehabilitation efforts.  

- Komnas Perempuan (National Commission on Violence against Women), a state-established independent women’s human rights institution in Indonesia, has been successful in developing legal frameworks for survivors’ rights, including the Elimination of Domestic Violence Act (2004), the Act Against Human Trafficking (2007) as well as developing integrated services, tools and resources to address VAW. However, like other women human rights agencies, the institution is beset by continual budget cuts and increasing bureaucratization by the government.

- The National Commission on the Role of Filipino Women (now the Philippine Commission on Women) drafted the first Philippine Development Plan for Women (subsequently adopted as the Women in Nation-Building Act of 1991), but has become more preoccupied with gender mainstreaming over advancing feminist interventions.

4. Establishing mechanisms for women’s political representation at national and local levels

Post the 1995 Beijing Conference on Women, quota systems have become a popular temporary special measure to guarantee women’s participation in formal electoral politics. Many countries in Asia introduced quotas to achieve the minimum target of thirty percent women in parliament as stipulated in the BPFA. Countries in Asia exhibit a range of experiences when it comes to quotas.

- South Korea is one of the countries that championed such quotas for women. In 2000, the Political Party Law was amended to stipulate that women candidates must comprise thirty percent of each political party’s candidate list for the parliament. The law was changed again before the 2004 elections to require nomination of fifty percent women by each political party for their candidates for the parliament and voluntarily, thirty percent women for each party’s candidate list for the districts. The law resulted in an increase of thirteen percent women elected in the 2004 elections, up from six percent from previous

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13 Presentation of Chea Vannath, Senior Advisor Girl Guide Association, Cambodia.
14 Ibid.
15 Presentation of Eun Kyung Kim, Research Fellow and Head of International Development and Cooperation Team, KWDI, South Korea.
16 Presentation of Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka.
elections. Of this thirteen percent, 29 women were elected in parliament, but only ten women won in the districts as all four political parties only complied with the compulsory requirement.17

- The 2007 Elections Code in Kyrgyzstan contains a quota provision of thirty percent women in political party lists for the parliament. Based on a personal initiative by the head of the Central Electoral Committee (who happened to be a woman), a regulation was issued further requiring that “not more than three positions in each political party list should be given to the same gender” in order for a party to be eligible for registration. As a result, political parties had to have women at least in every fourth position. In effect, this order guaranteed women at least twenty percent of the seats in the parliament. So while there was no female representation in 2005, after the 2007 elections, women’s representation in parliament sharply rose to twenty-five percent.18

- Sri Lanka is the only country in South Asia without a quota system for women’s participation in local elections. Nevertheless, women in the northeast contested in the municipal elections in 2009, nearly twelve years since district elections were suspended in such conflict-affected areas. Women from local communities representing fisherfolk, rural poor, widows and professionals such as teachers put forward their candidacy. In Jaffna, the largest city in the northeast, the electorate voted the highest number of women to office at thirty percent higher than the national average.19 However women were not able to leverage their gains in subsequent elections. Not one political party nominated women to stand for parliamentary elections in 2010. Women’s representation in parliament is currently only at six percent with no women representatives from either Tamil or Muslim ethnic groups. For local government, it is a measly two percent.20 Regression in women’s political participation has become evident as oppositional politics is institutionalized post-war.

While global trends suggest that women’s political representation generally increases in countries in transition, political transitions that have failed to replace authoritarian political systems yield limited opportunities for women. Women’s representation in the Burmese parliament in 2012 was dismally low at four percent of the total seats for both elected and appointed positions. With a weakened opposition and civil society because of prolonged political repression, the military remains in full control. Affirmative action introduced in the 2008 constitution only pertained to twenty-five percent reserved seats in each House for military appointees.21

Even in countries that have transitioned into liberal democracy and ratified international women’s human rights instruments such as CEDAW, the political environment remains strongly patriarchal and resistant to change. In Thailand, the election in 2011 of the first woman prime minister and the largest percentage of women in parliament at sixteen percent has been overshadowed by ‘color-coded’ political upheavals between the ‘yellow shirts’ (People’s Alliance for Democracy) and the ‘red shirts’ (United Front for Democracy Against Dictatorship) that mirror the power struggle between the old and new elite.22

**REFLECTIONS AND LESSONS LEARNED**

In the past three decades of political transition in Asia, women have uncovered the limits of liberal democracy to achieving gender equality. It is becoming increasingly imperative for women to reflect deeper on what it means to realize women’s political rights: examine the designs of whole political systems, not just projects of inserting or increasing the number of women in pre-existing political bodies; look into the totality of laws, not just law reform. Participants offered the following insights based on lessons learned to inform future engagement of women in politics during transition.

