

About Progress

Progress of the World's Women offers a comprehensive global review of women's rights around the world. It uses the issue of women's access to justice to highlight the many ways in which injustice against women is still rife, right across the globe – in the home, in the workplace, in politics and in justice systems.

The report contains case studies, statistics and graphics illustrating both positive examples of progress in women's access to justice, and areas where more action is urgently needed.

Laws matter: the right laws can change society and help achieve women's rights

Laws shape society by providing accountability, by changing attitudes and creating new norms about what is acceptable and what is not. There has been very significant progress on legal reform in all regions, on women's rights in the workplace, in the family, and on property and inheritance rights. However, further progress is needed.

Women legislators

Nepal's 2007 Interim Constitution ruled that women must be at least 33 percent of candidates in parliamentary elections. As a result, it is currently the only country in the region that has reached the 30 percent critical mass mark for women in parliament.

Women parliamentarians have played a key role in passing new laws on domestic violence and improving poor women's access to reproductive health care.

Implementing inheritance laws

In Nepal, a tax exemption has been introduced to incentivise families to share property with their wives, daughters and sisters. As a result, between 2001 and 2009, women's land ownership has increased threefold.

Women in the workplace

There are 50 million home-based workers in South Asia, of whom 4 out of 5 are women. More than 80 percent of women in the region are also employed in vulnerable jobs, work that typically lacks the protection of labour laws.

Limits on women's participation in the workforce across the Asia-Pacific region cost the economy an estimated US\$89 billion every year.

Women domestic workers

Women make up the overwhelming majority of domestic workers, jobs that often lack basic employment rights.

Women account for nearly two thirds of Sri Lanka's one million international migrants, many of whom are employed in the Gulf States as domestic workers. Together, these women contribute \$1.7 billion annually in remittances to the economy of Sri Lanka.

A review of 14 countries in the Asia-Pacific region found that domestic workers are entitled to health care in only three countries and are entitled to unemployment insurance in none of the countries reviewed.

The private sphere must not be 'outside justice'

Women's rights are typically least protected in the private and domestic sphere – traditionally seen as 'outside of justice' – where women often have little say on decisions about their sexuality, on marriage and reproductive health. The domestic sphere is also where the majority of violence against women occurs, holding back women's empowerment in all regions.

High levels of domestic violence

Based on prevalence surveys in some countries in the region, nearly half of women have experienced physical and sexual violence at the hands of an intimate partner.

Acceptance of violence against women

According to surveys in seven countries in the region, on average a third of respondents say that it is sometimes acceptable for a man to beat his wife, including over half of respondents in Malaysia and nearly two thirds in Thailand.

New laws to combat violence

There are 19 countries and territories in the Asia-Pacific region that have passed laws to prohibit domestic violence.

However, only eight countries and territories throughout the Asia-Pacific region explicitly criminalize marital rape, leaving millions of women exposed to abuse at the hands of their partners.

Global data show that where laws are in place against domestic violence, prevalence of domestic violence is lower and fewer people think it is acceptable. A survey in Cambodia, where a new law was passed in 2005, found that whereas in

2005 64 percent of respondents knew a man who physically abused his wife, by 2009 this figure had dropped to 53 percent.

Implementation of laws and the infrastructure of justice

Laws mean nothing if they are not implemented. Weak justice infrastructure presents major practical barriers to achieving justice for women in the Asia-Pacific region. These practical barriers are often worse for women, who may lack knowledge of their rights, face social stigma, or struggle to meet court costs. However, many governments have taken positive steps to improve access for women, Progress shows.

Social barriers

Surveys found that in five countries in the Asia-Pacific region, a third or more women had no say in vital everyday decisions in their own home, such as their own health care, household purchases, or visits to family.

A study in Timor-Leste found that 58 percent of people disapproved of women speaking on their own behalf in local disputes.

Discrimination in the legal system

A study in two South Asian countries found that between 74 and 94 percent of police said that a husband is allowed to rape his wife.

Research by the United Nations Assistance Mission in Afghanistan found that in almost every case investigated, rape victims had themselves been charged with adultery.

Money

Unaffordable costs can lock women out of the justice system. Fees for forensic examinations, often essential for proof in rape cases, cost between US\$5 and \$14 in Cambodia, about two weeks' average income in rural areas.

Distant courts

In Indonesia, a survey found that only 38 percent of people felt courts were within an accessible distance from their homes.

