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Ending Violence Against Women in Asia

*International Norm Diffusion and Global Opportunity
Structures for Policy Change*

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Understanding Gender-Egalitarian Policy Change in Asia

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Acronyms

ACSVAW	Association Concerning Sexual Violence Against Women
ADB	Asian Development Bank
APEC	Asia-Pacific Economic Cooperation
APWLD	Asia Pacific Women and Law and Development
ASEAN	Association of South-East Asian Nations
ASTRA	Central and Eastern European Women's Network for Sexual and Reproductive Health and Rights
AWID	Association for Women's Rights in Development
CDR	Centre for Dialogue and Reconciliation
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CR	Conciliation Resources
DEVAW	1993 UN General Assembly Declaration on VAW
GAD	Gender and Development
GCI	Gender Concerns International
GGGI	Global Gender Gap Index
GII	Gender Inequality Index
HRLN	Human Rights Law Network
ILO	International Labour Organization
IWRAW	International Women's Rights Action Watch
LBT	Lesbian, Bisexual and Transgender
LGBT	Lesbian, Gay, Bisexual and Transgender
LoC	Line of Control
NAP	National Action Plan
NGO	Non-governmental organization
OECD	Organisation for Economic Co-operation and Development
PFA	Platform for Action
PSVI	Preventing Sexual Violence in Conflict Initiative
PSWG	Pre-sessional working groups
SAARC	South Asian Association for Regional Cooperation
SARC	South Asian Regional Community
SGBV	Sexual and gender-based violence
SIGI	Social Institutions and Gender Index
SRVAW	UN Special Rapporteur on Violence against Women
UCPD	Uppsala Conflict Data Program
UN	United Nations
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Council for Asia and the Pacific
USD	United States dollar
VAW	Violence Against Women
VAWG	Violence against women and girls
WCEO	Hong Kong Women's Coalition on Equal Opportunities
WEF	World Economic Forum
WHO	World Health Organization
WILPF	Women's International League for Peace and Freedom
WINGO	Women's international NGO
WISCOMP	Women in Security, Conflict Management and Peace
WLD	Women, Law and Development
WPS	Women, Peace and Security

Summary

Violence against women (VAW) is not recognized as a major societal problem within and across Asia, as evidenced by the extremely low conviction rates for sexual and gender-based violence (SGBV), the slow or non-adoption of anti-VAW laws in Asian countries, and the lack of a regional anti-VAW Convention despite the high reporting of various forms of VAW in recent UN and World Health Organization (WHO) surveys. The systematic nature of sexual and gender-based violence against women is either denied or considered so normal that its prevention or elimination is viewed as too challenging. This paper examines the transnational political and economic opportunity structures that both enable and constrain state responses to VAW in Asia, highlighting India, China and Indonesia, the three largest states in the region, which also represent diverse political, economic and cultural norms.

The global opportunity structures include:

- i. the significant international body of legal norms on VAW, importantly the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- ii. the pressure placed on governments by the global media and international organizations as manifest through global rankings and reporting on VAW;
- iii. the regional context of protracted conflict and political violence and increasing awareness that gendered dynamics are highly salient in these conflicts through the international Women, Peace and Security agenda; and
- iv. the advocacy repertoire and learning across transnational feminist networks and other non-state actors.

Women's movements in Asia are making use of these opportunity structures, and the paper reflects on how they are strategically harnessing them. It argues that women's organizations in Asia could further build on these four opportunity structures to progress policy and societal changes.

For example, the business case argument shows VAW to be a significant constraint on women's participation in economic development and global markets with consequences for a country's overall prosperity. This political economy rationale has hardly been advanced by women's organizations in Asian countries despite the available evidence on the costs to society, governments and businesses of gendered violence and discrimination. Governments are highly receptive to global gender rankings because they reveal the impact of gender inequalities and injustices on their countries' development and competitiveness. International benchmarking, including against rival states in the same region, offers the potential for shaming of governments and for local civil society groups to use the rankings to ignite public debates on poor state gender equality records that include the violent treatment of women and girls. Women's rights advocates in the region could employ these rankings to highlight government performance on gender issues and prompt greater state responsibility and action. Equally, women's movements could draw attention to how VAW is exacerbated by the broader regional context of protracted conflict, militarism and presence of armed groups contributing to the normalization of violence. The slow progress in state action on VAW in Asia is in no small part due to the lack of a regional initiatives or policy frameworks for discussing and addressing the problem of VAW as well as lesser international attention paid to conflict-related SGBV in Asia relative to other regions.

In sum, the carrot—via regional learning about how to address gender discrimination and cultures of impunity—and the stick—international shaming via global and social media for state denial or inaction on VAW—are powerful mechanisms for bringing about social change and more effective local implementation of non-VAW laws and policies.