17 Presentation of Sooyeon Lee, Senior Research Fellow, KWDI, South Korea
18 Paper prepared by Bermet Stakeeva, Executive Director of Forum of Women’s NGOs of Kyrgyzstan, Kyrgyzstan
19 Presentation of Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka
20 Ibid.
21 Presentation of May May Pyone, Executive Director, NGO Gender Group, Myanmar.
22 Presentation of Chalidaporn Songsamphan, Associate Professor, Faculty of Political Science, Thammasat University, Thailand.
1. **Intersectionality and re-imagining citizenship to recognize diversity**

The idea of a liberal nation-state that is based on a social contract between the state and its people has, in effect, legitimized the disenfranchisement of certain groups of people, as rights are deemed to flow only from the granting of citizenship.\(^{23}\) Even under such political systems that espouse the principle of political representation, citizenship can remain problematic for women, ethnic minorities, stateless people, refugees, and migrants.

The theoretical and practical advances of the women’s movements in looking at issues of identity have presented new language and tools to initiate a different concept of citizenship that acknowledges the centrality of diversity to the survival of the democratic ideal.\(^{24}\) As in the past, women’s movements have questioned the prioritization of identities in social movements, e.g., whether or not one should identify only as a ‘laborer’ or a ‘woman,’ or both. Intersectionality, which is the recognition of multiple forms of oppression and privilege and the resulting multiple identities, provides a theoretical lens to address such issues of identity-politics.\(^{25}\) Women’s movements must develop more rigorous intersectional analyses in the process of defining strategic political agenda, looking at the power relations at different political conjunctures and identifying approaches and alliances accordingly. This re-imagination of citizenship and the politics of engagement entail evolving a new ethics of politics based on the feminist assertion that the "personal is political", and shifting the politics of representation from the third person (e.g., "their issues") to the first person (e.g. “our issues as women”).\(^{26}\)

As the forced ‘unity’ among peoples under authoritarian regimes unravels, a way forward might be to empower women and other minorities to create ‘political communities’ to assert citizenship based on diversity instead of purporting illusions of ‘universal’ citizens of a nation-state.\(^{27}\) Recent developments in information communication technologies (ICTs) that give rise to other forms of activism such as ‘citizen journalism’ provide a new arena to explore such alternative.\(^{28}\)

2. **Coalitional politics are crucial for successful law reform**

Successful law reform is the end result of many different and long-term efforts: intense and sustained public awareness projects; peoples’ organizing and mobilization; campaigning for alternative discourses; lobbying representatives of various vested interests and many other strategies. Most often, it is built around coalitional politics involving social movements, cross-party alliances in parliament, and government.

Coalitional politics brings to fore the politics of identities in a constructive manner that facilitates a compromise of shared agenda behind temporary alliances of identities and interests. Rather than stamping permanence, coalitional politics acknowledges multiple and shifting identities as a reality and builds on the prevailing interests represented around the political platform at a particular moment in time.\(^{29}\)

Coalitional politics points to other feasible forms of relationships between and among women as well as ‘others’. It challenges the women’s movements to redefine relationships: between those that have remained ‘autonomous’ and not working with the State, and those that have joined the mainstream political arena.\(^{30}\) Admittedly, women’s groups often engage in the negative dynamics of ‘othering’ – of being suspicious and not trusting of those outside their own space, whether on the margins or in the mainstream.\(^{31}\)

\(^{23}\) Presentation of Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka

\(^{24}\) Comment, Sylvia Estrada-Claudio, Director, Center for Women’s Studies, University of the Philippines.

\(^{25}\) Ibid.

\(^{26}\) Ibid.

\(^{27}\) Presentation of Chalidaporn Songsamphan, Associate Professor, Faculty of Political Science, Thammasat University, Thailand.

\(^{28}\) Comment, Andy Yentriyani, Commissioner, Head of Sub-commission for public participation, Komas Perempuan, Indonesia.

\(^{29}\) Ibid.

\(^{30}\) Comment, Sylvia Estrada-Claudio, Director, Center for Women’s Studies, University of the Philippines.

