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“Priorities in follow-up to the ten-year review and
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**Priorities in follow-up to the ten-year review and appraisal of
implementation of the Beijing Declaration and Platform for
Action**

Prepared by
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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

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Since The Fourth World Conference, Beijing 1995, some progress related to the commitments of the BPFA has been made by various governments in the Asia Pacific Region. National machineries have played a more visible role in most countries of the region. Many countries have National Plan of Action, which have been formulated based on BPFA to focus programs on women. BPFA has been a strategic and catalytic document for women's empowerment, human rights, and development in the region.

However, there have been uneven gains from the varying interpretations and inconsistent implementation of BPFA, B+5 Outcome Document, and CEDAW. There have been increases in insecurities, crises caused by neo-liberal globalization, war, militarisms, and extremisms, interplayed with persistent patriarchy. There has been a backlash on women's choices, autonomy, and overall gender equality.

In this context there are many priorities for the women of the Asia Pacific Region, but I take the opportunity to put forward two issues: one a major issue in the region and another one which does not seem to be a major priority for all in the region but is instrumental to ensure most of the human rights of women.

- Women and Armed Conflict
- Women and Citizenship

Women and Armed Conflict

Warfare and in the Asia Pacific Region is increasingly characterized by intra-state conflict, the displacement and targeting of civilian populations, and the destruction of entire communities. There has been increasing militarism, conservatism, fundamentalism and globalization and their impact on conflict escalation and consequent erosion of women's human rights in the region. However, there is a need to recognize broader national and international economic and political interests in conflict.

Gender-based violence, displacement, marginalization and militarization negatively impact on millions of women across the Asia Pacific Region. In the number of countries in the region, women living in the situation of armed conflict are frequently subjected to sexual violence by the armed forces. Systematic organized military violation of human rights against

women's human rights defenders, refugee and indigenous people, occurs in various forms, including rape, sexual slavery, forced prostitution, forced 'marriage,' forced pregnancy and forced sterilization of women by both the state and non-state actors.

Sexual violence is used as a strategy by both the state and non-state actors to silence and shame individual women, families, and communities. There is lack of protection for women who face gender-based violence from state and non-state actors.

Women in conflict situations face physical and economic survival issues. When male family members are killed/detained/abducted, women and children are vulnerable to physical violence from armed forces and rebel groups. Economic hardships, dual burden, absence of women in peace negotiations, especially at national and international levels. In many countries both IDPs and refugees have not been recognized or granted status by the states.

In post-conflict situations:

Struggle for political space and justice – gender justice is not considered a priority

Discrimination, marginalization, structural violence, and culture of violence towards women continue to exist in the post-conflict community despite attempts to rectify the situation.

Usually women lose whatever little gains they have made in during conflict situation in their leadership and capacity building is lost in post conflict situation.

Recommendations:

- International pressure should be continued on all parties in conflict to respect the rule of law, with an emphasis on human rights.
- Violations against the rights and the security of women and children must be stopped immediately. Mechanisms should be put in place to ensure meaningful penalties for violations committed by all state and non-state conflicting parties, according to international standards of justice for the perpetrators of all crimes.
- Providing redress and justice to the survivors of sexual violence in armed conflict is necessary to prevent recurrence. Methods of redress and resolution should be established in consultation with the survivors.

- Serious peace negotiations must take place, with 3rd party mediators where necessary. Women must have a role in all peace negotiations and in the peace building process.
- International community should put pressure on both conflicting parties to implement UN Security Council Resolution 1325, and involve women in the peace negotiations and the post-conflict activities.
- Ending the current armed conflict must be only the beginning of a process of reconciliation that addresses the structural violence of centuries of discrimination.
- Bloating of the military budget should be ended and the crucially-needed funds should be allocated first to mitigate the ravages of war on internally displaced people and victims of violence, and then to balanced development paying special attention to marginalized and disadvantaged groups.
- A series of impact-assessment studies should be conducted to analyze the impact of armed conflict on women and children through the lens of structural violence and human rights violations.
- Diverse languages must be protected and promoted, so that they can be used in their local contexts. Priorities of the country need to be set in consultation with the disadvantaged groups.
- Trauma Counseling Centers need to be established in conflict-affected areas for direct and indirect victims of the armed conflict, especially women and girls who have survived sexual and gender-based violence.
- Income generation programs and education should be targeted to strengthen the economic position of women and children who have survived the armed conflict.
- International community should condemn the recruitment and use of child soldiers, killing and maiming of children, rape and other sexual violence, abduction, forced displacement, attacks against schools and hospitals, trafficking, forced labor, and other violations. International community should put pressure on both conflicting parties to uphold UN Security Council Resolutions 1539.
- Support should be expanded to local NGOs to ensure active civil society functions in rural areas and increase their capacity to protect women and children from human rights violations.
- Whatever little gains are accomplished on women's leadership and capacity building during situation of war or internal armed conflict should be integrated in post conflict reconstruction.

