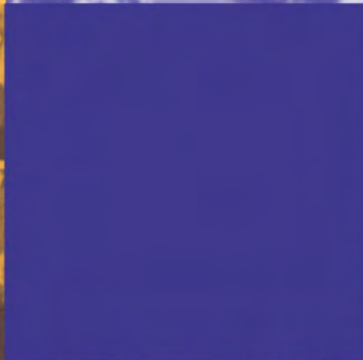




Gender Mainstreaming

Commonwealth Strategies on Politics,
Macroeconomics and Human Rights



Commonwealth Secretariat

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**Commonwealth Strategies on Politics,
Macroeconomics and Human Rights**



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Papers commissioned by the Commonwealth Secretariat for the 5th Meeting of Commonwealth Ministers Responsible for Women's Affairs, Trinidad and Tobago, 25-28 November 1996.

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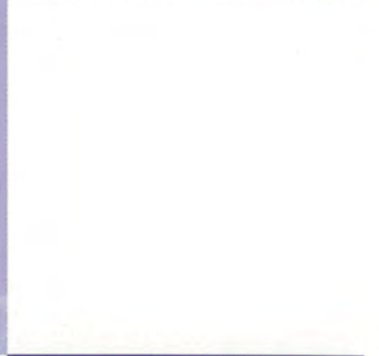
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When Ministers Responsible for Women's Affairs met in Trinidad and Tobago for their Fifth Meeting, the theme of their meeting "Engendering the Agenda" provided the opportunity for reviewing progress which had been made in the implementation of the Commonwealth Plan of Action on Gender and Development since its adoption by Heads of Government in Auckland in November 1995. They discussed further strategies for achieving effective implementation of the Plan of Action and ensuring that gender was integrated into critical economic, social, human rights and political issues. Their decisions would play a crucial role in ensuring that the Commonwealth Vision for Women by the Year 2000 is realised. Their challenge was to be innovative but pragmatic as they explored new avenues which would enable Commonwealth women to enter the twenty-first century as equal partners with men.

It is to their credit that they reached agreement on strategies which were forward-looking and which set realistic goalposts for their governments. They were determined that gender integration into all government policies, procedures and programmes would become the norm rather than the exception on every issue. They demonstrated their commitment to the establishment of Gender Management Systems which would provide a systematic, co-ordinated and cost-effective strategy for achieving gender mainstreaming. They saw women at the centre of the process of promoting the Commonwealth's fundamental political values and advocated that women should play a dynamic and pivotal role in politics at both national and local levels as well as in peace and conflict resolution. They agreed that gender integration into macroeconomic policies was a powerful strategy for promoting women's economic empowerment, addressing poverty alleviation and promoting national economic development. They stood firm in their belief that the rights of women and the girl-child are an integral part of human rights and should be promoted and protected with vigour.

This publication contains papers on gender integration into politics, macroeconomic policies, and women's human rights, commissioned by the Commonwealth Secretariat for the Ministerial Meeting. A booklet on the conclusions and recommendations of the meeting is also available on request.



Part A



Gender Integration into Politics



Strategies for Increasing Women's Participation in Politics

Colleen Lowe-Morna

Introduction

The Facts

*"There are proportionately fewer women in the world's Parliaments than there were ten years ago. To have begun to redress the imbalance but then allow it to slip away is unforgivable."*¹

By now, the bare facts are well known. Although women predominate in community organisations, and are active in political parties at grass roots level, they constitute a minority of political party officials, and of elected representatives at local, provincial and national level.

Nowhere, says the United Nations in a background document to the Fourth World Conference on Women in Beijing, "is the gap between de jure and de facto equality among men and women greater than in the area of decision-making."

Women in Parliament

Despite the trend towards multiparty democracy, the proportion of women in Parliament has actually declined. This is starkly illustrated in the case of Seychelles in which the proportion of women in Parliament dropped from a world record of 48 per cent in the former one party Parliament, to 27.3 per cent following multiparty elections in 1993.

Globally, according to the Inter-Parliamentary Union (IPU), the participation of women in national Parliaments declined from 12.1 per cent in 1985, to 11 per cent in 1995, largely as a result of dwindling numbers of women in the Parliaments of Eastern European countries. There has also been a decline in the representation of women in Asian Parliaments.

The strongest parliamentary representation of women is found in the Nordic countries, where the proportion of women in Parliament is 34 per cent.

Within the Commonwealth, the proportion of women in Parliament stood at 7.2 per cent in 1995 – a figure well below the global average.

The two Commonwealth countries with the highest political representation are Seychelles (27.3 per cent) and South Africa (26.5 per cent). A number of Commonwealth countries have less than ten per cent women amongst their parliamentarians. At least four Commonwealth countries have no women parliamentarians at all.

Variations within the Commonwealth are illustrated in the table at **Table 1** which shows the representation of women in the Parliaments and Cabinets of the eleven Commonwealth countries chosen for the study tabled in draft form at this conference: *Women in Politics: Problems, Experiences and Strategies for Action*.²

No Commonwealth country has yet achieved the 30 per cent threshold of women in Parliament at national level regarded by the United Nations as the "critical mass" for ensuring that women impact on decision-making.

Women in Local Government

Statistics for women in local government in the Commonwealth are patchy, and complicated by the different systems of local government within the 53 member countries.

The report of the Commonwealth Local Government Forum (CLGF) to the conference suggests that the proportion of women in local government is higher than at national level. This concurs with global trends.

The sampling of fifteen Commonwealth countries in the report (see **Table 2**) shows that in three countries – New Zealand (35 per cent), Namibia (30 per cent) and Tanzania (33 per cent) the proportion of women in local government is above the 30 per cent mark.

However, some Commonwealth countries still have an extremely low representation of women in local government – the tier of government closest to the everyday needs of women. The table shows, for example, that women in Zambia constitute only two per cent, and women in Kenya only three per cent, of local government officials.

Women in Cabinet and as Heads of State

According to a United Nations fact sheet prepared for the Beijing Conference, only 24 women have been elected Heads of State or Government this century – half after 1990.

On average, only 5.7 per cent of Cabinet ministers were women in 1994, an increase from 3.3 per cent in 1987. Most women ministers hold portfolios in social affairs.

Within the Commonwealth, there are currently only three women Heads of State – all in Asia: Sheik Hasina Wajed, Prime Minister of Bangladesh; Chandrika Bandaranaike Kumaratunga President of Sri Lanka; and Benazir Bhutto, Prime Minister of Pakistan.

**Table 1 The Eleven Commonwealth Case Studies:
Women in Politics: Problems, Experiences & Strategies for Action**

Country	Year of Election	Women/ Total Upper House	% Women Upper House	Women/ Total Lower House	% Women/ Lower House	Women/ Total Cabinet	% Women in Cabinet
Australia	1996	23/76 Senate	30.7	23/148 House of Reps.	15.5	2/15	13.3
Canada	1996	24/103 Senate	23.3	52/295 House of Commons	17.6	9/34	26.5
Bangladesh	1996			37/330 National Assembly	11.2	2/25	8.0
Dominica	1995	–	–	3/30 House of Assembly	10.0	2/9	22.2
Guyana	1996	–	–	14/72 House of Assembly	19.4	2/18	11.1
India	1994	20/250 Rajya Sabha	8	41/552 Lok Sabha	7.4	1/34	2.9
Malaysia	1995	12/69 Dewan Negara	17.4	13/192 Dewan Rakyat	6.8	2/25	8.0
Papua New Guinea	1994	–	–	–	–	–	–
Seychelles	1993	–	–	9/33 National Assembly	27.3	3/12	25.0
South Africa	1994	6/90 Senate	17.8	100/400 National Assembly	26.5	7/25	28.0
Uganda	1994	–	–	57/277 National Assembly	20.6	6/54	11.1

Table 2 **Women's Representation in Local Government: A selection of Commonwealth countries**

Country	Percentage of Women Councillors in Local Municipalities (or similar), in Various Election Years 1990 – 1995
Botswana	14
Britain	23
Canada	18
Ghana	8
Jamaica	13
Kenya	3
Lesotho	6
Malaysia	10
Mozambique	27
Namibia	26
New Zealand	28
South Africa	19
Swaziland	0
Tanzania	33
Zambia	3

Why Should We Strive for Gender Parity in Politics?

“This is a country which prides itself on democratic institutions. Yet in the most important of these institutions - the nation's Parliaments- men outnumber women seven to one, in the House of Representatives more than ten to one... Australian democracy is the loser...It is less that women have a right to be there than we have a need for them to be there.”³

Without Gender Parity in Politics There is No Democracy

A government by men, for men, cannot claim to be a government for the people, by the people. This is underscored by a resolution taken by the IPU Council in April 1992, on Women in Politics, which stated:

“The concept of democracy will only assume true and dynamic significance when political parties and national legislation are decided upon jointly by men and women with equitable regard for the interests and aptitudes of both halves of the population.”

Women Broaden the Agenda of Politics

Women are best placed to articulate their own needs and concerns. In a paper⁴ presented at a Commonwealth Secretariat/CLGF symposium in Johannesburg in May 1996, Ugandan lawyer Florence Butegeva pointed out that over three quarters of women in Africa are engaged in food production. It follows, she argued, that “policy decisions in agriculture should not be made without the active involvement of women.”

A discussion paper on *Women and Parliaments in Australia and New Zealand*⁵ echoes this view:

“As the number of women in Parliament has increased over the past two decades, there has been a broadening of issues under debate, such as abortion, domestic violence, sexual harassment, rape, single parenthood, women’s health and urban isolation. Further, any structural and legal impediments to the advancement of women have been removed during this period – for example, through the passing of Acts relating to sex discrimination and equal employment opportunity.

“These acts are testimony to significant efforts by women members and are now resulting in increases to workplace flexibility through industrial reform – the introduction of job flexibility, flexitime, career break schemes, workplace childcare, parental leave and so on.”

Women Bring Important Skills and a Different Style to Politics

“Women’s exclusion from power in the public arena,” says the background document to the Beijing conference, “is in sharp contrast to their ability to make crucial decisions relating to the survival of families.”

By excluding women from decision-making, the document argues, countries are depriving themselves of a reservoir of talent and wisdom, as well as a different style of decision-making. American surveys suggest that even a few women in the corridors of power lead to a more participatory, less autocratic style of government.

What is Keeping Women out of Politics ?

“In 1991, a woman voter was killed by her husband because she cast her vote for me.”⁶

Culture and its Gendered Perception of Politics

The 33 case studies of Commonwealth women politicians are a stark reminder that if politics is not everyone’s cup of tea, it is even less so for women than it is for men.

In addition to Syeda Begum Sajeda Chowdhury’s chilling account quoted above, Professor Jahan Ara Begum of Bangladesh describes how a group of men – curious to listen to her, but literally unable to face a woman giving a public address – sat with their backs to her as she spoke.

Josephine Abiajah of Papua New Guinea recounts how male voters used to tear up her campaign pamphlets as an expression of their disgust at the thought of a woman politician.

Speaking at the Local Government Symposium in Johannesburg, Florence Butegwa listed the many expressions in her mother tongue for a woman who has “become a man”, and for men who are pitied for “losing their trousers” to their wives.

Speaking at the Local Government Symposium in Johannesburg, Florence Butegwa listed the many expressions in her mother tongue for a woman who has “become a man”, and for men who are pitied for “losing their trousers” to their wives.

The *Women and Parliaments in Australia and New Zealand discussion paper*⁵ cites a number of reasons given by women in these two countries for not taking up political careers which suggest that negative perceptions of politics among women cut across continents and cultures.

The responses included: “full of legal jargon”; “full of complicated procedures”; “shrouded by a need to sell your soul to a party”; “pretty rough in the bear pit”; “very public”; and “unable to make a difference anyway.”

Practical Constraints

Zambian-based gender consultants Sarah Longwe and Roy Clarke identify a host of practical constraints to women engaging in politics in a reading prepared for a workshop on Zambian women in local government in February 1995.⁷

“The gender division of labour hardly gives women any spare time. Typically a woman is busy from sunrise until long after sunset, with the unremitting and endless labour of looking after children, looking after the house, and growing food for the family. To a large extent the freedom of men to practise politics is built upon the captivity of their wives, sisters, and mothers who stay at home. The work of the woman produces the leisure of the man.”

Socio-economic Context

The Commonwealth profiles of 33 women politicians, though by no means definitive, draws two interesting correlations between women in politics and socio-economic status:

- at least half of the politicians profiled came from politically well-known families and those who did not, tended to come from well-to-do, well-educated families;
- three quarters of those profiled had at least one university degree.

Against this background, the study notes, it is no coincidence that the three women Heads of State in the Commonwealth come from family dynasties. The generally lower level of education among women; their lower socio-economic status; lack of information about their rights; lack of access to the official language of government and lack of access to independent resources all militate against the active involvement of women in politics. It emphasises however, that there is no simple correlation between levels of development in a country and levels of political representation.

Table 1 illustrates that many developing Commonwealth countries have made more progress in achieving a higher level of political representation by women than their developed country counterparts. For example, Seychelles and South Africa have higher proportions of women in Parliament than New Zealand and Australia – where women first got the vote.

In many cases, women in developing countries gained their access into politics through their struggles for independence or liberation. In South Africa, for example, women who entered the struggle against apartheid became aware of the double oppression of race and patriarchy, and lobbied for a quota for women in the first elections.

The comparative social and economic independence of women in Seychelles and the Caribbean – where men are frequently away from home – appears to account for the relatively high representation of women in the Parliaments, local governments, Cabinets and Civil Services of these islands.

A number of developing Commonwealth countries – such as Tanzania and India – have achieved the 30 per cent threshold in local government through party or state quotas.

As the CLGF Report⁸ to the Trinidad and Tobago Meeting notes, “the low representation of women in local government is a Commonwealth-wide challenge. It appears there is no straightforward correlation with economic development, and it is not simply a North-South issue.” The same is true of national politics.

These observations suggest that strategies which focus only on the general socio-economic upliftment of women – while crucial in their own right – cannot by themselves bring about a rapid increase in the political representation of women.

Objectives

This paper will focus on immediate, practical strategies which can be adopted to bring about an increase in the participation of women in politics in a relatively short space of time.

The paper primarily focuses on actions that can be taken by governments and the Commonwealth Secretariat, as the basis of an Action Plan to be considered at the Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs in Trinidad and Tobago in November 1996.

The paper also suggests measures that can be taken by political parties, women parliamentarians, and civil society to complement these efforts. A joint action plan by all five sectors, the paper suggests, would go a long way towards bringing about meaningful change.

Box 1 International Covenants on the Rights of Women to Equal Political Participation

In the United Nations

- The United Nations **Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)** states that: "*Parties shall take all appropriate measures to eliminate discrimination against women in political life and shall ensure to women, on equal terms with men, the right to participate in the formulation and implementation of government policy and to hold public office and perform all public functions at all levels of government.*"
- The **Beijing Declaration and Platform for Action**⁹ calls on governments to take measures to ensure women's equal access to, and full participation in, power structures and decision-making by creating a gender balance in government and administration; integrating women into political parties; increasing women's capacity to participate in decision-making and leadership and increasing women's participation in the electoral process and political activities.

In the Commonwealth

- Commonwealth Heads of Government committed themselves in the 1990 **Harare Declaration** to "defend and achieve the principle of equality for women so that they may exercise their full and equal rights."
- At their 1993 biennial gathering in **Cyprus**, Commonwealth Heads of Government "expressed support for the proposal that special measures as appropriate be taken to increase women's positions at all levels of the political and decision-making process at the national level and in Commonwealth organisations."
- In **Auckland** in 1995, Commonwealth Heads of Government endorsed the 1995 **Commonwealth Plan of Action on Gender and Development**, which states, "*as a moral and strategic imperative, governments are to ensure women's participation in decision-making processes and structures including political structures at all levels in local, district, regional, national and international ... through positive and/or affirmative action.*"

Proposed Strategies

Setting Targets

"Every step of progress the world has made has been from scaffold to scaffold and from stake to stake"

Wendell Phillips, Speech for Women's Rights (1851)

The objective of gender parity in politics is one which all Commonwealth governments have by now subscribed to in one form or another, if not in domestic constitutions and legislation, in international conventions and agreements (see Box 1).