Women's under-representation in the justice system

A quarter of judges and around a fifth of prosecution staff in East Asia and the Pacific are women. But South Asia lags behind, with women making up just 9 percent of judges and 4 percent of prosecution staff.

Globally, data from 39 countries show that where women are present in the police, reporting of sexual assault increases. But on average women are just 3

Percent of police in South Asia, and 9 percent of police in East Asia and the Pacific.

Making the justice system work for women

In India, the 2005 Protection of Women from Domestic Violence Act has led to the creation of a new corps of protection officers, who can file domestic incident reports and help victims to access courts and support services.

Women's representation in religious legal systems

Some justice systems based on religious or ethnic identity do not permit women as adjudicators or judges. Malaysia has had women judges in its civil courts for many years, but in 2010 women were finally permitted to sit as judges in the Syariah courts (state courts which deal with aspects of Islamic law).

Raising awareness of women's rights

The Bangladesh Rural Advancement Committee (BRAC) runs the largest NGO-led human rights and legal education programme in the world, and has reached 3.5 million women.

Legal aid for women

The Fiji Women's Crisis Centre provides free and confidential crisis counselling and legal advice, as well as referrals to courts, police stations, health care and other services. It also provides training for men leaders to challenge cultural and religious justifications of violence against women.

In Pakistan, the NGO Shirkat Gah has trained paralegals to help women to navigate justice systems and to influence law reform.

Increasing access to religious courts

In Indonesia, the Government is investing in religious courts, which handle 98 percent of divorces in the country. By increasing the number of circuit courts that can reach remote rural areas and waiving court fees, more women can legally register their marriage or divorce, which is essential for accessing public services.

Reforming non-state justice systems

In Bangladesh, the Shalish is a community-based justice system, in which panels of influential local figures help to resolve family matters. NGOs such as the Maduripur Legal Aid Association and Nagorik Uddyog are working with the Shalish to provide training on gender equality and record keeping to improve accountability and outcomes for women.

Landmark cases: how Asia-Pacific women are changing laws

Progress highlights key legal cases in the Asia-Pacific region which have changed legislation and attitudes.

Outlawing marital rape: Forum for Women, Law and Development (FWLD), Nepal

Case

Until 2002, when the NGO FWLD brought a case to the Supreme Court, married women in Nepal raped by their husbands had no recourse to justice.

Outcome

This case invalidated the provision of the Nepalese criminal code that exempted husbands from being charged with the rape of their wives. In rejecting the Government's argument that outlawing marital rape would offend Hindu beliefs, the ruling also ended the conflict between the country's Muluki Ain civil code, based on Hindu religious principles, and the 1990 Constitution, which pledges to end all forms of gender discrimination.

Cases such as this reflect sweeping changes to the assumption that a wife implicitly consents to all sexual activity. To date, at least 52 States have explicitly outlawed marital rape in their criminal codes.

The government must protect women against sexual harassment in the workplace: Bhanwari Devi, India

Case

After being gang-raped while doing her job as a social worker, Devi not only initiated criminal proceedings, but also sought a broader remedy for other working women. Women's organisations supported her case in the Supreme Court against the State of Rajasthan.

Outcome

In 1997 Devi won watershed recognition of the Government's obligation to provide legal protection from sexual harassment in the workplace, after the Court recognized the right to gender equality and to a safe working environment, free from sexual harassment or abuse, based on the Constitution and India's international obligations under CEDAW.

The Court used the case to produce the first comprehensive civil law guidelines on the rights of working women against violence and harassment in both public and private employment. This prompted the Government to introduce a long-awaited bill prohibiting sexual harassment in the workplace in 2007. The case has also influenced a similar case in Bangladesh and legislation in Pakistan, so that today, almost 500 million women of working age in these three countries alone have the legal protection they need to carry out their work free from harassment and abuse.

Highlighting discrimination within the legal system: Rape survivor in the Philippines

Case

A rape survivor in the Philippines alleged that myths and misconceptions about rape had influenced the judge in her case, leading to the acquittal of the alleged rapist. The complainant identified seven 'rape myths', including the idea that, because she knew her attacker, consent was implied.

Outcome

The CEDAW Committee found that the woman had been re-victimized through her treatment by the court, and recommended that the Government award compensation and put in place appropriate training for justice professionals.