Women and Citizenship

Citizenship is the most basic right of an individual, which is a prerequisite to exercising any other right. Lack of citizenship can prevent people from traveling both inside the country and abroad, getting higher education, buying and selling real estate, voting or running for office, and obtaining government jobs. In some countries, even opening a bank account, and applying for a telephone line or other utilities requires a state-issued ID card available only to the citizens.

However, in many countries in the Asia Pacific Region, citizenship laws discriminate against women, even though most constitutions grant equal rights to men and women. Citizenship, residence, and domicile are only allowed through paternal relationships. Women do not enjoy equal citizenship rights, and in some cases, they cannot even get their own citizenship documents if their fathers, husbands, or brothers are not present to vouch for them.

Children usually acquire citizenship rights through their fathers, and mothers cannot transfer their citizenship to their children. If a woman does not have good relationship with her husband, has deserted her, has multiple wives, has died, or is a foreigner there is no easy way for her children to obtain their citizenship cards, clouding their futures and preventing them from having access to the rights and opportunities of citizenship. In essence, these children become stateless within the borders of their own countries, a sub-class of people who lack basic rights to mobility and opportunity.

In some countries, if a woman marries a foreigner, she has to forgo her citizenship in her country of origin under the assumption that she will acquire the citizenship of her husband. Even if she does not automatically lose her citizenship, she has to leave the country as her husband cannot acquire citizenship, or even residency. No such restrictions are placed on men who marry women from other countries, as they can transfer their nationality to their wives upon marriage and to their children regardless of where they are born.

Earlier especially in the case of Nepal, the right to citizenship was not seen as an important issue for women. Indigenous people's who remained in their ancestral homes for generations did not have a need for official citizenship documents and so did not give them importance. However, with the displacement of indigenous communities, due to armed conflicts,

environmental destructions, and economic realities, the citizenship cards have become more important.

The on-going armed conflict in Nepal has exacerbated the problems of obtaining citizenship for women and for some men a great deal, at the same time that it has made having one's citizenship document much more important than before. Husbands and fathers are dying in the conflict, disappearing, or migrating. At the same time, internal displacement and internal migration in search of jobs and safety meant that people have to display their citizenship cards frequently, both at security checkpoints and in order to rent a house, get a job or acquire passport to go beyond national borders. There have been some cases where young people could not leave the country for higher education in another country because they could not get passports because their fathers refused for their citizenship. Similarly, for the women from the hill tribes in Thailand, their lack of citizenship makes them unable to access opportunities for education, work, and public health care services. They are also restricted in their freedom of movement. Financial hardship or loss of farmland often drive hill tribe women from their villages where their lack of legal status thrusts them into unsafe situations, including higher risks of trafficking.

In this context of determining citizenship only through paternal lineage, men and officials have the power to manipulate women by using their citizenship documents as a control mechanism. Men have tremendous power in this situation; without a father's cooperation, a child's birth registration could be denied, preventing the child even from attending school in the future, since a child cannot join school without a birth registration certificate. With this much to lose, many women stay in a terrible marriage or endure domestic violence, because they have no options. If they leave without documents, where will they go? What will their children face in the future? If they are divorced, many women agree to forgo their husband's property or any other entitlement in exchange for citizenship for herself and her children. Women who marry foreigners and move to their husband's country of citizenship often suffer when leave their husbands due to abusive relationships, as they may not be eligible for citizenship in that country. Additionally, they might not have the option to return to their country of origin as they are unable to transfer their citizenship to their children, and in some cases, might not even lost their own citizenships.

Although the governments in the Asia Pacific Region have been State Party to CEDAW, and all other major conventions and covenants, and have committed to the Beijing Platform for Action, women's equal right to citizenship still does not exist in all the countries. Recently, the women's groups have been putting pressure on their governments to take action. There have been important victories. Unfortunately, situation has worsened in some countries, such as in Nepal. Previous constitutions of Nepal were better than the present document in protecting women's citizenship. The constitution of 2019 (BS) allowed children to gain citizenship through their mother, but the current constitution, written less than fifteen years ago, allows citizenship only through the father. Pressure from international bodies will be important in ensuring that citizenship, the most basic and crucial right, becomes equally accessible to women.

Recommendations:

- Citizenship is the key to many other human rights. International bodies must put sustained pressure on the national governments regarding this specific issue. The governments must not be granted impunity in ignoring its commitment to UN conventions and covenants and the Beijing Platform for Action.
- All relevant policies and laws regarding citizenship, including the constitutions, should be revised to provide equal rights to men and women to enable them to transfer their citizenship to their spouse and children.
- Sensitive public education must continue and increase on the impact of the existing gender discrimination.
- Women must gain legal literacy to become aware of the laws and the rights, as well as the laws' implications. There have been efforts in this direction, but they must be increased.
- Elected representatives, government officials, and public servants need gender training to address their discriminatory beliefs and practices and to sensitize them on citizenship issues.

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