The United Nations Economic and Social Council set a target to increase the participation of women in politics and decision-making positions to 30 per cent by 1995. This deadline has now come and gone with countries around the world achieving, on average, only one third of the one third target.

The most pressing challenge before Commonwealth Ministers Responsible for Women's Affairs in Trinidad and Tobago is to set a pan-Commonwealth target, which individual countries may work faster than others to achieve, but from which no country can afford to lag behind.

Such a target must be realistic, but not so vague as to be yet another excellent idea to which governments pay lip-service. For example, is a goal of 30 per cent representation of women in politics at local and national level in a decade's time one to which all governments can sincerely subscribe? If not, what are the alternatives?

Recognising that progress might be made more easily at local than at national level, should different targets be set for the two tiers of government? If so, such possibilities should be seized upon.

Box 2 **Setting Targets: Suggested Action**

Commonwealth Ministers Responsible for Women's Affairs

- Debate and suggest a target, or series of targets for the increased representation of women in government to be forwarded to the Heads of Government Meeting (CHOGM) in Britain in 1997.
- Form a task team to lobby governments ahead of CHOGM, and to reach consensus on the target(s) set.
- Ensure the endorsement of the targets at CHOGM.
- Translate the target(s) into action plans at home.

Commonwealth Secretariat

- Facilitate the work of the task team and the tabling of the target(s) at CHOGM.
- Monitor and publicise progress towards the implementation of these targets.

Civil Society

- Make an input into setting the target(s), and, where possible, set more ambitious targets than governments are likely to be able to set as an impetus to change. (An example of this is the British 300 Group which aims to increase the number of women in the British House of Commons to 300 out of 651).
- Assist in drawing up action plans for achieving the agreed upon target(s).
- Monitor progress towards achieving the target(s).

Affirmative Action

*"I have no hesitation in saying that whether I came through the quota or not, I am capable."*¹⁰

An Accepted Principle

Quotas are the subject of an age old debate not least, as the Commonwealth study points out, among women politicians themselves who fear being labelled as "tokens."

The debate has most recently been prompted by the declining political participation of women in the Parliaments of former communist and some former one-party states.

Despite the higher representation of women under these systems, the Parliaments in which women were represented served as rubber stamps, thus failing to open an avenue for meaningful participation.

There are, however, numerous examples of quotas being successfully employed in democracies to achieve a "critical mass" of women in politics. Sweden, which in 1972 was the first country to introduce a quota system, is the first country to have achieved gender parity in the representation of women in Parliament. "Targets, quota systems, and reserved seats in political bodies, when put into

effect ... have generally been successful" declares the United Nations in a background document to the Beijing Conference.

The principle of affirmative action was endorsed by Commonwealth Heads of Government in Auckland, as part of the Commonwealth Plan of Action on Gender and Development.

The issue is therefore not so much *if* there should be affirmative action to increase the representation of women in politics as *what* is the best way to go about this.

Examples of Affirmative Action to Increase the Representation of Women in Politics

Two broad approaches have been tried:

i Constitutionally or legally defined quotas

- In India, one third of the seats in panchayats, or local councils, have been reserved for women since 1992. In September 1996, Prime Minister H.D. Deve Gowda tabled a Bill in the Lok Sabha (Lower House) to amend the Constitution to ensure that women have an exclusive claim to one third of parliamentary constituencies in general elections. According to a report in *The Times* of London (13 September, 1996) the constituencies will be chosen on a rota system in each election. The proposed quota for women would boost their number from the present 38 MPs in the Lok Sabha to about 180 after the next general election. The indirectly elected Rajya Sabha or Upper House will not be affected, because of what officials cited as "technical obstacles."
- Article 65 of the 1972 Constitution of Bangladesh specified that the number of reserved seats for women in Parliament be 15; this was increased to 30 in 1979. The provision lapsed in December 1987, and was reinstated for a period of ten years in 1990.
- In Papua New Guinea, where there has not been a woman in Parliament since 1982, the National Council of Women hopes to invoke Section 102 of the Constitution – which allows for up to four appointees to be made to Parliament – to ensure that women get back into Parliament in the 1997 elections. The Council is also lobbying for 20 seats to be reserved for women.
- In Uganda, the new Constitution adopted in 1995 guarantees women at least one third of all local government seats and (through a system in which each of the 39 districts in the country sends one woman to the national assembly) 14 per cent of the seats in Parliament.
- Tanzania has laws which guarantee that one third of all members of village councils and 15 per cent of all members of Parliament are women.

Constitutionally entrenched quotas are the quickest way of ensuring that targets for increasing the representation of women in politics are met. However, all three of the women politicians from Bangladesh profiled in *Women in Politics: Problems, Experiences and Strategies for Action* said the system of constitutionally entrenched seats for women led to nepotism and favouritism in the choice of women to fill the posts.

ii Quotas adopted by political parties

As the Commonwealth Women Parliamentary Group (CWPG) Report on *Barriers to Women's Participation in Politics*¹ points out, "the fact that the majority of Commonwealth parliamentarians win elections to Parliament on a party ticket suggests that it is to political parties that we should look to play a significant role in redressing the gender imbalance in our Parliaments."

In general, smaller and more recently constituted political parties tend to have a more gender balanced composition and leadership structure. For example – as the discussion paper on *Women*

and *Parliaments in Australia and New Zealand*⁵ points out – the Greens in both countries see “gender balance” as an indicator of the health of the party. The dilemma for women in countries with such parties is that they comprise a small proportion of parliamentary membership.

The major challenge, therefore, is to bring about the same measure of gender sensitivity within older established and bigger parties. Experience across the Commonwealth suggests that this can only be accelerated in the short term through the setting of party quotas – or at least targets.

Examples of political party gender quotas

- In South Africa’s first democratic elections in 1994, the now ruling African National Congress (ANC) set a quota of 30 per cent of women candidates in the elections which were run entirely on the basis of proportional representation.
- This quota is largely responsible for the fact that 26.5 per cent of all Parliamentarians in South Africa are women. In the local government elections which took place in November 1995, and which were run partly on a proportional representation and partly on a constituency based system, the ANC decreed that 50 per cent of all seats be reserved for women. However, partly because this was not enforced, and partly due to the fact that the elections were not run entirely on the basis of proportional representation, the proportion of women in local government in South Africa at 19 per cent, is lower, than in the national government.
- In Mozambique’s first multiparty elections following a long civil war, in 1994 the ruling FRELIMO party set a quota of one third women. This contributed to the achievement of 24.4 per cent of women parliamentarians, and 27 per cent of women in local government.
- In 1993, the Canadian Liberal Party set a quota of 25 per cent women candidates in the election.
- The Australian Labour Party has introduced a target (which it emphasises is not a quota) that 35 per cent of all candidates representing the party in winnable seats in state and federal elections be women by 2002. The reference to “winnable seats” is critically important in countries where elections are contested on a constituency basis, and in which the experience of women has invariably been that they get stuck in seats where they have no chance of winning.

In many countries where parties do not have quotas, women politicians have been agitating from within for more women candidates. The Commonwealth’s *Women in Politics: Problems, Experiences and Strategies for Action* describes how women in the United Malays National Organisation

Box 3 Affirmative Action: Suggested Action

Commonwealth Ministers Responsible for Women’s Affairs

- Make recommendations to home governments/political parties on the most effective method of affirmative action for achieving target(s) set.
- Monitor progress towards achievement of target(s).

The Commonwealth Secretariat

- Undertake a study, in collaboration with the Commonwealth Parliamentary Association (CPA), on “best practices” of affirmative action for increasing the representation of women in politics in the Commonwealth, to help inform the choices of member governments.

Political Parties

- Set affirmative action targets and ensure that these are achieved.

Civil Society

- Lobby governments and political parties to undertake affirmative action programmes to ensure that target(s) set for the participation of women in politics are met.

(UMNO) party in Malaysia have actively lobbied for a greater proportion of women to be put forward for winnable seats.

In some countries, non-governmental organisations (NGOs) have also put pressure on political parties to take affirmative action measures. For example, in Botswana Emang Basadi (which means “Stand up Women” in Setswana) lobbied political parties during the year leading up to Botswana’s last elections in October 1994 to increase the representation of women in their lists.

The group also lobbied President Quett Masire to appoint two women to the four special parliamentary seats to which he makes appointments. Largely as a result of this agitation, the proportion of women in Parliament in Botswana increased from 5 to 8.7 per cent in the elections: short of the 25 per cent target set by the NGO, but still representing an improvement.

Review of Electoral Systems

“An electoral system based on proportional lists is a powerful way to achieve greater representation for women in Parliament and Government.”¹¹

There is overwhelming evidence to suggest that women stand a better chance of getting elected under the proportional representation, as opposed to the constituency based, electoral system.

The reason for this is that in the latter case, candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women – at least in terms of getting a foot in the door – because of the in-built prejudices against women noted in the introductory section.

An illustration of the advantages for women of the list system is the South African local government elections held in November 1995, which combined both systems. In the seats contested on the basis of proportional representation, women won 27.9 per cent of the seats. In the ward or constituency based seats, women won only 10.8 per cent of the seats. This gave an overall average of 18.8 per cent of the seats in local government being won by women.

The Beijing Platform for Action calls on governments to “review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reforms to such systems.”

The Task Force of the CWPG recommends that the Commonwealth Parliamentary Association undertake a study of the constitutions of each Commonwealth country, and the relationship between this and the representation of women, with a view to assisting member countries in making informed choices.

Box 4 Review of Electoral Systems: *Suggested Action*

By Governments

- Undertake a review of the electoral system, as recommended in the Beijing Platform for Action, with a view to determining its impact on political participation by women.

By the Commonwealth Secretariat

- Support the above initiative through working with the CPA on a comparative study of the electoral systems of Commonwealth countries and their contribution to, or detraction from, increased participation by women in politics.

Public Awareness

“The images and models of men and women are transmitted through education in the family, formal education, the media, and by advertising messages. Action needs to be taken at all these different levels in order to eliminate any suggestion that one sex is superior to the other.”¹²

No matter how successful affirmative action strategies might be in the short term, they are not likely to succeed in the long term unless they are accompanied by a more supportive public attitude towards women in politics.

Several high profile occasions can be used to start to change public perceptions of women in politics. These include International Women’s Day, Commonwealth Day, and the national days of countries.

South Africa has its own Women’s Day and public holiday on 9 August. President Nelson Mandela used the latest such celebration to reaffirm his commitment to attaining gender parity in Parliament and in the Cabinet.

The CWPG Task Force describes how the New Brunswick Legislature initiated a Student Legislative Seminar, a non-partisan programme to provide equal numbers of girls and boys with a better understanding of how Parliament functions. Similarly, the Australian Capital territory has held youth Parliaments.

The Task Force recommends a number of practical measures which can be taken to promote positive images of women politicians in the media, including:

- sponsoring research into media coverage of women in politics;
- publishing magazines such as the Bermudian Heritage Month, “In Celebration of Women, May 1994”, which traces the contribution of women to Bermudian development;
- instituting a prize for the best media coverage of women’s political activity during the year.

Box 5 Political Awareness: Suggested Action

By Government

- Launch national campaigns around the target(s) set for achieving gender parity in politics, making use of strategic occasions such as Women’s Day, the country’s national day, etc.
- Institute a media award for coverage of women in politics. Commission research on the way in which the media is covering this issue and publicise shortfalls.
- Compile a directory of women in politics.

By the Commonwealth Secretariat

- Use every possible occasion to publicise the target(s) agreed at the Trinidad and Tobago conference, e.g., on Commonwealth Day, at CHOGMs, and all meetings in which the fundamental political values of the Commonwealth are featured.
- Serve as an up-to-date source of information, advocacy and networking on the campaign.

By Political Parties

- Encourage positive images of women in advertising campaigns. Let women and men become the “face” of the party.
- Publicise affirmative action targets and plans.

By Civil Society

- Assist in the public awareness campaign, especially in remote communities.

Encourage Women to Join Politics

Demystify Politics

The key to any education/awareness campaign directed at potential women candidates is:

- to show that in their day-to-day lives women are already heavily engaged in politics, except at the decision-making level;
- to demystify the process of politics, which many women find puzzling and alienating.

Every Woman's Guide to Getting into Politics – the handbag-size guide produced by the Australian Office on the Status of Women³, is an example of how this can be done. The book is full of practical and useful information, such as where to get funding; deciding where to stand; putting together a campaign management team; budgeting; publicity and accessing the media.

The CLGF Report to the Fifth Meeting of Commonwealth Women's Affairs Ministers suggests that such literature should be targeted at the many community organisations in which women are involved, for example, income generating groups, small credit schemes, environmental protection groups, and church based groups.

Local Government as a Way in

If women are reluctant to become involved in national politics, they are likely at least to have an interest in local government, which can become a springboard for involvement in national politics.

Two of the women profiled in the Commonwealth study *Women in Politics: Problems, Experiences and Strategies for Action* – Dato Kee Phaik Cheen of Malaysia and Sheila Camerar of South Africa – cut their teeth in local government politics.

Engender Voter Education Materials

In reaching potential women candidates, women's organisations and the policy machinery in government need to work closely with electoral authorities in developing gender sensitive voter education materials.

The 1994 Mozambican election voter education materials featured a Mozambican woman pleading with her husband to allow her to run for office. The man says he will run – and take care of her interests. She responds that there are certain issues she understands better. In the end, her husband accepts this argument, and the couple begin to plan how they will organise their life differently to allow her to be both a politician and a mother.

Holding Office Within the Party

The Australia and New Zealand discussion paper on *Women and Parliaments* shows that a consistent feature of women who make it into Parliament is that they had occupied an official position, usually secretary or president of a party branch and/or had been a conference delegate before becoming a candidate. This suggests that encouraging women to hold office within the party is an important stepping stone to election.

The Role of Women's Wings of Political Parties

The Commonwealth study points to the somewhat ambivalent role that women's wings of political parties have played in recruiting and supporting women candidates – often reinforcing stereotypes of the subservience of women rather than helping to break these stereotypes.

Box 6 Encourage Women to Join Politics: *Suggested Action*

By Ministers Responsible for Women's Affairs

- Initiate campaigns to encourage women to become involved in politics, such as simple guidebooks directed at community organisations in which women predominate.
- Work closely with electoral authorities in developing gender sensitive voter education materials designed to encourage women candidates to come forward.

By The Commonwealth Secretariat

- Assist in developing materials to promote the interest of women in politics and in sharing such information between Commonwealth countries.

By Political Parties

- Adopt the Inter-Parliamentary Council Guidelines on women's wings of political parties, to ensure that these wings contribute to the advancement of women.

By Civil Society

- Work with government in mounting campaigns to encourage women to take an interest in politics.

The Inter-Parliamentary Council's Plan of Action¹² sets out a number of useful guidelines for women's branches in parties. These include that they focus on: special problems encountered by women in carrying out party activities; help to mobilise women at grass roots level; assistance in special training programmes for prospective women politicians; and the establishment of support networks for women candidates and women who get elected.

Support for Women Candidates

"Baby strapped to her back with a colourful sash, she bends wearily over a hoe, tilling the field.

"Neatly turned out, briefcase at her side, she raises her hand and casts her vote in the legislative assembly."

The booklet *Together for Change: Three Struggles for Political Rights (in Africa)*¹³, from which these lines are quoted, along with a wide range of publications on women in politics, are designed to help women make this leap. Practical measures which can be taken include:

Training

Examples of Organisations which offer Training to Women Candidates

- The British 300 Group offers workshops and courses in public speaking, and advice on "pathways to power."
- In Australia and New Zealand, the Women's Electoral Lobby (WEL) and National Women's Council respectively have played a key role in supporting prospective women candidates. A 1985 survey showed that 28 per cent of women politicians at federal and state level in Australia had been active in WEL. In 1992, 16 Australian women's organisations formed an umbrella group called "Women into Politics" to encourage women to seek public office.
- Fifteen Pacific Island countries have set up the Women in Politics Pacific Centre to "assist individual women to compete successfully with men for elective or appointed positions." Training offered before elections includes mentoring; political education; campaign strategies; personal profiling; development of advocacy materials; public speaking; documentation

and research; understanding the electoral system; policy analysis; and fund raising. The Secretariat of the centre will be rotated every three years among the members.