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Keywords: Violence against women (VAW), norm diffusion, transnational advocacy networks, women's human rights, Asia-Pacific region

Introduction: The Problem of VAW in Asia

Violence against women (VAW) is not widely recognized as a major societal problem within and across Asia. This is evident in a number of ways. There are few official reports of VAW to state agencies. However, these reports barely scratch the surface of actual violence as indicated by recent surveys by the United Nations and World Health Organization (WHO) that show high levels of self-reported intimate partner violence, sexual violence including non-partner rape and gang rape overwhelmingly by men against women (see Fulu et al., 2013). At the same time, the extremely low conviction rates for sexual and gender-based violence demonstrate minimal state response to VAW. The reluctance of Asian states to acknowledge and remedy VAW and the culture of impunity that perpetuates it, is demonstrated by their slow or non-adoption of specialized laws to combat VAW. Moreover, the lack of a convention in Asia to eliminate VAW as adopted in other global regions illustrates a regional pattern, which is reinforced by peers.

Due to the historical impunity for acts of VAW, we are only beginning to understand their scale and forms in Asia. The limited public awareness of VAW results from the significant under or non-reporting of this violence to authorities, due to the societal stigmatization associated with being a victim. Pervasive gender, ethnic, class, caste and other oppression attach the shame of sexual and domestic violence with the (female) victim or survivor and not the (male) perpetrator. Victims might not report experiences of violence to avoid dishonouring themselves and their family. Moreover, VAW is frequently seen as normal or as a male entitlement so its prevention or elimination is considered to be impossible (Fulu et al., 2013: 3).

A systematic review of scientific data collected by WHO and international VAW prevalence surveys, ever-partnered women in southeast Asia were found to have the highest lifetime prevalence of physical violence (37.7 per cent) (WHO et al. 2013: 17), the second highest rate of physical and sexual violence in the world after Africa (WHO et al., 2013: 20; also Solotaroff and Pande, 2014). Similarly, in the *2010 Global Burden of Disease* study, southeast Asia had the second highest intimate partner violence prevalence rate at 41.73 per cent, after central sub-Saharan Africa (WHO et al., 2013: 47). The *United Nations Multi-country Study on Men and Violence in Asia and the Pacific* (Fulu et al., 2013; referred to in this paper as UN study) further supports the pervasiveness of VAW in the Asian region, though the prevalence rate varies within and across Asian countries. This survey of men and women in nine rural and urban sites in six countries found a high rate—26 to 80 per cent across sites—of physical and sexual violence perpetrated by men on their intimate partners; women's experience of partner victimization was 25 to 68 per cent: which meant an average prevalence rate of 30–57 per cent (Fulu et al., 2013: 27). Among women respondents, between 10 and 59 per cent reported rape by a non-partner (Fulu et al., 2013: 39). According to the UN study, the majority of men perpetrating rape—between 72 and 97 per cent across the nine sites—did not face any legal consequences (Fulu et al., 2013: 3).

Many governments in Asia deny the systemic nature of VAW.¹ They have no baseline of domestic violence reports or annual documentation of situations of sexual and gender-based violence (SGBV) in conflict or emergency situations. This lack of attention to assessing the VAW situation enables and perpetuates a culture of impunity for this violence. In Asia, as in other regions, VAW disproportionately affects minority women and girls, whose subordinate gender status within and across groups often

¹ See CEDAW Concluding Observations on India at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIND%2fCO%2f4-5&Lang=en (accessed 26 January 2016).

deliberately targets their bodies as markers of ethnic, religious and/or political affiliation (Yuval-Davis, 1997; Kuokkanen, 2008).

This paper explores how the global context of norm diffusion and advocacy networking is prompting greater recognition of—and action on—VAW. It shows how women’s movements in Asia have strategically harnessed some available opportunity structures to advance anti-VAW norms and the implications for social and policy change. The first section of the paper examines the significant body of international legal norms on VAW, such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the importance of women’s organizations in leveraging CEDAW at local and national levels in Asia. The second section discusses the pressure placed on governments by international organizations as manifest through reporting on VAW and global rankings on gender equality. However, this political economy rationale has hardly been advanced by women’s organizations in Asian countries despite the available evidence on the costs to society, government and business of gendered violence and discrimination. The third section looks at the regional context of protracted conflict and political violence and the increasing awareness raised by women’s rights organizations that gendered dynamics are highly salient in these conflicts. The fourth and last section analyses the advocacy repertoire and learning across women’s rights networks, and the role of global news and social media in bringing VAW to the forefront of change agendas in the region. Throughout the paper the three largest Asian states, China, India and Indonesia, which also reflect the diversity of political, economic and cultural norms in the region, are used to illustrate key points and/or suggest regional patterns and trends.

The influence of the global and regional context

Global and regional structures, processes and actors can have powerful effects on achieving women’s rights to bodily integrity. Regardless of the significance or scale of VAW in any country or region, it is unlikely there would be progress in reducing it without normative pressure from other states, international organizations and global women’s movements. Increasingly, material incentives linking the elimination of VAW with gender equality, economic growth and international competitiveness are also playing a role behind the scenes in promoting state responses to ending VAW. This paper adapts the “opportunity structures” framework to examine how transnational factors support societal and policy change within states to address VAW. Sociologists Doug McAdam, John D. McCarthy and Mayer Y. Zald define opportunity structures as being those “exogenous factors that limit or empower collective actors” such as women’s movements (1996: 27). They consider how political opportunity structures, such as the openness of

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