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Statement submitted by Asia Pacific Forum on Women, Law and Development, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

The Asia Pacific Forum on Women, Law and Development, representing 200 members from 25 countries in the region, submits this statement to the Commission on the Status of Women. Our statement draws attention to two key issues we believe should be central to the 61st session's outcomes: (1) The importance of strengthening women's collective power in the workplace as a means to advance women's economic empowerment and human rights (2) The need to challenge the underlying economic assumptions that depend on the exploitation of women's paid and unpaid labour.

In Asia Pacific, export-led economies depend on the exploitation of women workers as a comparative advantage, often driving investment marketing. The attraction of low paid, less unionized, more "flexible" (or desperate), workers has driven large profits in the global supply chain. The capacity to pay women lowly rests on the historical assumption that women are dependents rather than breadwinners. Relatedly, capitalism rests on the assumption that work to sustain households and communities will be provided by unpaid women.

Unions reduce inequalities

Asia has some of the lowest rates of trade union density in the world. Where unions, exist they are rarely organized in sectors dominated by women or in the informal sector. In 2015, the International Monetary Fund (IMF) released research which found that trade unions play a critical role in decreasing inequalities, strengthening democracy and reducing poverty. The research found that reduced trade union density allowed wealth concentration to deepen and allowed the rich to manipulate economic and political systems in their favour. Other research reveals that the gender pay gap is much lower in unionized workplaces than un-unionized work places. Increasing union density could be the most significant intervention in achieving at least four of the Sustainable Development Goals — 1, 5, 8 and 10.

Asia Pacific is the only region with a deteriorating gender pay gap. South Asia has the highest gender pay gap in the world. The region has seen a shift in the forms of work women participate in, but remains dependent on invisible work carried out mostly by women. Women remain more affected by debt bondage, forced labour, trafficking, and are less able to access financial services, many of which proportionately cost women more than men. These factors all limit the abilities of women to achieve economic empowerment in the 21st century.

Supporting women's economic empowerment requires a development framework that aims to ensure that workers, families and communities can live in dignity. It must incorporate a target that realistically values labour and sets targets to improve living and working conditions. This target should focus on a living wage, i.e. a wage that can support a family to live in dignity, and abolish exploitative minimum wages.

Exploitative economies

The global commitment to neo-liberal capitalism has increased demand for low-cost, mostly female labour from Asia. This has seen the entry of many women

into the formal workforce, a double-edged phenomenon. While the rising availability of manufacturing jobs in many developing countries has given rural, marginalized and impoverished women opportunities to earn a living and not depend on traditional family structures, most of these jobs are in hazardous conditions, restrict women's capacity to organize or participate in trade unions, and are dependent on low wages and low cost environments to attract investment.

Most countries and employers do not provide childcare support. Where maternity leave provisions exist they often find ways to avoid them through contractual labour. Few countries have sexual harassment laws much less enforcement. Domestic and care work is either a second shift for working women, or is delegated to domestic and care workers, who are in increasing demand in Asia's cities. Such workers are often denied many basic labour rights, such as a weekly day of rest, freedom of movement, and the right to organize.

Bonded labour, a form of forced labour traditionally found in the agricultural sector, affects millions of women in domestic service, brick making factories, rice mills, mining and quarrying.

Migrant workers — exporting exploitation

A large number of domestic workers are rural to urban migrants within the same country, and also migrants to other countries both within Asia and in developing nations. Migrant domestic workers are distanced from feminist, labour and migrant rights movements. Many countries have laws that prevent migrant workers from escaping from abusive employers, unionizing, changing employers and from accessing justice. Employers often withhold migrant domestic workers' official documents, including their passports, and leave them vulnerable to arrest and deportation if workers try to leave their employment.

Corporate accountability

Corporations' architecture and their ability to capture democratic space has enabled transnational corporations to escape responsibility for systemic human rights violations, including of women. Transnational corporations' capacity to threaten States with lawsuits using the Investor State Dispute Settlement mechanism within trade treaties, when such laws and policies as wage setting, affirmative action or public health and public service policies are enacted, undermines rule of law and creates a barrier to Decent Work and human rights of women.

Finance and debt

The provision of micro-finance has been promoted as an economic empowerment strategy for women in the global south. However, evidence suggests that increasing access to debt has failed to address either poverty or inequalities and has, in many cases, deepened exploitation and poverty. Many of these loans come with interest rates as high as 30 per cent, indebting women quickly.

For female migrant workers, the cost of migration is more often covered by loans from informal sources such as recruitment agencies and loan sharks, since women more often lack the collateral required by the formal banking system. With most agricultural land in Asia owned by men, male migrant workers have more

options for meeting the costs of migrating. Remittance costs affect female migrant workers more greatly. Female migrants earn less while continuing to send small sums of money with higher frequency than male migrants, meaning more is lost on transaction fees. Transaction fees can be as high as 20 per cent for some routes, with the average being 8 per cent. (The Sustainable Development Goal target is 3 per cent.) The second to seventh most popular routes for sending remittances, accounting for nearly 78 per cent of all officially recorded remittances, are all to Asia.

Threats to existing forms of livelihood for women

A growing number of Asian governments have been signing off on free trade agreements, large-scale development projects, and industrial zones. As a result, rural and coastal areas home to smallholder farmers are seeing displacement of entire communities either with no warning, with little compensation, or with promises of providing factory work to replace the livelihoods that are lost. This is damaging for women smallholder farmers, who make up 43% of the agricultural labour force in developing countries. It also does not bode well for climate affected areas that would be best protected with the continuation of smallholder farming instead of the introduction of industrial farming, dams, mines, and ports.

Just and equitable transition in the face of climate change

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Recommendations:

- The four components of Decent Work should form the basis of negotiations for the Commission on the Status of Women. All States must adopt an expanded definition of work that recognizes domestic and care work as essential to the economy, and ensure existing labour laws and protections are applicable to these forms of work.
- Indicators for the redistribution of unpaid care work should focus on state investments in care economies.
- Trade union density should be considered a Sustainable Development Goal indicator to assess progress towards reducing inequalities, alleviating poverty, gender equality as well as decent work and democratic rights.
- The rights of migrant workers to the four Decent Work obligations should be addressed by member States through the Commission on the Status of Women.
- The Commission on the Status of Women should recognize living wages for all as a central element of the right to just and favourable conditions of work.