- Emang Basadi in Botswana ran a Candidate and Campaign workshop for women candidates prior to the 1994 elections in Botswana focusing on: the role of the candidate; public speaking; fundraising; and identifying national and local issues.

Mentoring Programmes

In Zambia, where women constitute a mere 3.3 per cent of local government councillors, the Caucus of Women Councillors who met in 1995 to review the local government elections, each pledged to encourage and enable at least one other woman to stand as a candidate in the forthcoming local government elections, and to campaign for this woman candidate during both party and local government elections.

The Commonwealth's study *Women In Politics: Problems, Experiences and Strategies for Action*, describes the inspiration that women have drawn from, and the informal mentorship provided by the former Prime Minister of the Commonwealth of Dominica, Dame Eugenia Charles.

The study suggests that formal mentorship programmes would be one of the most effective ways of nurturing a new generation of younger women politicians.

At their meeting in Cyprus in 1993, Commonwealth Ministers Responsible for Women's Affairs recognised the value of having successful women politicians contributing to the development of leadership qualities in other women and serving as role models and mentors.

Funding

Responsibility for assisting candidates in raising funds rests first and foremost with political parties. Some have created special funds for women candidates.

Examples of Special Funds for Women Candidates

- A decade ago in Canada, the Progressive, Conservative and Liberal parties established funds to provide training programmes and to give financial support directly to women to help pay expenses such as childcare and housekeeping.
- In Britain, Emily's List (Early Money is like Yeast), which assists Labour women into Parliament, makes grants of up to £1,000 to women seeking parliamentary seats to help defray childcare and travel expenses.

The report of the CWPG Task Force suggests that governments consider tax breaks for women candidates, such as ensuring that the cost of childcare during the election period is tax deductible for nomination contestants and candidates.

Encourage Women to Vote for Women

- Women voters need to be aware that their vote can make a difference. In Norway, concerned about their exclusion from power, women in one set of municipal elections voted for female candidates and increased the proportion of women in municipal councils by 50 per cent.

In Zambia, the National Women's Lobby Group, an NGO, has produced pamphlets and posters entitled "Women Use Your Vote" in English and in six languages, with the objective of convincing women that their lives can be improved by voting for women.

Publicise Encouraging Research Findings

Research findings on women candidates can be a psychological boost to the candidates and prospective candidates.

Examples of Research Findings

- The Commonwealth's study, *Women in Politics: Problems, Experiences and Strategies for Action*, shows how in at least two cases women candidates confounded the critics by winning seats regarded as "safe" for opposing parties.
- Research in Australia in 1991 showed that 64 per cent of those surveyed believed men entered politics out of personal ambition and desire for money, whereas only 11 per cent believed that women had the same motive. Thirteen per cent believed that men were motivated by altruism and concern for community whereas 54 per cent believed this of women.
- In 1982, Senator Susan Ryan commissioned a national opinion poll which indicated that a good woman candidate appeals more to swing voters than a good man.

Box 7 Support for Women Candidates: Suggested Action

By Ministers Responsible for Women's Affairs

- Support training and mentorship programmes for women candidates from all parties.
- Initiate and publicise research on women's voting patterns and how these can help to increase the representation of women and the performance of women candidates in elections.

By The Commonwealth Secretariat

- As discussed at the Fourth Meeting of Commonwealth Ministers Responsible for Women's Affairs in Cyprus¹⁴, assist in developing distance education materials for women candidates.

By Political Parties

- Play a more proactive role in supporting women candidates through training and financial support.

By Women parliamentarians

- Avail themselves as mentors for younger women politicians.

By Civil Society

- Initiate training and mentorship programmes such as those cited above.
- Look into establishing foundations to provide financial support to women candidates.

Support for Women in Parliament

*"If I succeed, it will be for the good of all women in Uganda."*¹⁵

As the old saying goes, nothing succeeds like success. Much of this drive must, of necessity, come from the politicians themselves. What unites the 33 women profiled in the Commonwealth study is that these women are first and foremost remarkable people who have discovered and invented survival strategies along often rocky roads.

Among the phrases most frequently repeated in the profiles are: hard work, diplomacy, persistence, the pursuit of excellence, being assertive, dynamism, delivery, result-oriented, and time management.

The Ten Commandments of Feminisation of Politics and Power (see **Box 8**), drawn up at a Commonwealth Parliamentary Association (CPA) gathering in Alberta in 1994, summarises the personal strategies that women have developed to survive in politics.

In the 33 Commonwealth profiles, the politicians made it clear that their most important line of support is their families: parents, husbands, children, and in many cases extended family, without whom such taxing careers would not be possible.

Many also identified the support offered by party leaders and colleagues, especially those who became mentors, as being crucial to their success.

Women parliamentarians have, however, also identified institutional support which can help to ease their burden, and make them more effective in their work.

In at least eight Commonwealth countries – Pakistan, Malaysia, Tanzania, Uganda, Botswana, South Africa, Canada and Australia – there are parliamentary women’s groups or caucuses which have articulated or lobbied for such support.

The CWPG was constituted as a special interest group within the CPA in 1992 to:

- further the representation of women in Parliament throughout the Commonwealth; and
- ensure that matters of concern to women are brought to the attention of the CPA and individual Parliaments.

Box 8 *Feminisation of Politics and Power: The Ten Commandments*

- 1 **Celebrate the Difference** – Men and women *are* different. Goals can be shared, but approaches and solutions may differ – this is a strength.
- 2 **Believe in yourself** – Believe in your own abilities – you can do it! If you believe in yourself, others will also have faith in you.
- 3 **Make mistakes/get out of the comfort zone – experience is important** – As a woman in politics, you must stand up and be counted; take risks, push yourself forward.
- 4 **Bring back passion – where there’s a will, there’s a way** – If at first you don’t succeed, keep trying. Never forget those burning beliefs which first led you into politics.
- 5 **Be a mentor/role model** – As a woman in politics, lend a helping hand to other women, regardless of party affiliations. Be high-profile and confident. Where you lead, others can and will follow.
- 6 **Network** – No man, and no woman is an island. Get out there, make and maintain contacts.
- 7 **Do not backstab** – Snide remarks about another female politician not only damages her reputation – it also damages yours.
- 8 **Achieve joint efforts: 50 per cent men + 50 per cent women = 100 per cent** – A refinement on Commandment 1 – society comprises both men and women, together we can do anything.
- 9 **Shatter the glass ceiling – don’t go around or take a short cut** – Don’t compromise and don’t prevaricate – you have a right to be there. Your successes will make it easier for other women to follow.
- 10 **Work with the media** – The attitude of the media to women in politics will be changed by the attitude of women in politics to the media.

Karen Leibovici, MCA (Alberta) Submission to the Task Force

Among the forms of support identified as being useful by women parliamentarians individually and through these fora are:

Making Parliaments more Gender Sensitive

Parliaments based on the Westminster (British) model, with their long hours, confrontational debates, and men’s club aura are not the most welcoming places for women.

In South Africa, women parliamentarians, with the support of their woman speaker, Frene Ginwala, have successfully lobbied for a change in the hours of Parliament, and for a crèche facility funded by Parliament.

Many other Commonwealth Parliaments are considering similar measures. The International Parliamentary Union has launched a campaign to rid all Parliaments of sexist language.

On-the-job training

Most women parliamentarians do not have legal training, and find the trappings of Parliament foreign and alienating. In developing Commonwealth countries, parliamentarians frequently have no administrative, let alone research staff.

The demands of Parliament and of constituency work do not leave women parliamentarians much time to go off on long training courses. The plea is thus overwhelmingly for on-the-job support – of which there are many examples emerging.

Examples of on-the-job Training for Women parliamentarians

- The Women in Politics Pacific Centre provides women MPs with gender training; understanding of parliamentary procedures; drafting of gender responsive bills; documenting election campaign experience; networking with supporters and supporting other women politicians.
- The Forum for Women in Democracy (FOWODE), an NGO set up by women in politics in Uganda offers induction courses for women parliamentarians, undertakes research on issues of concern to women parliamentarians, supports women in running workshops for their constituents and facilitates regional networking and exchanges.
- The Parliamentary Women's Group (PWG) in South Africa is drawing up a Programme of Action which includes in-house courses in information technology; accessing research findings; establishing a gender information centre with links to the country's nine provinces;

Box 9 Support for Women parliamentarians: Suggested Action

By Ministers Responsible for Women's Affairs

- Support training initiatives for women parliamentarians.
- Work closely with Women's Caucuses in formulating gender sensitive legislation.

The Commonwealth Secretariat

- Commission training materials on key gender issues for use by women leaders including women politicians, for lobbying and participation in debates and discussions.
- Work closely with the CWPG in developing linkages between women parliamentarians across the Commonwealth and facilitating close networking between them.

By Political Parties

- Back women parliamentarians. Arrange mentorship and training programmes within the political party.

By Women in Parliament

- Get organised: a strong, effective lobby is the best way of ensuring that the needs of today's, and tomorrow's, women MPs are addressed.
- Suggest tangible programmes of action. Women parliamentarians are best placed to identify what support they require.

By Civil Society

- Assist in providing relevant training and support.

workshops on accessing the media and writing opinion pieces; and seminars with inputs by technical experts on key legislation coming before Parliament.

Conclusion

“Unless we look back, we are never able to measure how far we have come. At times I am amazed when I contemplate the changes that have taken place in my lifetime.”¹⁶

The statistics at the beginning of this paper painted a dismal picture of inequality, and of retrogression in achieving the objective to which virtually every Commonwealth government now subscribes of achieving gender parity in political representation.

The paper went on, however, to emphasise that the achievement of this objective is not a function of economic development alone but also of political will. It outlined a number of immediate measures that can be taken to ensure that these objectives are realised.

These measures are summarised in the form of a proposed “**Plan of Action**” table in **Appendix 1**.

In the Commonwealth study, *Women in Politics: Problems, Experiences and Strategies for Action*, Ugandan MP and Minister for Gender and Development, Janet Mukwaya says the secret to her success rests in being an “organised and consistent programmer.”

A similar approach is called for from those charged with ensuring that women finally find their voice in the political arena, if we are to look back at the end of our lifetimes and say that a revolution has indeed taken place.

Notes

- 1 *Barriers to Women's Participation in Politics*, Report of the Task Force of the Commonwealth Women Parliamentarian Group, published by the Commonwealth Parliamentary Association, March 1996.
- 2 *Women in Politics: Problems, Experiences and Strategies for Action*, profiles of 33 Commonwealth women politicians submitted in draft form to the Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs, Trinidad & Tobago, November 1996.
- 3 Former Australian Prime Minister Paul Keating, in *Every Woman's Guide to Getting into Politics*, a publication prepared by Kate Tully for the Australian Office on the Status of Women, Australia, March 1995.
- 4 *Women in Local Government in Southern Africa* by Florence Butegwa. Paper prepared for the Commonwealth Secretariat/CLGF Symposium on Women and Local Government in Southern Africa, held in Johannesburg, 7-10 May 1996.
- 5 *Women and Parliaments in Australia and New Zealand*, a discussion paper prepared by Coopers and Lybrand for the Commonwealth State Ministers Conference on the Status of Women, September 1994.
- 6 Syeda Begum Sajeda Chowdhury, in *Women in Politics: Problems, Experiences and Strategies for Action*. (See note 2).
- 7 *Increasing Women's Participation in Local Government*, Report of a Gender Consultation Workshop, Caucus of Women Councillors, Zambia, February 1995.
- 8 CLGF Report to the Fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs, Trinidad and Tobago, 25-28 November 1996.
- 9 The *Beijing Declaration and Platform for Action*, adopted by the Fourth World Conference on Women, 15 September 1995.
- 10 South African Health Minister, Nkosozana Zuma, in *Women in Politics: Problems, Experiences and Strategies for Action*. (See note 2).
- 11 Hilde Frafjord Johnson, Norwegian MP, speaking at a conference of the Association of West European Parliamentarians (AWEPA) and Southern African Parliamentarians, in Johannesburg in September 1996.
- 12 The Inter-Parliamentary Council's Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Political Life.
- 13 *Together for Change, Three Struggles for Political Rights (in Botswana, Uganda and Zambia)*, a publication sponsored by the African-American Institute, USA, August 1995.
- 14 *Beyond Planning to Implementation*, Report of the Fourth Meeting of Commonwealth Ministers Responsible for Women's Affairs, Nicosia, Cyprus, 5-9 July 1993.
- 15 Specioza Kazibwe, Vice President of Uganda, quoted in *Together for Change, Three Struggles for Political Rights*. (See note 13).
- 16 Lois O'Donoghue, Chairperson of the Aboriginal and Torres Strait Islander Commission, quoted in *Women in Politics: Problems, Experiences and Strategies for Action*. (See note 2).



Part B

Integrating Gender Concerns

Into Macroeconomic Policies



Integrating Gender Issues into National Budgetary Policies and Procedures within context of Economic Reform: *Some Policy Options*

Professor Diane Elson

Introduction

Over the past decade there has been a growing recognition of the importance of macroeconomic policy in shaping women's living standards and their prospects for economic empowerment. Macroeconomic policy can worsen or improve the living standards of different groups of women and contribute to narrowing or widening gender gaps in incomes, health, education, nutrition etc. The Commonwealth was a pioneer in recognising and investigating the implications of macroeconomic policy for women.¹

There has also been growing recognition of the way in which gender inequality can constrain the outcomes of macroeconomic policy. For instance, by constraining women's supply response to economic reforms, and by constraining women's ability to invest in human resource development.²

The integration of a gender perspective into macroeconomic policy has therefore both an equality and an efficiency dimension. The aim is to contribute to the better design of policy. A better designed macroeconomic policy would create a virtuous circle in which macroeconomic policy itself contributes to the reduction of gender inequality, and hence lessens gender constraints to successful macroeconomic outcomes. The aim is the simultaneous improvement of growth and human development performance in ways that also contribute to the empowerment of women.

This paper offers some options for the integration of a gender perspective into fiscal policy which is one of the most important areas of macroeconomic policy. The focus is on the national budget with the main emphasis on public expenditure. A wide range of possible options is examined, which may be selected according to national circumstances.

Gender Inequality as an Efficiency Issue

There is growing awareness that gender inequality is not only costly to women, but it is also costly to children, and to many men. It exacts costs in lower output, lower development of people's capacities, lower leisure and lower well-being. If women were economically empowered, it would be possible for each country to have some combination of greater output, an increased development of people's capacities, more leisure and higher levels of well-being. In that sense gender inequality is inefficient.

Research on agricultural productivity in Africa shows that reducing gender inequality could significantly increase agricultural yields.

- For instance, giving women farmers in Kenya the same level of agricultural inputs and education as men farmers could increase yields obtained by women farmers by more than 20 per cent.³

Research on economic growth and education shows that failing to invest in education lowers gross national product (GNP).

- Everything else being equal, countries in which the ratio of female-to-male enrolment in primary or secondary education is less than 0.75 can expect levels of GNP that are roughly 25 per cent lower than countries in which there is less gender disparity in education.⁴

Research on gender inequality in the labour market shows that eliminating gender discrimination in occupation and pay could increase not only women's income, but also national income.

- For instance, if gender inequality in the labour market in Latin America were to be eliminated, not only could women's wages rise by about 50 per cent, but national output could rise by 5 per cent.⁵

Gender inequality also reduces the productivity of the next generation – the World Bank reports mounting evidence that increases in women's well-being yield productivity gains in the future.

- The probability of children being enrolled in school increases with their mother's educational level and extra income going to mothers has more positive impact on household investment in nutrition, health and education of children than extra income going to fathers.⁶

Research shows that gender inequality hampers a positive supply response to structural adjustment measures by:

- reducing women's incentives to produce tradable goods and increasing women's time burdens.⁷

Women's time burdens are an important constraint on growth and development – women are an over-utilised, not an under-utilised resource. The benefits of reducing this gender-based constraint can be considerable.

- For instance, a study in Tanzania shows that reducing such constraints in a community of smallholder coffee and banana growers increases household cash incomes by 10 per cent, labour productivity by 15 per cent, and capital productivity by 44 per cent.⁸

It is important to be clear that recognising gender inequality as an efficiency issue does not mean seeing women instrumentally as a resource to be used by others for increasing productivity and growth. Rather, the message is that if women themselves have more control over resources there will be gains for society as a whole; but if gender inequality persists, there will be continuing losses for society as a whole.