\(^{31}\) Comment, Andy Yentriyani, Commissioner, Head of Sub-commission for public participation, Komas Perempuan, Indonesia.
3. Rise of religious fundamentalisms and the necessity of the secular state

Political transitions in many Asian countries have ushered in a rise in the politicization of religion. This politicization is often not about the propagation of religion, but more likely political projects by, or in confluence with, the extreme right, which manipulates religion or ethnicity in order to obtain or retain power:

- In regions of Indonesia, which were formally under central control in Soeharto’s authoritarian regime, the exercise of political power became widely diffused through the push for local governance and regional autonomy. The decentralization process unwittingly has led to the institutionalization of fundamentalist Islamic precepts into local legislation. For example, the Indonesian province of Aceh has been authorized to adopt Sharia as the basis of its legal system by virtue of the Special Autonomy for Aceh (Law 18 of 2001). Conservative interpretations of the Islamic religion that are often gender discriminatory are now apparent in local bylaws or qanun. To date, Komnas Perempuan has recorded 282 discriminatory bylaws enforced throughout the country.  

- In spite of a clear articulation of the separation of powers between the church and the state in the 1987 Philippine constitution, the Catholic Church’s critical role in the downfall of the Marcos dictatorship further entrenched its power in the country’s political affairs. In the transition to democracy, it has been instrumental in the reconstitution of the Filipino identity based on Catholicism with the military, negated the role of the communist ideology and comrades in the revolution.  

- The military-backed government in Sri Lanka that took power at the end of the war has used religion to strengthen its legitimacy and reshape identities that affirm the primacy given to Buddhism as a state religion. It sanctioned religious worship and other practices in controlled areas of religious minorities.  

The establishment of secularism following political transitions in several countries in Asia appears to be a missed opportunity and this has transformed into a threat with the disturbing rise of religious fundamentalisms in the region. In Nepal, there have been efforts by women and other advocates to assert a pivotal shift from a religious to a secular state. This is reflected in the draft constitution, although some political parties are still pushing to put this into a referendum. Myanmar can also learn from the initiative in

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32 Fifteen days after it was signed into law, a case to question its constitutionality was quickly filed before the Supreme Court by a husband-wife couple (the husband is son of the legal counsel for the Catholic Bishops’ Conference of the Philippines, the lead opponent to the bill’s passage).

33 Comment, Sylvia Estrada-Claudio, Director, Center for Women’s Studies, University of the Philippines.

34 Comment, Andy Yentriyani, Commissioner, Head of Sub-commission for public participation, Komas Perempuan, Indonesia.

35 Comment, Sylvia Estrada-Claudio, Director, Center for Women’s Studies, University of the Philippines.

36 Comment, Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka.

37 Comment, Sylvia Estrada-Claudio, Director, Center for Women’s Studies, University of the Philippines.

38 Comment, Sapan Pradhan Malla, Former Member of Parliament, Nepal.
Nepal to establish a secular state especially since restrictions on the freedom to worship exist even as the new government has promised guarantees in the exercise of the freedom of religion. Muslims and Christians are not allowed to build temples or establish places of worship especially in ethnic areas.\(^{39}\)

The challenge of giving full articulation to rights of ethnic minorities also points to the critical need to look into the expansion of cultural rights as a new frontier. This is important particularly in the current trend of regionalization of human rights where the language of ‘cultural relativism’ has found legal traction among the ASEAN member-states. As identity politics play up, addressing customary law and culture is key.\(^{40}\)

4. Negotiating opportunities and challenges in peace-building and reconciliation

Sri Lanka and Myanmar present two current processes of including women in peace negotiations, with failed efforts and ongoing challenges. In Sri Lanka, efforts were exerted to constitute a gender committee in the peace negotiation panels, with five women’s representatives from the government and five from the LTTE. However, when the LTTE unilaterally withdrew from the peace talks, it was difficult to sustain women’s involvement since it was not autonomous of the political forces.\(^{41}\) Currently, there are 19 peace negotiations running simultaneously in Myanmar and preliminary ceasefire agreements have been concluded with 10 of the 11 major ethnic groups except Kachin. However, women remain grossly underrepresented in the peace panels: there are only two women in the 52-member Working Committee of the Union Peace Committee of the government; and only the Karen and Mon ethnic groups have included a woman in their negotiation teams.\(^{42}\) It is the tenth anniversary of UNSCR 1325, and Myanmar has yet to adopt a National Action Plan.

