

POWER, VOICE and RIGHTS

A Turning Point for Gender Equality in Asia and the Pacific

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“Complex brew” of Laws and Attitudes discriminate against women in the Pacific

Many countries have no laws to protect women from domestic violence

NEW DELHI, 8th March 2010 –Women in the region face violence in the home and outside yet over 60 per cent of the countries in the Pacific are without domestic violence laws, says the United Nations Development Programme.

Deep rooted gender inequality holds back the region’s achievement of the 2015 Millennium Development Goals. The Pacific sub-region particularly falls short in critical areas such as land inheritance, laws on domestic violence and women’s parliamentary representation.

“Across Asia and the Pacific, gender inequality remains persistent,” said Ajay Chhibber, United Nations Assistant Secretary-General and Director of UNDP’s Regional Bureau for Asia and the Pacific, at the launch of the UNDP-sponsored Report *Power, Voice and Rights: A Turning Point for Gender Equality in Asia and the Pacific* here today. “Discrimination and inequality need to be understood not just in terms of what is written on paper, but what is actually happening in people’s lives.”

Complex brew of laws discriminate against women

Discriminatory laws are often justified on the grounds of gender differences; a number of Pacific countries ban women from night work and industries such as mining. In Samoa and Papua New Guinea, women are prohibited from undertaking manual work.

In Vanuatu, some churches and traditional chiefs challenged the Family Protection Act 2008, designed to protect women from domestic violence, saying the law contradicted Vanuatu customs and Christian and Melanesian values in the preamble of the Constitution. However, the Supreme Court eventually ruled in November 2008 that the new law is constitutionally consistent.

Some members of Parliament of the Marshall Islands, meanwhile, challenged women’s customary power in decision-making over land generally inherited through their mothers. They attempted to change the law to restrict the head of a lineage group responsible for overall land productivity to only male elders, but were eventually defeated by a women-led media campaign.

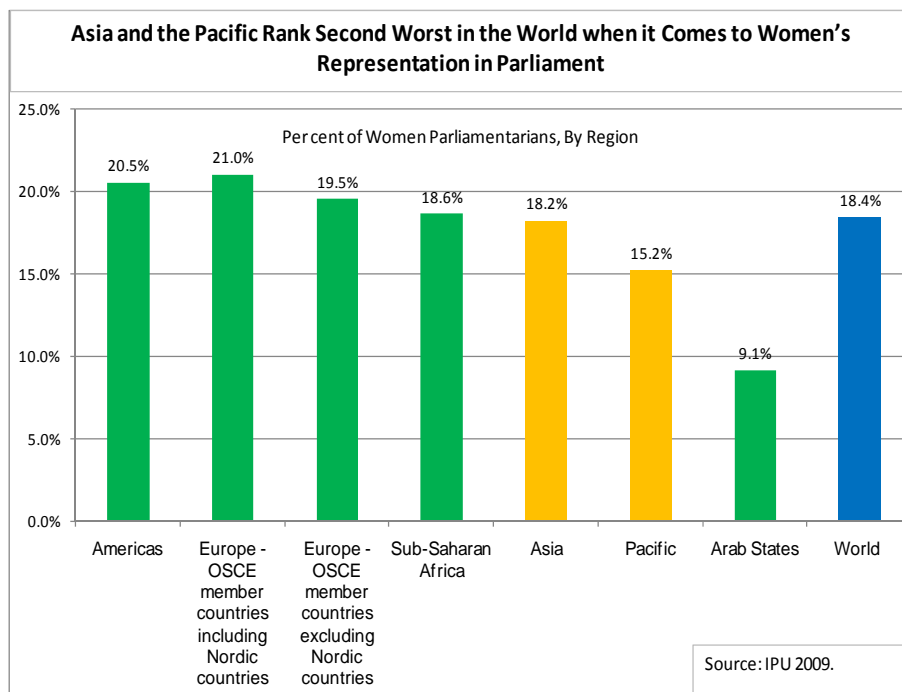
”Courts in the Pacific struggle to manage a complex brew of customary laws and practices, constitutional provisions, longstanding notions of women’s subordinate status and emerging expectations around women’s rights to equality,” said the Report.

In addition, while a number of countries in the Pacific have set up women’s ministries and departments to implement the CEDAW (Convention on the Elimination of All forms of Discrimination against Women), most “have stopped short of passing the requisite legislation to comply with it,” the Report noted.

Two in three countries constrain women’s inheritance

Overall, inheritance and family law practices are diverse and complex: About two in three Pacific countries have customary and formal laws on inheritance of land that discriminate against women. Likewise, post-divorce maintenance is often based on how much a woman earns and contributes to the family’s income, ignoring women’s long hours of unpaid work. In late 2008 a court in Fiji, drawing on a groundbreaking new law, finally took into account domestic contributions and awarded a wife of 37 years half the family assets.

Pacific countries also face conflicts between customary practices and calls for women’s equal political participation, in which the sub-region ranks lower than sub-Saharan Africa, the Report notes. In several countries, women do not have equal access to customary titles, chiefly or noble systems, all entry points for eligibility for political representation.



Four of six countries in the world that still have no women members of parliament are in the Pacific – Federated States of Micronesia, Nauru, Solomon Islands and Tuvalu. In Papua New Guinea, women account for less than 1 per cent of parliamentary members. By contrast, the French Territories stand out because they are subject to the French Law on Parity 2000, which requires all political

parties to include women as 50 per cent of their candidates. New Caledonia thus has a legislature that is 44.4 per cent female, while French Polynesia has reached 42.1 per cent.

More than 60 per cent of countries without domestic violence laws

Laws to prevent domestic violence are also a serious concern and are missing in more than 60 per cent of Pacific countries, even as reports of violence against women are increasing, the Report finds. Few countries ban marital rape. In some cases, draft rape laws have become embroiled in arguments about concepts perceived as too “Western” and counter to Pacific culture.

“Gender equality does not mean sameness, but it encompasses respect for diversity and freedoms,” said Anuradha Rajivan, who led the multinational team that prepared the UNDP-sponsored Report. “Inequality remains a barrier to justice and social stability, but it also deprives the region of a significant source of human potential”.

For more information and to access the 2010 Asia-Pacific Human Development Report and the complete press kit please visit: <http://www2.undprcc.lk/ext/pvr/>

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