Macroeconomic Policy and the Gains from Integrating Gender Equality Concerns

Macroeconomic policy can increase, reduce, or leave unchanged the losses to society from gender inequality. It can do this both through direct efforts and indirect effects. Let us return to some of the examples of the previous section and see how this might happen, through effects which alleviate or exacerbate gender inequality.

Productivity of Women Farmers in Africa

Macroeconomic policy could **increase** this by promoting a higher level of agricultural inputs and education for women and **reduce** this by resulting in a lower level of inputs and education for women. An increase in provision could come **directly**, by an increase in public expenditure on schooling and extension services for women, and an increase in credit (and possibly input subsidies) to women. An increase could also come **indirectly**, if macroeconomic policies promoted increases in family income which permitted families to educate daughters to the same extent as sons; or promoted increased provision of physical infrastructure (such as water, sanitation, electricity) which releases more of adult women's time for learning how to use new inputs. However, macroeconomic policy could also result in a **lower** level of education and inputs for women farmers. This might come **directly** from reductions in public expenditure on education, and restrictions on credit and abolition of subsidies. It might come **indirectly** through policy-induced falls in family income which restricted ability and willingness to educate daughters; or by promoting reduced provision of physical infrastructure – increasing women's total time burdens so that they were less able to spend time learning how to use new inputs.

Gender Disparities in Education

Macroeconomic policies can **increase** losses in potential GNP if they increase gender gaps in education. This can happen **directly** through reduced expenditure on education, and **indirectly** through increases in family poverty. However, losses can be reduced if macroeconomic policies promote increases in expenditure on education especially at the primary level; and at the same time reduce family poverty, so that families can afford to send daughters to school.

Labour Market Inequality

Macroeconomic policy can **reduce** labour market inequality **directly** by extending public sector employment for women, since gender inequality in employment in the public sector is generally less than in the private sector. It can **reduce** labour market inequality in pay and conditions **indirectly** by promoting female-labour-intensive growth. However, care has to be taken that inequalities in the total workload – paid and unpaid – are not at the same time increased.

The Supply Response to Structural Adjustment Measures

Macroeconomic policy can **intensify** rather than **alleviate** the ways in which gender inequality constrains women's supply response to structural adjustment measures. Gender inequality can constrain the supply response if women have many other demands on their time – producing food, fetching water and fuel, caring for children; and if they have the prime responsibility for cushioning their families against insecurity and change. These constraints will be intensified **directly** if macroeconomic policy reduces provision of social and infrastructural services and therefore increases women's time burdens. They will be intensified **indirectly** if macroeconomic policy increases the insecurity and change to which families are subject.

The Gains from Integrating Gender Equality Concerns

As these examples show, it is important to analyse whether macroeconomic policy increases or reduces the losses to society from gender inequality. There are clearly gains to society if macroeconomic policy can be designed in ways that reduce gender inequality.

The gains to society from the reduction of gender inequality can be taken in a mixture of ways:

- increased output of goods and services;
- increased leisure;
- increased capacities to enjoy good health, to exercise skills and participation in decision-making, to live a satisfying life;
- increased conservation of the environment.

Macroeconomic Policy and the National Budget

Macroeconomics looks at an economy as a series of aggregates of goods and services: the GNP, exports, imports, savings, investment, public expenditure on services and income transfers, public revenue (from taxes and user charges).

Macroeconomic policy generally attempts to steer the economy as a whole so as to achieve sustainable improvements in national output and incomes (e.g. full employment, rising incomes, stable prices). Improvements will not be sustainable if they are based on unsustainable deficits in the balance of payments and in the national budget (which brings together public expenditure and

public revenue). So a great deal of attention is focused on these twin deficits, as well as on the rate of inflation, the rate of unemployment, and the rate of growth.

There has sometimes been a tendency to assume that there is no need for macroeconomic policy to pay explicit attention to human development objectives. Problems of poverty and inequality would be resolved by “trickle down” of benefits from the macroeconomic aggregates. However, there is growing recognition that “trickle down” is not automatic; and that concerns of poverty and inequality, including gender inequality, need to be brought directly into the framework of macroeconomic policy.

There are three key forms of macroeconomic policy:

- exchange rate policy (e.g. currency appreciation and depreciation);
- monetary policy (e.g. money supply and interest rates);
- fiscal policy (e.g. taxation and public expenditure).

These three types of policy are used in combination in stabilisation and structural adjustment programmes and in restructuring economies to meet the challenges of changing international patterns of investment and production. Fiscal policy is the most promising entry point for gender-integration.

There are a variety of instruments of fiscal policy:

Revenue Instruments: Taxes: e.g. income tax, expenditure tax (e.g. VAT), wealth tax, land tax, tariffs on imports, capital gains tax, inheritance tax. User charges: e.g. for electricity, water, education, health.

Expenditure Instruments: Transfers: e.g. pensions, unemployment benefit, maternity benefit. Subsidies: e.g. food subsidies, export subsidies. Services: e.g. law and order, health, education, roads.

Typically these are all brought together in a national budget which is prepared annually and sets out tax and expenditure plans for the coming year. If expenditure is greater than revenue there is a deficit; if revenue is greater than expenditure, a surplus. It is often accompanied by a review of budget outcomes and macroeconomic performance in the previous year; and projections of budget outcomes and macroeconomic performance for future years, in a medium term framework. For countries undergoing stabilisation and structural adjustment programmes this will be related to the Policy Framework Paper.

The budget, on the face of it, appears to be a gender-neutral policy instrument. It is set out in terms of financial aggregates – totals, and sub-totals of expenditure and revenue, and the resulting budget surplus or deficit. As usually presented, there is no particular mention of women, but no particular mention of men either.

However, this appearance of gender-neutrality is more accurately described as gender-blindness. The way in which the national budget is usually formulated ignores the different socially determined roles, responsibilities, and capabilities of men and women.

The existing conceptual frameworks and statistics used to prepare national budgets are gender-blind.⁹ They fail to recognise that:

- women’s contribution to the macroeconomy is underestimated because of missing and biased markets and incomplete statistics;
- there is an unpaid economy (which has been variously labelled “domestic”, “social reproduction”, “reproductive”) in which women do most of the work of caring for and maintaining the labour force and the social framework or social capital (neighbourhood networks and voluntary organisations, formal and informal) – both vital services for the paid economy;
- the parameters of aggregate production, savings, investment, imports and exports in the paid economy may be sensitive to different patterns of gender relations and gender distribution of resources.

Integrating Gender into the National Budget: Some Policy Options

Formulation of a national budget involves decisions at three levels:

- i Aggregate macroeconomic strategy. Is the overall deficit or surplus appropriate? Is the medium-term framework sustainable?
- ii Composition of expenditures and revenues. Is the mix of spending and taxing appropriate?
- iii Effectiveness of service delivery. Does the public sector provide the required level and pattern of services to firms, families and communities?

A range of tools for integrating gender at these three levels of decision-making are available. They can be used alone or in combination, depending upon the circumstances of the country. The most readily implementable options relate to efficiency of service delivery and composition of expenditures; but some tools are also available in relation to taxation and aggregate macroeconomic strategy. A comprehensive strategy could use the full range of tools to produce a gender-aware budget statement and a gender-aware medium term economic strategy, implemented by a Gender Management System. But more partial strategies can also bring about considerable improvements.

Integrating Gender into the Appraisal of the Effectiveness of Service Delivery

The effectiveness of expenditure is conventionally judged in terms of the achievement of intended results at the lowest possible cost. From a gender perspective, it is important to ask: “results for whom?” and “costs for whom?”. Do the outcomes meet the needs of women as well as men; are men and women equally satisfied with the quality of services provided? Is quality assessed in ways that take account of the needs of users for “user-friendly services”? Are the costs and benefits measured in a comprehensive way? Do the intended results include reduction of gender inequality? A range of techniques are available or might be developed for addressing these questions:

- needs assessments;
- analysis of “quality of service” indicators;
- beneficiary assessments;
- assessment of “invisible” costs;
- assessment of benefits of equal opportunities in service delivery.

Needs Assessments

Needs assessments attempt to establish what is needed and where it is needed and are typically carried out by gathering quantitative data on the demographic characteristics, income levels, and services available in localities throughout the country and combining these into poverty indicators of various kinds. The problem is that the data are often not disaggregated by gender, and the needs are not defined from the point of view of the users of services. Moreover, the need for time is not generally considered and time-poverty is neglected. However, a useful point of departure is provided by some of the more participatory and gender-aware World Bank Poverty Assessments (e.g. World Bank 1994); and by a variety of case studies conducted by women’s Studies Institutes and women’s organisations, using participatory appraisal methods.

Analysis of Quality of Service Indicators

This is typically done by constructing a series of quantitative indicators (enrolment rates in schools; bed occupancy rates in hospitals; number of connections of households to water and sanitation system). There are well known problems: it is easier to measure inputs than outputs (all of the

above measures are really input measures: we really need to know how many students passed their exams; how many patients were cured; how many households had reliable supplies of clean drinking water). Moreover, behaviour changes so as to maximise score on the chosen indicators but this may lead to worsening of indicators not chosen; for instance, the time needed to access the service is often neglected. In addition, the indicators may not measure the qualities that matter most to users of the services. It is obviously essential to make sure the indicators are disaggregated by gender.

Beneficiary Assessments

A beneficiary assessment tries to ascertain the views of actual and potential beneficiaries, to see how far service provision meets their own perceptions of what their needs are. Beneficiary assessments are best conducted using qualitative interviewing or focus group methods. Care must be taken to conduct them in ways that permit and encourage women to express their views. It is particularly important to assess whether measures which are supposed to improve effectiveness actually do improve the quality of service from a beneficiary's perspective.

Assessment of “Invisible” Costs

From a gender perspective it is important to define costs so as to include costs in terms of time as well as money costs. Many current changes in the organisation of service delivery appear to improve efficiency but in reality transfer costs from the monetary budgets of the public sector, where they are visible, to the time budgets of women in families and communities, where they are generally invisible. Every proposal to improve the efficiency of a service should be scrutinised for the real extent of its “cost saving” measures. For instance, when medical services are reorganised so as to save costs by discharging patients more rapidly from hospitals – does this simply transfer costs of care from paid hospital staff to unpaid women in families and communities? If so, this is not a saving in costs, but a transfer of costs.

Assessment of Benefits of Equal Opportunities in Service Delivery

Public sector employment policies can help to transform gender relations throughout the economy by innovative equal opportunities and family-friendly employment practices. A gender-blind cost benefit calculus may see these policies as “too expensive”. A gender-sensitive cost-benefit calculus will see that such policies set standards and promote better practices throughout the economy, reducing the extent of gender discrimination in labour markets, and enhancing women's ability to invest in the human resource development of their children, with resulting efficiency gains.

Public sector procurement policies can also help offset existing gender disadvantage, producing benefits that ripple through the larger economy. Procurement policies in some countries (such as South Africa) are already linked to equal opportunities policies directed at reducing disadvantages of race as well as gender. Measures include:

- simplifying the tender process;
- easier access to tender information;
- unbundling of large contracts.

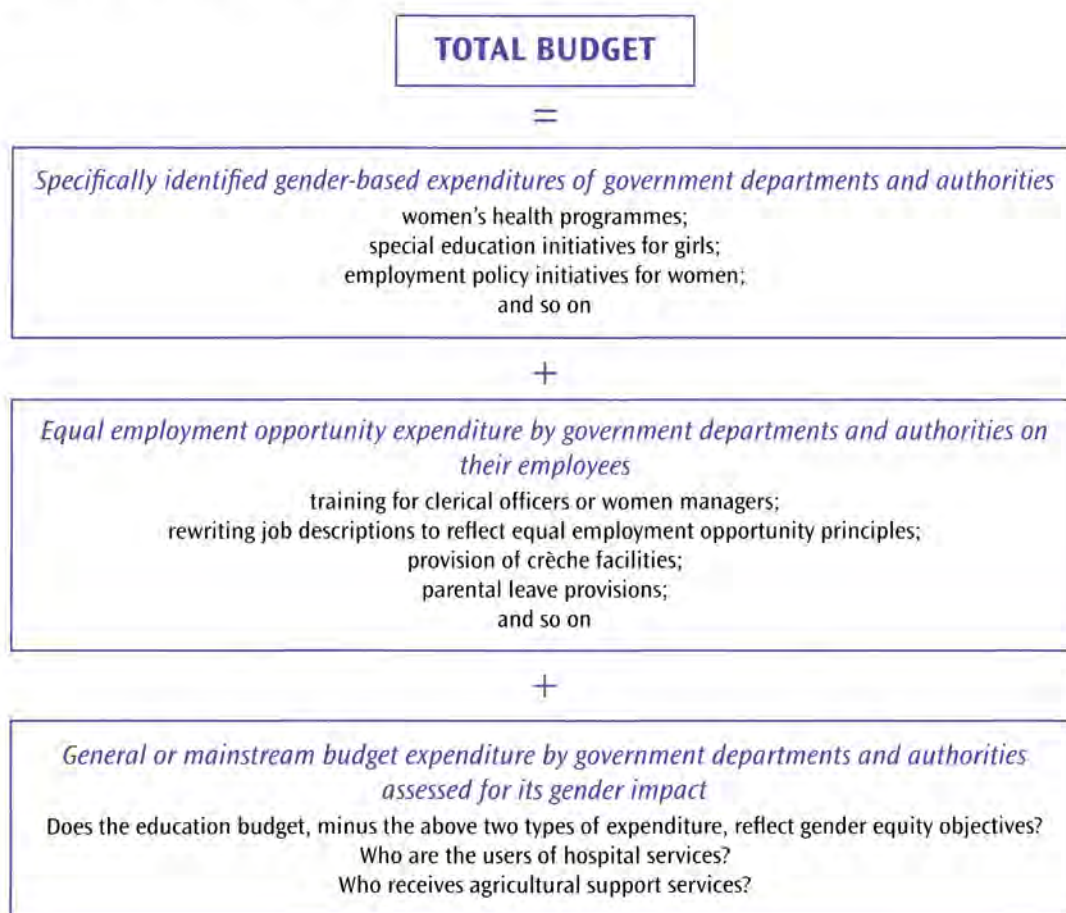
Consideration may also be given to the use of “price preferences”, and quota or target systems.

Integration of Gender into Appraisal of the Composition of Public Expenditure and Taxation

Different patterns of expenditure and taxation have different implications for women and men, and differentially affect their abilities to contribute to the production for the market and the care of

families and communities. In the language of economies, these different patterns “crowd in” or “crowd out” supply responses of men and women to macroeconomic strategies.

Rhonda Sharp, an Australian policy analyst who has worked extensively on gender and federal and state budgets in Australia suggests a conceptual framework for reporting the expenditure of each government department within three categories of expenditure – expenditure specifically targeted at women; equal opportunity initiatives in the public sector; and gender impact of mainstream budget expenditure. Pictorially she presents it this way:



Public Expenditure Incidence Analysis

A useful tool for helping to assess the distribution of public spending by gender is Public Expenditure Incidence Analysis (or Benefit Incidence Analysis). It can provide one way of assessing how **gender-inclusive** such expenditure actually is by comparing the distribution of spending between men and women, boys and girls.

The first step is to analyse the net unit costs of providing any service: i.e. the annual total costs of public provision of the service minus the proceeds of any cost recovery measures (e.g. user charges) and then to divide this total by the annual number of “units” of the service provided (e.g. the number of hospital beds or school places). The second step is to analyse the pattern of utilisation of the services – for instance how many “units” were utilised by poor households and how many by rich households.