**Spotlight on Sri Lanka: learning from missed opportunities**

*The case of Sri Lanka exhibits the continuous need for women’s groups to consistently learn and re-strategize: In response to the international criticism of how the war ended in Sri Lanka, the government convened a Lessons Learnt and Reconciliation Commission (LLRC). Many women’s organizations and activists criticized the nature of its appointment, its limited mandate and its independence, and hence did not engage with the commission. However, for many women living in the conflict areas who had family members in detention, disappeared or missing, the LLRC became the only official grievance or potential redress mechanism that was available. Therefore, despite difficulties and security concerns, many women accessed the LLRC and gave powerful testimonies before it. They swayed the LLRC to make a series of recommendations on issues of due process, law enforcement, independence of the judiciary, disengagement of the military from civilian affairs and the creation of redress mechanisms. However, the absence of a strong voice from the women and civil society enabled the government to ignore the recommendations made by the LLRC.*

*Learning from this missed opportunity, women’s organizations in Sri Lanka have begun the important work of information gathering and documentation of history through women’s memories and perspectives to ensure a gendered recording of the past. Such documentation would be crucial to ensuring the possibility for accountability should appropriate mechanisms for redress and truth-telling be established in the future to bring about genuine healing and reconciliation.*

5. The challenges of sustainability and autonomy through institution-building

Institution-building has been one of the strategies employed by women’s movements in the contestations over power and resources following the opening of democratic spaces in political transitions. Such independent institutions were created as specialized agencies for the advancement of women’s human rights

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39 Comment, May May Pyone, Executive Director, NGO Gender Group, Myanmar.
40 Comment, Kamala Chandrakirana, Chair, UN Working Group on discrimination against women in law and practice, Indonesia.
41 Comment, Kumudini Therese Samuel, Senior Research and Programme Associate, Women and Media Collective, Sri Lanka.
42 Presentation of May May Pyone, Executive Director, NGO Gender Group, Myanmar.
within the state apparatus. While also funded by the state, these organizations have maintained a strong affinity with autonomous women’s movements.43

• Komnas Perempuan in Indonesia is an independent national institution for the promotion of women’s human rights. The Commission was established in response to the demands from the women’s movement for the state to take responsibility for VAW subsequent to mass rape and other forms of sexual attacks against Chinese women during the May 1998 riots.

• KWDI is another ‘para-statal’ institution established in Korea as a think-tank for gender equality policy. The incumbent government appoints the President and the staff is made up of government employees, but its research agenda are shaped in consultation with women’s groups. It has contributed much to gender mainstreaming in the government through extensive researches on gender impact analysis, gender budgeting, gender statistics and other concerns raised by women’s groups. Like other government-funded institutes, KWDI is under the government’s constant supervision in terms of its efficacy, legitimacy, performance and other concerns. While its budget is well secured to a certain degree, the institution struggles to increase it each year. KWDI has to translate its feminist research agenda into mainstream initiatives that make sense to the government and the public, in order to secure funding from the government.44

As ‘para-statal’ institutions caught between political forces beyond their control, such women’s institutions have to walk the tightrope of working with government and engaging in ‘state-speak’ to secure funding and resources essential to sustain the discursive spaces necessary to advance a feminist agenda. At the same time, it must sustain constituents in women’s movements in order to defend the institution amidst threats of closure from political forces in power that do not find value in their existence.45

RECOMMENDATIONS: ENABLING ENVIRONMENTS AND PATHWAYS FOR FUTURE AGENDA

In the course of the two-day discussions, participants identified critical issues for an enabling environment and possible pathways for future agenda. Summarized below are some of the key recommendations related to women’s movements and the mandate of the Working Group:

1. Continue to convene collective stocktaking within the women’s movements

Undoubtedly, autonomous women’s movements are key drivers for social change. They are forms of women's mobilization independent not only from the state, but also from other vested interests and “characterized by independent actions, where women organize on the basis of self-activity, set their own goals and decide their own forms of organization and struggle.”46 Yet women’s movements have to continually engage in a process of self-scrutiny to assess its own strengths and weaknesses and consolidate lessons learned from past successes, and failures. Fragmentation even among women in the context of highly polarized political arenas has to be addressed as well. Mobilizations around collective rights vis-à-vis the issues of identity politics have caused division among women based on ethnicities and heightened other differences among women themselves, leading to women ‘unfriending’ one another. At the moment, women lack of capacity to consolidate themselves – another reason to come together and talk. Participants expressed interest to make the consultation convened by KWDI and the Working Group more regular and endorsed to making such consultations integral to the methods of work of the Working Group. There is enthusiasm to replicate this in other fora at national, regional or global settings.