The information on net unit costs of service provision can be brought together with the information on utilisation rates to calculate the level of net resource transfer to poor households and to rich households. This statistic is called the Incidence of Public Expenditure by Income Group. In principle, this procedure could be extended to measure Incidence of Public Expenditure by Gender, by

examining the pattern of utilisation of services by gender, as well as by household income grouping. This has been done for health and education in Ghana.¹⁰

Data is required on the amount spent at national, regional and local level on the provision of a particular service, collected from the relevant public service providers. This is often surprisingly difficult to assemble and decentralisation of expenditure to lower tiers of government tends to make it more difficult. Contracting out of public services may also create data problems. Definition of an appropriate unit of service is relatively easy for some services, such as health (e.g. visits to doctor) and education (attendance at school). But very difficult in the case of “overhead” type services, such as most physical infrastructure. Data is also required on utilisation rates from regular national household surveys. Unfortunately, not all household surveys collected data on the utilisation of public services. The data may not be collected on a gender disaggregated basis. Thus, it may be necessary to improve the available data base in collaboration with the Ministry of Finance, the National Audit Commission (or similar body) and the Office of Statistics.

Tax and Benefit Incidence

Gender-disaggregated incidence analysis may also be conducted for taxation and income transfers. Here again it may be necessary to improve the available database and to improve understanding of the way in which household budgets are managed. Good studies of household budget management are available for a number of countries which reveal that full pooling and sharing of all household income is far from being the norm, so that in many cases men and women manage different income streams and have different expenditure responsibilities. As a result, in many countries, the incidence of income tax would fall more directly on men than on women; whereas indirect taxation (such as VAT) on basic household goods would fall more directly on women. Similarly income transfers in the form of food subsidies or child benefits paid to care-givers impact more on women; whereas income tax allowances impact more on men.

Budgetary Institutions

Budgetary institutions play an important role in the determination of patterns of public expenditure and taxation; and economic reform increasingly includes reform of budget processes, with emphasis on improving accountability and transparency. It is therefore important to appraise the institutional gender-balance in budgetary decision-making and the interface between the Gender Management System and the Budget Management System. Here an important tool is an analysis of the share of the total budget which goes to the Ministry Responsible for women’s Affairs, compared to other Ministries; and within each ministry, the share of its budget controlled by its Gender Focal Point (or comparable office). Gender cannot be “mainstreamed” if those who have responsibility for mainstreaming gender are not given budget allocations with this goal. Consideration could be given to introducing purchaser/provider relations between Gender Focal Points or Ministries Responsible for women’s Affairs, and other offices. The Gender Focal Points could then have a budget with which to commission the provision of gender-balanced services from the other sections of their Ministry.

Gender-aware Policy Appraisal

Gender-disaggregated incidence analysis is not readily applicable to some forms of expenditure, because the services provided are not individually consumed but collectively consumed. Here gender-aware policy appraisal can be used instead. For example, much of the expenditure of the Ministry of Trade and Industry or Transport or Power will be difficult to subject to gender disaggregated benefit incidence analysis. But the types of facilities provided and policies pursued by these Ministries can be appraised from a gender perspective. The key question is whether the policies are

likely to reduce gender inequalities and imbalances. A good model is provided by the women's Budget Project in South Africa, a joint initiative of the Parliamentary Finance Committee and non-governmental organisations (NGO) groups.

Women's Budget Statement

A Women's Budget Statement can be an important tool for bringing together information on the implications of government expenditures for women. Such a statement does not produce a separate budget for women. Rather it attempts to disaggregate expenditure according to its impact on women. As pioneered in Australia, participating government departments were required to identify the impact of their proposed expenditure on women. A Women's Budget Statement was then synthesised by the Office of the Status of Women. The production of a Women's Budget Statement thus requires a high degree of co-operation and some degree of commitment throughout the machinery of government. The creation of the conditions for this probably requires a substantial and well organised coalition of supporters both inside and outside of government. A number of strengths and weaknesses of the system used in Australia, have been identified by Australian policy analysts.¹¹

Strengths

- Educational role in sensitising departments to implications of their policies for women, and helping them to reduce their "gender-blindness";
- Lever for production of gender-specific data;
- Useful resource for women in government for entering into debates about specific budgetary policies.

Weaknesses

- Inability to effectively analyse the impact of "mainstream" expenditure on women – no guidelines were provided for departments on how to do this;
- Inability to address issues of overall design of budgetary policy – e.g. how much should expenditure be cut and which expenditure should be cut;
- Ignores revenue side of budget and interactions between budget expenditure in different ministries for overall situation of women;
- Does not provide quantifiable measures of improvements over time.

The effectiveness of a Women's Budget Statement could be improved by making use of some of the analysis and indicators suggested in this paper. Indeed some of these measures have already been introduced in parts of Australia. For instance, for the 1989/90 South Australian Women's Budget, departments were asked to provide their own internal indicators of progressive changes; and to detail the expected future outcomes of current expenditures, but tackling the issue of overall budgetary strategy requires going beyond a Women's Budget Statement.

Integration of Gender into Appraisal of Overall Budget Strategy and Medium Term Economic Framework

The appraisal of aggregate budgetary strategy revolves around the sustainability of the budget deficit or surplus. This is conventionally judged in terms of whether a deficit will tend to lead to financial problems, such as accelerating inflation; balance of payments crises; an increasing and unsustainable debt burden. The sustainability of a budget surplus is not always judged to be a problem because a surplus does not tend to lead to financial problems. But a deficit which is too low or a surplus which is too high, may lead to unemployment, poverty, and low levels of capacity utilisation. This overburdens families and communities, with consequent social and economic problems; and intensifies losses due to gender inequality.

The likely sustainability of a budget deficit is often tested by using a computable macroeconomic model to simulate the likely outcomes with a range of different values for variables. But the answers will depend on the assumption built into the model. Negative feedback from overburdening families and communities is not built into such models; nor is negative feedback due to the efficiency costs of worsening gender inequalities.

Maintaining the Social Framework

One of the factors that is usually assumed to be constant is the social framework of norms, rules and values (what some economists call the “social capital”). For instance to work well, an economy needs there to be a fund of goodwill, trust, and acceptance of, and obedience, to the law; and in addition some institutions that provide social stability and security, even though the economy is changing; institutions that can cushion individuals against shocks and see them through times of transition and restructuring. However, the social framework may not be invariant to the macroeconomic policy – high and rising deficits that generate hyperinflation will tend to lead the social framework to crumble; but so also will severely deflationary policies in which the deficit is cut rapidly and extensively, creating widespread unemployment and idle capacity. Some economists are now beginning to pay attention to the interrelation between macroeconomic policies and the social framework and to ask whether in some circumstances too rapid a deflation, as well as too rapid an inflation, runs down to dangerous levels the fund of goodwill and acceptance of social norms that is needed for economies to function well.

A critical factor in the maintenance of the social framework is the unpaid work that women in particular devote to bringing up children to be responsible members of society; and in strengthening family and community networks and voluntary organisations. A critical factor in the destruction of the social framework is the amount of idle time that young men have because they are denied paid work.

Time Budgets and Negative Feedback

A gender-aware budget strategy can be promoted by monitoring the time budgets of a country's citizens as well as the financial budget of the country. This information may be available from regular household surveys. If not, then time use questions, disaggregated by gender and age will need to be added. In the short run, useful data may be gathered by women's organisations using rapid appraisal techniques at selected sites.

Armed with time budgets, it is possible to frame another question to set alongside the question of the sustainability of the deficit in the national budget: is the deficit in women's time budget between the demands of unpaid work, and the time left available for it, sustainable? Or are the human resources of women, and girls, being depleted?

If this deficit becomes too high, there will be negative feedback effects to the market economy which reduce productivity and increase costs, very often leading to the need to **increase** public expenditure, to repair damage to the social framework, for instance expenditure on insurance, policing, social workers, repairs to public property. Ultimately this undermines the sustainability of the budget strategy.

Thus if the budget deficit has been reduced by expenditure cutbacks which place great reliance on women's reproductive and voluntary work to substitute for public services, while at the same time making men surplus to requirements, then there is a danger that its sustainability will prove illusory in the long run. Certainly, budget policy will not be providing a good foundation for the longer run achievement of growth combined with human development, because it is depleting human and social resources. The same interactions might also occur if budget policy has led to high and accelerating inflation, which can also put too much strain on the time budget of the care economy,

using up large amounts of time in reorganising household management in the face of corrosive uncertainties about prices.

The critical point is that a gender-aware approach to the overall budget strategy suggests that the maintenance of the social framework should not be taken for granted in judging the sustainability of budgets. Collecting time budget data is one way of making the connection. If time budgets look unsustainable, then this points to some reconsideration of the size of the national budget deficit, the tax-expenditure mix and the composition of expenditure.

Gender-aware Alternative Budgets and Medium Term Economic Strategies

Development of gender-aware alternative budget scenarios is another possible tool. Depending on the nature of the model used to simulate budget outcomes, some of the parameters may well be sensitive to the configuration of gender control over resources and the distribution of resources between women and men. For instance, the evidence on gender equality as an efficiency issue suggests that the productivity of investment could be raised by changing the gender distribution of resources in favour of women. Moreover, if women have a greater propensity to save than men, redistributing income towards women would raise the aggregate savings rate. Exploring this possibility requires some technical knowledge of modelling and co-operation with the economists in the Ministry of Finance who work with the model used in any particular country.

A complementary strategy would be to examine the gender-responsiveness of the institutional structure or social matrix in which the overall budget strategy is embedded. If women have more voice in the social bargaining that implicitly or explicitly surrounds macroeconomic policy-making, then more co-operative, less inflationary responses to any given deficit may result. For instance, owing to differences in their roles, women may have a different view than men of the trade-off between wage increases and maintenance or improvement of public sector services that support their caring roles. They may be more prepared to accept limitations in wages increases in return for maintenance of public expenditure than men. A greater weight for women's point of view will, other things being equal, lessen the risk of an inflationary spiral. This is not something that can be brought about quickly, but it should be possible to create opportunities for women to express their priorities through instruments such as attitude surveys, focus groups, public meetings, and the media. This needs to be matched by an increase in the role of women in Parliament and inside government in determining budget policy.

The outcome could be a number of different budget scenarios, depending on the gender distribution of resources and the level of empowerment of women. The relevance of this last point is that the possibility of budget policy that is "sound", while promoting a human-centred pattern of growth depends not only on seemingly mechanical economic factors, but also on social and political factors. Successful budget policy does require certain technical skills, and is constrained by available resources, but it is also an exercise in political economy, in social bargaining and coalition building, and creating informed consent ("social contracts", "social compacts") around a shared vision of development. An alternative gender-aware budget and medium term economic strategy may be a powerful focus for such a vision.

From Tools to Actions: *Identifying Options, Setting Goals and Monitoring Progress*

Decisions on budget policy are usually taken by a small group of ministers and officials concentrated in the Prime Minister's office, Ministry of Finance, and Central Bank. Ministers and officials who are outside this group, need to engage in policy dialogue to promote the use of the tools identified

in this paper to bring about changes in budget policy, so as to reduce gender inequality.

The Commonwealth Secretariat has already taken measures to facilitate this policy dialogue by submitting a report on Macroeconomic Policy and Gender Issues to the Commonwealth Finance Ministers Meeting, 24-26 September 1996.

Policy dialogue needs to be broadened through a multi-pronged strategy to address several target groups:

- spending ministries;
- general public;
- women's groups;
- researchers, academics, policy analysts;
- gender analysts;
- economists;
- development co-operation agencies.

The aim would be to stimulate demand for integrating gender into budget policy.

Ministers Responsible for Women's Affairs may wish to increase understanding of how and why budgets can be made gender-aware, by:

- Organising a conference of officials from the Ministry Responsible for Women's Affairs and the Ministry of Finance, together with local and international researchers, academics and policy analysts to discuss tools for integrating gender into national budget policy.
- Promoting a Workshop to bring together economists using macroeconomic models to design budget policy and economists and gender policy analysts developing gender-sensitive macroeconomic concepts, with the aim of producing a number of different gender aware budget scenarios.
- Organising a "Budget Hearing" with women parliamentarians and women's NGOs to allow women to voice their views on the current budget.

Piloting the Use of Gender-Aware Budgetary Tools

To refine the tools identified in this paper and adapt them to the variety of different national conditions, it is desirable to conduct a series of pilot studies in 1997, to test the strengths and weaknesses of the forms of appraisal identified here, and the possibility of using them to bring about change.

The pilot studies will ideally involve collaboration between the Ministry Responsible for Women's Affairs and the women's organisations; together with spending Ministries and the Ministry of Finance; with technical assistance from the Commonwealth Secretariat; and support where appropriate from development co-operation agencies.

The following types of pilot studies would seem to be particularly useful. Each study should result in recommendations for the gender-aware restructuring of public expenditure, so as to produce both efficiency and equity gains.

- i beneficiary assessments, conducted in collaboration with women's NGOs and women parliamentarians, of service delivery and budget priorities;
- ii gender disaggregated public expenditure incidence analysis conducted in collaboration with Ministries such as Education, Health, Agriculture and Water Resources;
- iii gender-aware policy evaluations of the policies supported by budget appropriations, conducted in collaboration with appropriate Ministries (e.g. Trade and Industry, Power, Transport) and

- women's organisations. This could cover employment and procurement strategy, as well as service delivery;
- iv production, in collaboration with the Ministry of Finance, of a Women's Budget Statement, analysing the gender implications of the pattern of public expenditure, drawing upon evidence produced by the three preceding pilot studies;
 - v analysis of the interaction of the national budget and the time budgets of different categories of men and women, boys and girls; this could be done in collaboration with the National Statistical Office using survey data; and in collaboration with women's organisations using rapid appraisal techniques;
 - vi production of alternative gender-aware budget and medium term economic scenarios, in collaboration with the Ministry of Finance, taking account of the positive and negative effects of national budgets on the social framework (or social capital), and on women's supply response to economic reform.

The conduct of the pilot studies, and the use of the information generated, should be integrated with the Gender Management System being adopted in each country, in order to promote necessary changes in budget policy at all levels.

The tools addressed here are mainly concerned with public expenditure, as recommended by the Commonwealth Secretariat Reference Group for this project. It might be appropriate to have a follow-up project to address transfer payments, taxes and user charges; and to focus as much on the developed as upon the developing countries of the Commonwealth.

Notes

- 1 Commonwealth Expert Group, 1989.
- 2 Haddad *et al*, 1995; Cagatay, Elson, Grown (ed), 1995; World Bank, 1995; Palmer, 1995.
- 3 Saito and Spurling, 1992.
- 4 Hill and King, 1995.
- 5 Tzannatos, 1991.
- 6 World Bank, 1995.
- 7 Brown, 1995.
- 8 Tibaijuka, 1994.
- 9 See, for instance, Waring, 1989; Cagatay, Elson and Grown (ed), 1995.
- 10 Demerry *et al* (1995).
- 11 Sharp, 1990 and Sawyer, 1996.

Changing the Conceptual Framework to Integrate Gender into Macroeconomic Policies

Professor Diane Elson

Introduction

The budget, on the face of it, appears to be a gender-neutral policy instrument. It is set out in terms of financial aggregates – totals, and sub-totals of expenditure and revenue, and the resulting budget surplus or deficit. As usually presented, there is no particular mention of women, but no particular mention of men either.

However, this appearance of gender-neutrality is more accurately described as gender-blindness. The way in which the national budget is usually formulated ignores the different, socially determined roles, responsibilities, and capabilities of men and women. These differences are generally structured in such a way as to leave women in an unequal position in relation to the men in their community, with less economic, social and political power.

The presence of gender differences and inequalities means that a gender-blind budget in practice tends to have different impacts on men and women, boys and girls; and in turn they tend to have different responses to the budget. Depending on how the budget, and the public services which it finances, are structured, the outcomes for men and women can be unequal. For instance, although the education budget of a country may have no intention of favouring boys over girls, the actual outcome may in fact favour boys over girls, as the data in Box 1 shows.

Box 1 Incidence of Public Expenditure on Education

	Public expenditure per male	Public expenditure per female
Pakistan	56 rupees	26 rupees
Kenya	670 shillings	543 shillings

Source: World Bank, 1995:27

If the budget is gender-blind, then this not only contravenes goals of gender equality, it also makes it more difficult for the budget to have positive impacts on economic growth and human development. A gender-sensitive budget makes good economic sense, because it enhances the contribution the budget can make to economic growth, human development and to the empowerment of women. This is discussed in more detail in the companion to this paper.¹

The existing conceptual frameworks and statistics used to create budget scenarios are gender-blind. They fail to recognise that:

- women's contribution to the macroeconomy is underestimated because of missing and biased markets and incomplete statistics;
- there is an unpaid economy (which has been variously labelled "domestic", "social reproduction", "reproductive") in which women do most of the work of maintaining the labour force and keeping the social framework in good order – both vital services for the paid economy.

- the parameters of aggregate production, savings, investment, imports and exports in the paid economy may be sensitive to different patterns of gender relations and gender distribution of resources.

Research is under way to develop gender-sensitive conceptual frameworks and national economic statistics which can reveal linkages and feedback between gender relations and macroeconomic outcomes.²

Here we draw upon that research to clarify a conceptual framework within which the issue of a gender-sensitive budget may be approached, with emphasis on:

- measuring women's contribution to the economy
- engendering macroeconomic models
- gender and budget strategy

Measuring Women's Contribution to the Macroeconomy

More of women's work than of men's work is not counted by national economic statistics because a great deal of women's work does not take place in large market oriented formal sector establishments. Instead it consists of:

- subsistence production
- informal sector employment
- domestic or "reproductive" work
- voluntary community work

Subsistence production is the production for home use of goods which in principle could be marketed – such as food, clothing, pottery. In principle it should be included in the measurement of the gross national product (GNP). But in practice it is frequently omitted because statistical surveys do not properly count it.

Informal sector employment is market-oriented employment in small workshops, family businesses, subcontracted work undertaken in the home ("homeworking") and work as domestic servants. It includes three types of occupational status – employee, self-employed, (both of which are paid) and unpaid family worker (in which the worker does not herself receive money) but the family member (often the male household head) directing the business does receive payment. In principle, informal sector employment should be included in the gross national product, but like subsistence production, it is often omitted because of the shortcomings of statistical surveys.

Domestic work or "reproductive work" is the work of managing a household, cooking, cleaning, fetching fuel and water, keeping home, clothing and domestic equipment in good repair, and caring for family members and friends and neighbours. In principle, it is excluded from the gross national product: it is defined in the UN System of National Accounts as lying outside the production boundary. But it is vital for keeping the social framework in good repair, and for maintaining and reproducing the labour force.

Voluntary community work includes unpaid activity in all kinds of civic associations, both secular and church based. It includes everything from self-help groups of mothers getting together to run a children's play group or secure improvements in neighbourhood safety, to support work for large international charities. Again these activities are in principle excluded from the GNP and often are regarded as leisure activities. But for many poor people, especially poor women, such activities are vital to get access to necessary resources and provide some security. Voluntary work makes a vital contribution to sustaining the social framework, particularly the sense of civic responsibility.

Reproductive work and voluntary community work could in principle be done by men or women – but these kinds of work have been socially constituted as more the responsibility of women than men in most countries.

As reported in the Special Issue of *Feminist Economics* November 1996, a great deal of progress is being made in many countries in measuring women's subsistence and informal sector activity, so as to include it in the GNP; and in measuring women's domestic or reproductive work and voluntary work so as to construct a satellite account measuring unpaid output. (See Box 2 for estimates of the market value of women's unpaid work in relation to GNP).

Box 2 Accounting for the unpaid economy

- Estimates for developed countries suggest that unpaid work produces an output equivalent to at least half of GDP.
- Global estimates suggest that women's unpaid work produces an output of \$11 trillion, compared to a global GDP of about \$23 trillion.

Source: UNDP, 1995:97

Neither national accounts nor satellite accounts in themselves, can indicate what policies are appropriate. A conceptual framework or model is required in which to use them. But statistics are important for making inputs and outputs visible – without this visibility it is difficult to get them included in models and seen as significant by policy-makers.

Engendering Macroeconomic Models

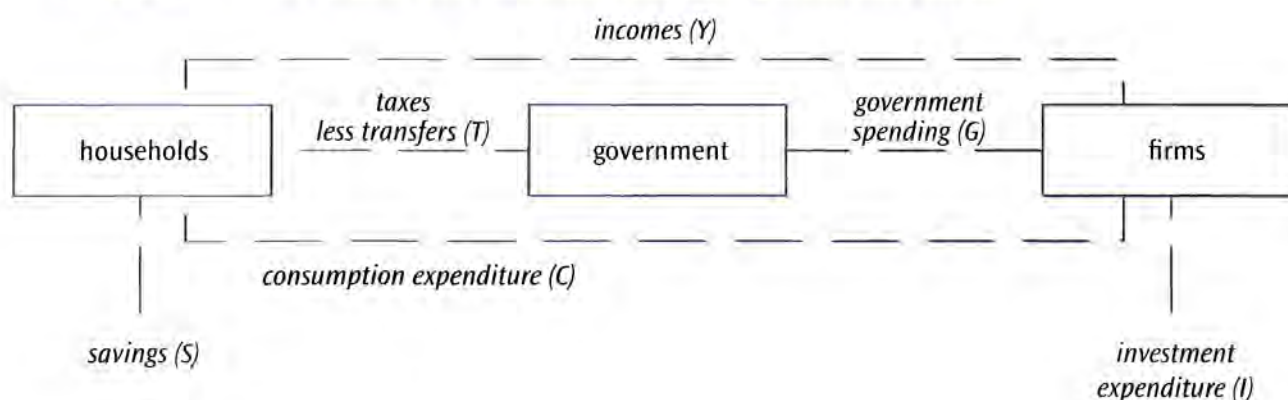
The circular flow of income is the simplest way of modelling an economy. The complex computer-based models used to create budget scenarios are almost invariably more complex versions of a vision of the macroeconomy as a circular flow of income which is represented in Diagram 1. In this vision of the economy, production and investment is carried out by market-oriented firms. This generates cash income for the households which own, or work in, firms. Households then either save their income, or consume it by spending it on goods produced by firms. Households are assured to act as if they were completely unified, pooling their incomes and making savings and consumption decisions so as to maximise the total benefit to the household as a whole.

The role of government is to levy taxes, make transfer payments, and provide public services. The model simplifies this role by assuming taxes are paid by households and transfer payments such as pensions, child benefits, unemployment benefits are made to households, while public services are provided by government, using goods and services produced by firms. The economy operates so as to equate savings and investment, but not necessarily at full employment of those who want paid work, and full utilisation of the capital stock produced by previous investment. The extent to which economies automatically tend to full employment is a matter of considerable debate among economists. But all are agreed that episodes of unemployment can last a long time.

In this vision, households do not produce. Their only function is to save or spend. They are only consumers. Nor does government spending create growth for the future. Its main role is to redistribute income and to increase aggregate demand (if G is greater than T : a budget deficit) or reduce aggregate demand (if T is greater than G : a budget surplus). The stock of natural resources, the stock of labour, and the social framework of civic responsibility is taken for granted and no work is required to maintain these resources.

Of course, in many cases, especially in the agricultural sector, the household and the firm are fused together in a family business. But conceptually, the model distinguishes the family aspect from the business aspect.

Diagram 1 **The circular flow of national income: a gender-blind model**



Imports and exports can be introduced into the model, in a similar way to savings and exports. Imports, like savings, are treated as a leakage from the economy, a withdrawal of funds, while exports, like investment, are treated as an injection of funds into the economy. For simplicity, net import expenditure is attributed to households; while export demand is met by firms. The economy is in equilibrium provided that the value of savings plus imports is equal to the value of investment plus exports. But equilibrium does not guarantee that full employment, absence of poverty, and adequate human development will always be achieved.

Gender and the Circular Flow of Income

Gender can be introduced into such a model by disaggregation. The most obvious disaggregation is to distinguish male and female-headed households and male and female-headed firms. The financial flows into and out of these gender-differentiated units could then in principle, be distinguished. It would be possible to answer questions such as:

- What proportion of government spending is directed to female-headed firms and what proportion to male-headed firms?
- Do male-headed firms display different investment and export behaviour from female-headed firms?
- Do male-headed firms display different income generating behaviour from female-headed firms?
- If public procurement policy were changed so as to offer more opportunities to female-headed firms, what would be the implications for investment, exports and income flows?
- What proportion of national income accrues to female-headed, and what to male-headed households? Are the shares in income the same as the shares in population? Do female-headed households get disproportionately less income?
- Does the savings and expenditure behaviour of male and female-headed households differ? For instance, do female-headed households have a greater tendency (given the same level of income) to spend in ways that directly benefit children; or to save a larger proportion of their income; or to consume imports?
- Does the incidence of taxes and transfer payments differ as between male and female-headed households?
- Would human resource development be improved by a redistribution of income to female-headed households?

A gender disaggregated *Social Accounting Matrix* could in principle be constructed to conduct this kind of analysis. This would require the allocation of resources to reanalyse existing household surveys and surveys of business (such as the census of production).

However, this kind of disaggregation has limitations. It does not look within households and firms so as to analyse gendered patterns of decision-making within them. There is abundant evidence that neither households nor firms are units in which all share common goals and pool all their resources. Moreover, within male-headed households and firms there can be widely differing degrees of women's empowerment.

Within male-headed households, there is a strong tendency for income streams and consumption and savings patterns to be gender differentiated. A great deal of case study evidence suggests, for instance, that in a wide variety of settings, extra income going to the mother in a two parent household is more likely to be spent in ways that directly benefit children than extra income going to the father.³ More generally, the nature of the decision-making role of women is likely to be a critical factor in the pattern of household expenditure and savings.

Within male-headed firms, there is a strong tendency for men's pattern of working life to be taken as the norm; and for the organisation of production and income in ways that best suit men, even if there is thereby some loss in productivity.⁴ Here again, the nature of the decision-making role of women within male-headed firms is likely to be important in the pattern of income generation (for example, pressure for investment in the skills of all the workforce not just men; pressure for investment in technology that enables women as well as men to have safer, less stressful, more productive working lives).

To incorporate this dimension of gender into the model of the circular flow of income, it would be necessary to disaggregate male-headed households and firms according to women's degree of decision-making power within them, i.e. according to the criteria of women's empowerment. We could then ask the same set of questions as before, but in terms of male-headed households and firms with high and low degrees of women's empowerment. However, there are many more practical difficulties in constructing a social accounting matrix disaggregated according to the degree of women's empowerment. There are more difficulties in defining and measuring degrees of women's empowerment within male-headed organisations, than there are in determining whether an organisation is male-headed or not (even though the latter is not always straightforward). Conventional household and firm surveys do not collect data in ways that focus on empowerment questions; and

Box 3 Women's Voices in Budgetary Policy

The Women's Budget Initiative in South Africa produced the following assessment for their country:

South Africa is in many ways outstanding in terms of the representation of women in public life – it stands seventh in the world in terms of the proportion of women in the national Parliament. There are three women Cabinet ministers out of a total of 27 and two deputy ministers. A quarter of the members of the national Parliament are women. However, there is still a relative absence of women in positions of power to influence decision-making in public expenditure and taxation.

Within the central government, the key institutions are the Department of Finance, the Department of State Expenditure, and the National Budget Committee. The crucial positions in these institutions are the Director General, the Deputy Director General and the Chief Directors. In the Department of Finance, there is one woman at this level; in the Department of State Expenditure there are none. The National Budget Committee in 1995/96 had about twenty permanent members, of which four were women (two of them Members of Parliament). In the national Parliament, the chairperson of the Joint Select Committee on Finance is a woman, but women account for less than a quarter of the members of the committee.

At the provincial level, there are no female premiers, 14 women members of Executive councils out of a total of 90 (16%), and 83 women members of provincial legislatures out of a total of 334 (25%). Overall women account for just over a quarter of the members of provincial Finance Committees.

As Debbie Budlender, Project Editor for the Women's Budget Initiative points out:

"Admittedly, not all women are sensitive to gender issues. The presence of more women in powerful positions will not necessarily guarantee a more women-friendly budget. However, there is a greater likelihood that with more women, more of the issues will be raised".

quantitative surveys have considerable limitations as instruments for investigating decision-making. Consideration needs to be given to testing a variety of possible proxy variables.

The principle of disaggregation could also be applied to the government, distinguishing male and female-headed committees, departments and services; and distinguishing male-headed committees, departments and services according to the degree of women's empowerment within them.

A more detailed examination of budgetary decision-making processes, distinguishing different levels of government, would make it possible to answer questions such as: Is a greater voice for women in budgetary policy associated with different patterns of taxation, transfer payments and government spending? Do these differences have implications for macroeconomic and human development outcomes?

Limitations of Gender-Disaggregated Models of the Circular Flow of National Income

No matter how much this model is modified by gender disaggregation and consideration of women's empowerment, one major flaw remains. It ignores the domestic (or "reproductive") work and voluntary community work, which together constitute an unpaid "care" economy. This unpaid care economy is vital in developing and maintaining the health and skills of the labour force; and in developing and maintaining the social framework: the sense of community; of civic responsibility; the rules, norms and values that maintain trust, goodwill and social order.

These activities tend to be taken for granted and are not brought into the discussion of economic policy. They are often thought of as "social roles" rather than economic activities. But they *are* economic in the sense that they require the use of scarce resources; and in the sense that they provide vital inputs to the public and private sectors of the economy. These activities are also gendered, in the sense that they are almost invariably regarded as the special responsibility of women; and as women have begun to focus on a macroeconomic policy, it is the *absence* of the care economy in macroeconomic thinking they have noted.⁵

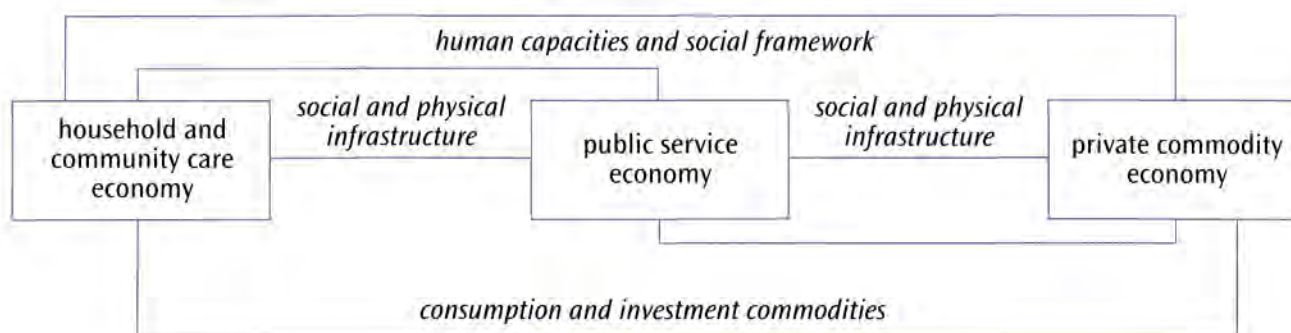
We can incorporate the care economy into macroeconomic thinking by focusing on the circular flow of national output seeing national *output* as a product of the interaction of three sectors: the private sector commodity economy; the public service economy; and the household and community care economy. The creation of wealth in a country depends on the output of all three sectors. Sometimes there is a tendency to assume that the wealth-creating sector is the private commodity economy; while the public service economy and the household and community care economy spend what the private commodity economy has produced. This mistaken view results from considering the circular flow of national income (Diagram 1) in isolation from the circular flow of national output (Diagram 2). The three sectors of the economy are *interdependent*. The private commodity economy would be unable to create wealth for use by the government and by families and communities, if the government and families and communities did not in turn create wealth for use by the private sector. The wealth of a country consists not only of the commodities produced by the private sector, but also the public services produced by the government (law and order, communication networks, health and education) and by the care economy (human capacities, social cohesion). This interdependence is shown in Diagram 2.

The private sector *commodity economy* produces market-oriented goods and services primarily in response to the profit motive. It includes the private formal sector and the informal sector. In principle, these sectors should be fully covered in the national accounts. In practice, there is under counting of informal sector activities. Men and women both work in the commodity economy. Overall, the formal part of it is relatively male-intensive though less so than formerly and the informal part relatively female-intensive. The *public service economy* produces a social and physical infrastructure which is used for consumption and investment in the *commodity economy* and the *care*

economy. These services correspond to public sector output in the national accounts. The public service economy is market-oriented to the extent that its employees are paid wages, and it is financed through taxation, user charges and borrowing (and, sometimes, by increases in the money supply). But it is less market-oriented than the commodity economy because it delivers many services free at the point of consumption. Ideally, it should be citizen-oriented, but unfortunately it is often bureaucrat-oriented. Men and women both work for wages in this sector. Overall, it is less male-intensive than the formal commodity economy, though probably more male-intensive than the informal commodity economy.