43 Comment, Kamala Chandrakirana, Chair, UN Working Group on discrimination against women in law and practice, Indonesia.
44 Comment, Sooyeon Lee, Senior Research Fellow, KWDI, South Korea
45 Ibid.
2. **Develop a methodology and process for documenting good practices**

Much has been learned in the past three decades of advancing women’s human rights. Various UN agencies have embarked on projects of documenting ‘good’ practice: “The Working Group will use the term of good – or promising practices – rather than best practices to take into account the complex contextual framework of practices located in the wide spectrum of bad to good practices.”

Although UN-led, women’s movements could benefit from this initiative as useful tool for strategic reflection and action. It would be worthwhile to develop a methodology and process of identifying, selecting and documenting good practices in ways that would be relevant to women’s movements. Instead of a static collection and compilation of case studies, the initiative could evolve into collective undertakings involving women’s groups and other stakeholders that directly contribute to shaping the documentation and invest in developing follow through initiatives to optimize the utility of such good practices beyond its archival value.

3. **Review the architecture of the human rights system as a monitoring mechanism**

Since the success of the global campaign on “women’s rights are human rights” recognized in the Vienna Declaration of the World Conference on Human Rights in 1993, women’s movements have concentrated much efforts into probing the traditional human rights system. In the process, many new instruments and mechanisms have been created to enforce women’s human rights not only within states, but internationally and in regional formations. While there have been advances, there are also limits to this approach.

There are contradictions and challenges in the existing human rights institutions that need to be addressed. For example, the efficacy and pertinence of national human rights institutions are being tested under recent trends towards federalism and de-centralization. At the regional level, newly created bodies such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) that continue to tow the states’ line of non-intervention have yet to prove its relevance to civil society and women’s movements in the region.

Conservatism and stubborn insistence on ‘cultural relativism’ to justify discrimination against women is finding support beyond member-states, among societies now steeped in fundamentalist indoctrinations.

The engagement of the women’s movements with law reform has also reached saturation point and the impasse in implementation cautions against going further down this beaten track. It then becomes urgent to attempt a comprehensive review of the whole architecture of human rights as the current, viable mechanism to monitor the enforcement of women’s human rights. Women’s movements have to look into the overall effectiveness of this system – in what ways it has actually sidelined or integrated women’s rights, and the strategic value of continuing to engage with it given the persistent problems and limits of the system.

4. **Strengthen women’s funds as an intermediary to funding women’s initiatives**

The mushrooming of women’s funds has become a lifeline for many women’s organizations. Funded by a pool of individual philanthropists, family foundations and other bi-lateral and multilateral agencies, they navigate on behalf of their grantees the increasingly technical and cumbersome funding applications. While the grants are small, they are substantial in the context of their grantees’ annual budget of USD 25,000. They are accountable to women’s movements and have introduced more accessible granting mechanisms. The grants have been useful in funding innovative start-up ideas that need to be explored or as essential ‘bridge’ funds in between organizational transitions. Furthermore, women’s funds are often able to release small and rapid grants particularly in response to urgent situations.

The women’s movements are facing the increasing challenge of mobilizing resources, financial and otherwise, to maintain their programs and impact. In particular, according to AWID’s study on resource mobilization for women’s organizing, they have been in a situation of “survival and resistance” since 2005 and this has not

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changed significantly over the years. Bigger bi-lateral and multilateral agencies should channel more funding and other resources into women’s funds to strengthen autonomous women’s movements.

5. **Promote ethical systems on development cooperation to encompass new donors**

Measures have been put in place to systematize the effectiveness of overseas development aid (ODA) such as the Paris Declaration and Accra Agenda for Action. Accountability systems based on principles of good governance, human rights, and democracy have been in practice among members of the donors’ community. However, there have been lapses in ethical practices as not all donors share a collective framework of upholding human rights and good governance. With the entry of new donor countries such as China, India, and Saudi Arabia, there is a need to reinforce strong standards of universal human rights and ethics in ODA.

The flocking of donors to Myanmar presents an important opportunity to explore other viable ways to disburse ODA that take into consideration lessons learned and insights from feminist research. For instance, the KWDI ODA research project includes a recommendation for the creation of a women’s development fund. It is also a chance for donors and women’s movements to engage in dialogue and develop alternative relations that apply lessons learned from previous failed or problematic relationships. For example, women’s groups have criticized the practice of re-granting to funding intermediaries that then poise themselves as partners of the grantees and claim their results. Such bad practices have to change as ODA funding continues to be vital to carry out bigger projects for social transformation and gender equality.

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