The *care economy* produces family and community-oriented goods and services as part of the process of caring for people. Work in the care economy is not paid, though it may be supported by transfer payments from the government (such as pensions and child benefit). It is regulated by social norms rather than by commercial or bureaucratic criteria. This economy is excluded, as a matter of princi-

Diagram 2 **The circular flow of national output: a gender aware model**



ple, from the UN System of National Accounts. Both men and women work in the care economy, but overall it is relatively intensive in the use of female labour. The *care economy* contributes to the welfare of the individuals receiving care, but it also contributes to the activities of the commodity economy and the public service economy by supplying human resources and by maintaining the social framework (supplying what some economists call human capital and social capital to the commodity economy and public service economy). The relative size of the three sectors can vary depending on the level of development and economic strategy pursued.

Like all pictures which draw boundaries, this picture is something of an oversimplification, since the commodity economy is not totally guided by commercial principles; and the public service economy does not always serve the public; nor is the care economy totally guided by selfless altruism. Nevertheless, there is an important difference between being paid to look after children as a private sector nanny or child minder, or as a public sector nursery school assistant, and looking after one's own children⁶. This is not only a personal difference. The costs of childcare in the commodity economy and the public service economy show up in the national accounts, and are taken into consideration in policy decisions. But the costs of childcare in the care economy do not show up in the national accounts and are therefore not taken into account in policy decisions. As a result, there is no clearly visible answer to the question "Who pays for the kids?" raised by American economist, Nancy Folbre.

One way of providing an answer that makes sense to economists is through the extension of *input – output analysis* to include the inputs used by and outputs provided by the family and community care economy. This analysis is in progress for Australia⁷.

As we have pointed out, conventional macroeconomic models (which are based on Diagram 1) ignore the care economy as a producer of human capabilities and upholder of the social framework. They do include a household sector in the framework, but only as a source of personal consumption

and personal savings. The only constraint which the household sector can impose on such models is the constraint of insufficient demand to buy the output of the market-oriented economy. In effect by ignoring the care economy, macroeconomists treat it as if it is able to supply whatever quantities of human capacities and social support are required by the commodity economy and the public service economy, regardless of the level of investment in the care economy. If it *can* do this, then it is safe to ignore it from the point of view of macroeconomic policy, and macroeconomists are right to do so. The assumption is equivalent to an assumption that women's time is available in unlimited quantities, in more technical terms, that the supply of women's labour is perfectly elastic.⁸ In effect, conventional macroeconomic theory treats the care economy in the same way the Lewis model of development treats the "traditional" sector as a sector that can supply whatever is required without the need for investment. In the Lewis model,⁹ the ultimate vision is of the "modern" sector completely taking over from the "traditional" sector. But that is neither desirable nor possible in the case of the care economy, since by their very nature human capacities and the social framework cannot be, and should not be produced, entirely along commercial or bureaucratic lines.

There will always be, and should always be, an important role for the care economy. The question is rather whether there will be sufficient resources in the care economy to enable it to respond to the demands made on it. If the care economy is overburdened, there will be negative feedback to the commodity and public service economies which will reduce their productivity and increase their costs, because of inadequate maintenance of human resources and of the social framework. The tangible signs of this will be work days lost and lower productivity through ill health and stress; rising public and private expenditure on insurance, policing, social workers, repairs to make good damage to public and private property, and health services to make good damage to human capacities. This negative feedback will affect the level and growth of output of the public and private sectors. Beyond a certain point, investment in the care economy will be necessary to increase its capacity – it cannot be treated as a bottomless well from which water can always be drawn. This investment can come both through the provision of public sector services and through the provision of decent jobs in the private commodity economy.

Much of the investment required by the care economy is best supplied through public services free at the point of delivery since it consists of social and physical infrastructure (health and education services, water, sanitation, lighting, roads, electricity etc) which need to be accessed by women who do not have much purchasing power. Historically, the improvement of productivity in the care economy has gone hand in hand with the provision of such public services.¹⁰ But the public service economy is financed by taxes on the formal sector commodity economy which overall is male-intensive; whereas the public services most important to the well-functioning of the care economy tend to be used more widely by women. This creates the conditions for a potential mismatch between the level of public investment required to improve the productivity of the care economy, and the level of tax revenue forthcoming to finance this. It creates the conditions which may generate budgetary strategies which rely on expenditure cuts, which simply transfer costs from the public sector service economy where they do show up in the national accounts, to the care economy where they do *not* show up in the national accounts, but are visible to those who think to look, in a deterioration in the health and capacities of families and communities. Ultimately these policies will be self-defeating if they are pushed too far – the social framework will give way, or other categories of public expenditure (on police and prisons for instance) will rise, undermining the budget strategy.

Budget Strategy and Human Development

A useful guide to empirical findings on the relationship between budget deficits/surpluses, growth and poverty is provided by two recent papers for the ILO.¹¹ Connections can be made between the framework of analysis they use and the gender aware framework developed in the previous section. Let us first consider their findings.

i Sound macroeconomic policies do have a positive impact on the rate of growth

However, it is not easy to deduce from the evidence any general prescription about the appropriate size of budget deficit/surplus. The main reason for this is that not only does the budget affect the rate of growth, but also the rate of growth affects the budget. Public expenditure and public revenue are not wholly within the control of even the best organised government (i.e. they are not wholly exogenous to the growth process). The rate of growth affects the amount of revenue any particular tax structure will generate; and the amount of expenditure that any particular structure of social security benefits will generate. If growth falters, revenues will tend to fall and expenditures rise, thus tending to increase the budget deficit, irrespective of fiscal policy. There is thus a problem of two-way causation, which makes drawing policy conclusions difficult. Much depends on the specific circumstances of particular countries. Budget deficits can have negative impacts on savings and investment (“crowding out” in the jargon of economics), and thus reduce growth. But this is not always the case. Taxes can be designed in ways that support savings and investments, and a deficit in the public sector can counter-balance a surplus in the private sector which could otherwise lead to a deficiency in aggregate demand and an under-utilisation of the economy’s productive potential. In this way, budget deficits may sometimes encourage private sector savings and investment (“crowding in” in the jargon of economics).

ii Fiscal contraction (reduction of budget deficits) can have a negative impact on economic growth and poverty

This negative impact comes via a reduction in spending on public sector investments in infrastructure and human resources, which in turn has a negative impact on private sector investments, which is discouraged because of lack of complementary factors of production and also via a negative impact on demand in the market which discourages more long term investment, and leads to unemployment. In the jargon of economics, in many circumstances public sector investment does not discourage (or “crowd-out”) private sector investment. Rather, public sector investment encourages (or “crowds-in”) private sector investment, both through the supply side and through demand side effects.

iii Public sector services can have positive growth externalities

The “new growth theory” (sometimes called “endogenous growth theory”) shows how expenditure on certain kinds of public sector services can have an even more powerful positive impact on the rate of growth by creating external effects which raise the productivity of private sector investments and counteract any tendency for increased private sector investment to result in declining marginal productivity of capital. One example is public expenditure on education and training. This not only raises the productivity of an individual who receives the education, but also the productivity of all the people with whom that individual interacts. (For instance, if I am computer-literate, it enables other people to save time and effort by communicating with me via computers. This effect is external to me, and I cannot capture all the economic returns to investment in my computer literacy. This will tend to lead me to under-invest in my computer literacy if I have to finance the necessary training myself. Public provision of the training will overcome this problem and through positive externalities tend to raise the rate of growth. This implies that public expenditure on education should be treated as investment, rather than consumption).

iv National budgets can simultaneously promote both high and sustainable rates of growth and a more equal distribution of income and better human development

The key to doing this, is to design budget policy so as to maintain sufficient effective demand to create a buoyant labour market, while at the same time re-directing the pattern of public expenditure towards investment in human resources, appropriate physical infrastructure and environmental protection.¹² This means it is important to consider not just the size of the deficit, but also the

combination of expenditure and revenue which produces it. If the main emphasis in improving the management of the budget is placed on cutting back expenditure while paying little attention to the need to raise more revenue, then it is likely to be more difficult to combine growth and human development. As Pyatt¹² argues

“it is probably the wrong emphasis in most countries for two reasons. One is that the need, and even the desirability, of cutting back on some categories of expenditure must be set against the need to increase expenditure under some other heads. There is therefore a case for a shift in the pattern of expenditure which does not imply a reduction in the aggregate given the option to raise more revenue. The other is that there is a tendency in practice for expenditure cuts to fall on the poor, while increases in taxes fall more on the rich”. (p40)

Pyatt concludes that budgetary policy should reflect a concern for efficiency in the use of resources and a concern to mobilise new resources while reorganising the pattern of expenditures.

This is an excellent point of departure, but a gender-analysis needs introducing into the design of policy so as to ensure that:

- i efficiency in the use of resources is properly defined. All too often efficiency is defined only in relation to the use of paid labour in the private and public sectors of the economy. Caring labour in families and communities is left out because it does not have a market price. Measures which seem to increase efficiency in the use of paid labour can in fact simply be transferring costs to the unpaid care economy. The overall effect can be a reduction in efficiency, resulting from human resource depletion and deterioration of the social framework;
- ii mobilisation of new resources takes account of the fact that women’s labour is not an under-utilised resource, but an over-utilised resource, in limited supply; and that households are internally differentiated and tend *not* to pool *all* their resources. This means that the impact of different taxes will vary by gender – income tax will have more immediate impact on men, while VAT on basic household consumer goods will have more immediate impact on women. The ultimate incidence will depend on intra-household relations;
- iii reorganisation of the pattern of expenditures takes account of the fact that some externalities are gender-specific. Given the existing division of labour, women’s work in the care economy produces services with benefits far beyond families, raising productivity in the private commodity economy and the public service economy. There is a particular need to enable women to increase their productivity in the care economy, but there are no market prices signalling the returns to such investment;
- iv the issue of sustainability is understood very broadly, going beyond financial sustainability to encompass the sustainability of the social framework, and of the economy of care that is so important in maintaining it.

Gender and Budget Strategy

A key issue of aggregate budgetary policy is the extent to which a budget deficit is sustainable. This is conventionally judged in terms of whether it will tend to lead to financial problems, such as accelerating inflation; balance of payments crises; an increasing and unsustainable debt burden. Inflation and balance of payments problems are likely if the public and private sectors are already fully utilising their capacity; labour is fully employed; and the government keeps increasing the money supply to finance a growing deficit. If instead the deficit is financed by borrowing, this will be less inflationary, but may tend to drive up interest rates especially if financial markets have been deregulated. This in turn means that more and more future tax revenue will be pre-empted to service the debt. It may also deter private investment, “crowding out” private investors because they cannot afford the high interest rates. The sustainability of a budget surplus is not convention-

ally judged to be a problem because a surplus does not tend to lead to financial problems. But it may lead to unemployment, low levels of capacity utilisation, and an overburdening of the care economy, with consequent social and economic problems, and a breakdown in social cohesion.

The likely sustainability of a budget deficit can be tested by using a computable macroeconomic model to simulate the likely outcomes with a range of different values for variables. But the answers will depend on the assumptions built into the model on such issues as the extent to which increases in money supply lead to inflation; or increases in borrowing drive up interest rates; or increases in interest rates deter private sector investment. Negative feedback from overburdening the care economy is not built into such models.

The sustainability of a budget deficit in practice is also influenced by more intangible factors such as the climate of opinion and the institutional structures of a country; what Taylor (1988) calls the social matrix, and Khan (1993) calls the interface between institutional organisation and policy regime. That is, the sustainability depends on the configuration of power and values as well as on the size of the deficit itself. The extent to which any given deficit leads to financial problems is influenced by factors such as the organisation of financial markets and “market sentiment” and the organisation of wage negotiations and the degree of importance attached to the “social wage” provided by public sector services. It is influenced by whether there are co-operative or competitive responses to budgetary policy, and the kind of “social bargaining” that takes place about policy. There are important feedback effects from the expectations and actions of major players in the economy. For instance, the sustainability of a deficit in a country with deregulated financial markets depends a great deal on the “confidence” which dealers in those markets have in the sustainability of the deficit. If they decide it is not sustainable then they will tend to take action – such as moving their funds overseas – which make their fears self-fulfilling.¹³ In a deregulated economy a great deal depends upon expectations in the financial markets about how an economy works, what kinds of things will lead to a financial crisis and what can be assumed to be constant, no matter how budgetary policy operates.

One of the factors that is usually assumed to be constant is the social framework of norms, rules and values (what some economists call the “social capital”). For instance to work well an economy needs there to be a fund of goodwill, trust, and acceptance of and obedience to the law; in addition to some institutions that provide social stability and security, even though the economy is changing; institutions that can cushion individuals against shocks and see them through times of transition and restructuring.

Family and community institutions in the care economy are important pillars of the social framework, generating and maintaining it. However, the social framework may not be invariant to the macroeconomic policy – high and rising deficits that generate hyperinflation may tend to lead the social framework to crumble; but so also will severely deflationary policies in which the deficit is cut rapidly and extensively, creating widespread unemployment and idle capacity. Some economists are now beginning to pay attention to the interrelation between macroeconomic policies and the social framework (which they tend to call “social capital”) and to ask whether in some circumstances, too rapid a deflation, as well as too rapid an inflation, runs down to dangerous levels the fund of goodwill and acceptance of social norms that is needed for economies to function well. They do not however connect the maintenance of the social framework to women’s unpaid work in the care economy as we have done here.

Nevertheless economists who are worried about the depreciation of social capital do see the need to consider the sustainability of the budget deficit/surplus in a wider framework, not just emphasising its implications for financial variables such as the rate of inflation and the balance of payments, but also for growth and human development. There is an urgent need to develop operational macroeconomic models that take account of this feedback. The work of Palmer, Elson and Walters¹⁴ can be drawn on as a point of departure.

Changing Budget Priorities

To move from gender-sensitive models to gender-sensitive practices means changes in budget priorities. As Pregs Govender (Member of the South African Parliament) writes in her introduction to the Women's Budget, "The budget reflects the values of a country – who it values, whose work it values and who it rewards... and who and what and whose work it doesn't".¹⁵ To bring about changes in priorities, the development of new tools to appraise budgets and the building of broad-based coalitions to support the use of these tools to bring about change, are discussed in detail in the companion to this paper.¹⁶

Yet the first stage in changing priorities is to change understanding. Here we have looked at national budgets through women's eyes, disclosing interconnections which are missed from gender-blind visions. Including women's empowerment and the economy of care within macroeconomic policy frameworks can contribute to the sustainability and development in ways that in the long run can benefit us all.

Notes

- 1 Elson, 1996.
- 2 See, for instance; Waring, 1989; Cagatay, Elson and Grown (ed), 1995; Special Issue of *Feminist Economics*, November 1996.
- 3 Dwyer and Bruce (ed), 1988.
- 4 Tibaijuka, 1994, Bruegel and Perrons, 1995.
- 5 Sen, 1995.
- 6 For further discussion, see Himmelweit, 1995; Folbre, 1995; McCloskey, 1996.
- 7 Ironmonger, 1995.
- 8 Elson, 1995a.
- 9 Lewis, 1954.
- 10 Folbre, 1994.
- 11 Van der Hoeven, (1995) and Pyatt (1993).
- 12 suggests Pyatt (1993).
- 12 *ibid.*
- 13 Campos and Pradhan, 1996, Appendix 1.
- 14 Palmer, 1995; Elson, 1995b and Walters 1995.
- 15 Budlender (ed.), 1996:7.
- 16 Elson, 1996.



Part C

Women's Human Rights

Practical Strategies for Combating Violence Against Women

Jane Connors

Introduction

During this decade, the issue of violence against women has emerged as one of the priorities of the international community:

- In 1993, the Second United Nations World Conference on Human Rights emphasised the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of conflict between the rights of women and the harmful effects of traditional or customary practices, cultural prejudices and religious extremism. Responsive to increasing political instability resulting in armed conflicts, the Conference called for effective response to violence against women in national and international war.¹
- On 22 February 1993, the United Nations Security Council, acting under Chapter VII of the United Nations Charter, decided to establish an International Tribunal for the Prosecution of Persons responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia.² Unlike the statutes governing the international military tribunals established after the Second World War, the mandate of the current tribunal contains an explicit reference to rape and it has been encouraged to give priority to cases of abuse of women and children.
- In December 1993, the United Nations General Assembly agreed the Declaration on the Elimination of Violence against Women³ and in March 1994 appointed a Special Rapporteur on Violence Against Women.⁴
- In March 1995, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women – the Convention of Belem do Para – entered into force.⁵
- In September 1995, the Fourth World Conference on Women reiterated the world community's specific concerns and agreed obligations with regard to violence against women.⁶

Violence against women has been an increasing preoccupation of the Commonwealth Secretariat. The issue was considered at the 1985 Meeting of Commonwealth Ministers Responsible for Women's Affairs and the 1986 Meeting of Commonwealth Law Ministers. During the 1980s, the Secretariat hosted a number of Expert Group Meetings on Violence Against Women, and produced *Confronting Violence – A Manual for Commonwealth Action*, *Guidelines for Police Training on Violence Against Women and Child Sexual Abuse*, and *Violence Against Women – Curriculum Materials for Legal Studies*. During this period, the Commonwealth Fund for Technical Co-operation also provided expertise to draft model legislation and to train police.

Violence against women has been on the agenda of the 1990 and 1993 Meetings of Commonwealth Ministers Responsible for Women's Affairs and the 1996 Meeting of Commonwealth Law Ministers. Commonwealth Ministers Responsible for Women's Affairs mandated the Secretariat to establish a Clearing House on Violence against Women. The Clearing House is designed to provide on-line information on existing resources, materials and training models related to violence against women. The Secretariat has produced an annotated bibliography on violence against women and a resource book on actions taken by Commonwealth countries to combat violence against women.

Reflective of the current understanding of violence against women as constituting a fundamental contributory factor to the subordination of women, a form of discrimination and a denial of human rights, the Secretariat included the issue of violence against women and children on the agenda of the three regional judicial colloquia on the domestic implementation of international human rights norms relevant to women's human rights which were held in Victoria Falls for the Africa region and Hong Kong for the Asia/South Pacific regions in 1994 and 1996 respectively. The conclusions of both colloquia – the Victoria Falls Declaration of Principles for the Promotion of the Human Rights of Women and the Hong Kong Conclusions – urged Commonwealth governments to subscribe to the principles of the United Nations Declaration on Violence against Women and stressed the need for judges and judicial officers to be gender-sensitive and aware of the need to protect women against violence through a proactive interpretation of the law.

Since the identification of violence against women as a Commonwealth concern by the 1985 Commonwealth Meeting of Ministers Responsible for Women's Affairs, significant progress has been made by Commonwealth governments to confront the various forms of violence against women. Measures which have been introduced have fallen into three broad categories: service and support provision; substantive and procedural law reform; and training and education for specific groups, and for the general public. In many Commonwealth countries, measures have been introduced as a result of non-governmental organisation (NGO) advocacy and activism, and the focus of measures and their level of development often reflect the primary focus of attention of these NGOs. Until recently, the primary focus of activist attention in individual countries has been violence against women that occurs in the private sphere. Thus, sexual assault generally and all forms of violence against women in the family have received the most attention. Accordingly, at national level, the measures in these contexts are most developed. Sexual harassment in the workplace and elsewhere has also attracted attention. Some countries have addressed particular forms of violence based on culture, tradition or religion. In African countries, for example, female genital mutilation has been a priority and in South Asia, violence related to the dowry tradition has been a primary focus.

Since the beginning of the 1990s, and particularly with the identification of violence against women as an issue of human rights, activist attention has expanded to encompass violence against women in the public sphere. Although activism relating to violence against women in this setting has largely been devoted to achieving a better application of extant international standards and procedures of implementation, as well as bilateral and multilateral co-operation between countries, some countries have introduced specific measures which relate to violence against women in the public sphere.

Existing national measures to confront violence against women do not approach the various manifestations of such violence as stemming from a uniform structural cause, but rather, address each form of violence separately, generally in accordance with where such violence occurs. Thus, different measures have been employed to address violence in the family, the community and elsewhere. The following describes government measures which have been initiated to confront a number of forms of violence against women. The areas considered are: violence against women in the household; sexual harassment; sexual assault; violence related to tradition and culture and the exploitation of prostitution and trafficking in women. Legal approaches, service provision and research, training and education measures which have been employed in each context will be examined.

Where each manifestation of violence against women is concerned, national governments have concentrated predominantly on legal and service strategies, and to a lesser extent, sector specific and public education programmes or campaigns which address values, attitudes, and actions related to gender-based violence. Countries have not usually implemented an integrated or holistic response to gender-based violence against women, but have introduced reactive responses, with the protection of the victim and the punishment of the perpetrator as their primary concerns. Australia, Canada and New Zealand are exceptional in this regard where some attempt has been

made to take a comprehensive approach to violence against women. In Australia, a National Committee on Violence Against Women (NCVAW), which has formulated a national strategy with respect to violence against women has been established⁷ and Canada has set up the Canadian Panel on Violence Against Women which has also formulated a national action plan.⁸ Those countries that take a more holistic approach to the issue have been able to identify the impact violence against women has generally, and factor that impact into apparently unrelated areas. So for example, some countries have identified the effect that a history of violent treatment may have on the reaction of individual women and have allowed such a history to be taken into account in the prosecution and sentencing of women for crimes⁹. Some now provide that violence by one spouse against the other, is a factor to be taken into account in making orders with respect to children¹⁰ and that violence against women is a factor for consideration in immigration¹¹ and refugee cases¹².

The response of Commonwealth governments to the issue of violence against women has been laudable. However, strategies which have been introduced, continue to be undermined by lack of societal recognition and understanding of violence against women. Gender-based violence is still generally denied, its magnitude and cross-cultural and cross-class nature rarely appreciated. Further, in some Commonwealth countries the introduction of effective measures to confront various forms of gender-based violence and implementation of such measures are adversely affected by competing values or interests. The competing interest of the preservation of religion, custom and cultural values and ideals sometimes takes precedence over the interest in preventing victimisation of women, particularly within the household. The interest in maintaining various legal rights – such as due process or guarantees of fair trial for suspected perpetrators of crime or property rights – frequently competes with the interest of victim protection. Again, the interest in the protection of the privacy and integrity of the family is very often valued over the individual rights of family members to be free from gender-based violence.

National Strategies

Violence Against Women in the Home

Violence against women perpetrated by spouses, and other household members is increasingly recognised as a serious problem in Commonwealth countries. Nonetheless, in some countries, measures that have been introduced have been limited to legal provisions or relatively under-resourced services.

Legal Approaches

In most Commonwealth countries, legal relief available to women who are the victims of violence in the home is provided by the criminal law, matrimonial law and the civil system of compensation. Increasingly throughout the Commonwealth, however, new remedies, variously entitled injunctions, interdicts and protection orders have been introduced to provide more comprehensive protection and relief.

A central question which emerges at national level in the development of legal strategies to confront the question of physical, sexual and psychological violence against women in the household, whether perpetrated by the woman's partner, parent, child or other relative is whether the penal or criminal justice system is appropriate in the management of such violence. Two divergent views have emerged. The first is that the criminal law is totally inappropriate and that a conciliation/welfare approach stressing mediation and therapy is to be preferred. The second suggests that domestic assault, notwithstanding the fact that it takes place in the family and occurs between intimates, is criminal conduct and should be treated no differently from such conduct occurring in other contexts. All legal approaches to domestic violence in the Commonwealth move along a continuum, at one end of which is a purely welfare approach and at another is an approach

advocating criminal sanction in all cases. Increasing emphasis on the criminal nature of domestic abuse has been paid by Commonwealth jurisdictions in cases of domestic abuse, but even in those jurisdictions where the criminal nature of domestic violence has been stressed, it is unusual to find special crimes relating to “spouse abuse”. Thus, except for those jurisdictions, such as India, whose penal code elaborates specific provisions relating to violence in the family,¹³ criminal proceedings with respect to violent acts occurring within the family will be available if those acts meet the definition of general crimes.

In all countries of the Commonwealth, in principle, the criminal law is applicable to many forms of domestic violence as, in most systems, a man is not entitled by reason of marriage or cohabitation to inflict violence on his wife. In a number of jurisdictions, however, emotional or psychological abuse does not meet the definition of criminal conduct and in most jurisdictions, rape and other forms of sexual assault by a man on his wife¹⁴ are not regarded as criminal offences. Furthermore, in a limited number of jurisdictions, husbands and other male family members are entitled to subject their wives or female relatives to a reasonable amount of physical chastisement. This right often reflects cultural practice and is frequently applied by judicial decision-makers.¹⁵ In some jurisdictions, issues such as provocation or motivation are taken into account when sentencing perpetrators of crimes. These issues are frequently raised by husbands or other male relatives in cases where women are killed or assaulted and very often such men receive lighter penalties.¹⁶

In most Commonwealth jurisdictions, criminal proceedings are not brought against perpetrators of domestic violence. Many societies fail to recognise such violence as a serious issue. Most societies, and even some that recognise the issue as serious, consider violence in the family to be regrettable, but a private or family matter and outside the proper reach of the criminal justice system. In some jurisdictions, legal obstacles reflect these perceptions, with laws of criminal procedure limiting the availability of the criminal law in domestic circumstances. For example, some jurisdictions provide that the victim must initiate prosecution for all but the most serious crimes. In some countries, wives are prohibited from giving evidence against husbands, and police powers in cases of domestic crime are imprecise.

Reforms in a number of Commonwealth countries have addressed some of these difficulties. The requirement that the victim initiate prosecution has been removed in a number of countries, while others, such as Canada, direct the police to lay criminal charges in all cases of domestic assault even if the victim herself would prefer that the charge did not proceed. Some jurisdictions have removed the prohibition on wives giving evidence against their husbands, with some making wives competent witnesses in such cases and others going so far as making them compellable.¹⁷

Countries which have chosen to stress the criminal nature of domestic abuse have recognised the central role of the police in the management of the issue. Furthermore, they have recognised, that the police have been traditionally reluctant to intervene in such cases and these countries have sought to introduce measures to encourage such intervention. These measures include legal provisions which clarify police powers of entry, arrest and bail procedures in cases of domestic violence, as well as the introduction of force policies, such as presumptive arrest and charging policies and police training in the dynamics of legal approaches to, and support services for, such assaults. Furthermore, in a number of countries, civil protection orders, usually enforceable by arrest, have been introduced. The general pattern of these orders is described below.

In all Commonwealth countries, matrimonial relief is available to women who are subjected to violence by their husbands. Divorce is legally available, and in general terms, physical cruelty will entitle a spouse to divorce. Many countries also allow divorce in situations of psychological or emotional abuse, while others merely require irretrievable breakdown for divorce.

A small number of Commonwealth jurisdictions demand severe cruelty before the wife will be entitled to a divorce and these will not consider minor physical cruelty or emotional abuse as sufficient to justify divorce. Some jurisdictions, particularly those which do not recognise the concept of rape in marriage, or where legislation or the common law has defined sexual relations as

one of the obligations of marriage, do not consider unwanted sexual attention by the husband as grounds for a divorce.

Other matrimonial remedies are available to wives who have been abused by their husbands. Judicial separation and other separation orders, which relieve a spouse of the duty to cohabit with the other spouse, are available as an alternative to divorce. In many countries, matrimonial injunctions or interdicts are available to provide incidental relief in suits for divorce and separation. In some countries, legislation provides specifically for orders which prohibit spouses from interfering with each other, while in others, courts have used the general power to grant such relief to provide protection for wives who are at risk.

An increasing number of Commonwealth countries have introduced special legal approaches to confront domestic violence. Although some have introduced special criminal sanction which applies in the domestic context, most have chosen to expand civil remedies. The new civil remedy, frequently called a protection order or domestic violence injunction, provides for a court order, usually obtainable on the civil burden of proof – the balance of probabilities – which is designed to protect the victim from feared attacks or harassment. In most cases, a breach of the order is a criminal offence and the police can arrest, without warrant, a person who has contravened a protection order. Protection orders are usually available in addition, or as an alternative to, pre-existing criminal or matrimonial remedies. The terms of protection orders differ in detail from jurisdiction to jurisdiction and a number of those jurisdictions which adopted these orders some years ago, have introduced modifications and improvements in response to quality assessment.

Most protection orders entitle the court to require the offender to leave the family home, even where it belongs to him, forbid him to molest or harass the victim in any way, enter the premises where she works or come within a specified distance of the woman or the locality where she might be. Some provide for a range of ancillary or incidental orders. Examples of matters which are often the subject of incidental orders include orders with respect to shared possessions, such as household furniture or vehicles, financial support and custody and visitation arrangements with respect to children. In some jurisdictions incidental orders affect the conduct of the offender, for example, require him to surrender any firearms or other weapons, limit his intake of alcohol or attend counselling.

The conduct warranting the issue of a protection order varies according to the statute which authorises it, and thus varies from country to country. In all countries where there is provision for protection orders, relief is granted in circumstances where the offender has been physically violent to the individual seeking protection and has threatened to repeat this behaviour. Some provide relief where there has been sexual or emotional abuse, intimidation or threats of abuse. Eligibility for relief also varies. In some countries orders can be acquired by any individual who fears violence from another, irrespective of the relationship between them. In other countries those who qualify for relief are more limited, with remedy available to those who have suffered or fear future victimisation from a person with whom they are currently living or with whom they previously lived or with whom they never lived, but who is the father of their child. Some countries limit the availability of protection orders still further to former and current spouses and cohabitants, while some restrict relief to married couples who are still living together.

The procedures which govern the acquisition of protection orders are broadly similar. The appropriate court is petitioned, a notice is sent to the defendant and the matter is heard by a judicial officer. In most cases, however, *ex parte* orders are available where there is immediate or present danger to the applicant and some allow for the issue of emergency protection orders outside normal court hours. Some go so far as to allow orders to be acquired by telephone. In most countries, protection orders are only available on the application of the victim, but in some jurisdictions access to such orders has been widened by granting state authorities, such as the police, or an agent of the woman – a friend or woman's refuge – the right to seek an order on the woman's behalf.

Service Provision

Research suggests that the law is usually the last resort for victims of domestic assault, reached only after others, such as family and friends, priests, pastors or mullahs, nurses, doctors and social workers, have proved to be unhelpful. However, governments have chosen to concentrate on legal reform.

In general, the response of the health and welfare sectors to violence against women in the family has been disappointing. Professionals in these sectors, usually uneducated in the dynamics of domestic assault, have chosen to concentrate on the victim, rather than the offender, as the key to their response. In general, both sectors have looked at such violence as an individual, rather than a structural problem and have stressed the importance of the maintenance of the family.

Some Commonwealth countries have sought to address the question of service provision by the developing guidelines and training materials. Australia is notable here, where training, as well as guidelines for training, have been formulated for service providers.¹⁸

In many countries, services for victims of domestic violence have not been introduced because of government initiatives, but rather as a result of activity by individual women or groups of women. In a number of cases, however, once services have been put in place by the efforts of such women, governments have stepped in and either taken over such services or introduced services of their own modelled on those introduced by the voluntary sector.

Shelter provision has proved to be the most important service for victims of domestic violence. Shelters, which were originally conceived as advice centres for women at risk and ultimately developed to provide short to medium term residential accommodation for them and their children, exist in such varied countries as Australia, Canada, Trinidad and Tobago, Malaysia, South Africa, Zimbabwe and India. Although many are now government staffed and funded, most were initiated by volunteer women who themselves had been victims of violence. In countries where government has adopted the shelter model, it is often the case that specific shelters are established for different groups of women: for example, immigrant women, women with disabilities, aboriginal women. However, even where countries have introduced and supported shelters, they are inadequate in number, underfunded, oversubscribed and understaffed. Other services that exist for victims of domestic assault include toll free advice lines, counselling services, support groups and advice centres.

Some governments have chosen to implement programmes for offenders. Like shelters for battered women, many of these programmes began as community based responses to the problem and many were linked to shelters. In certain cases these programmes are part of diversion schemes or a court sentence. These schemes are new, take various models and have as yet to be analysed for effectiveness. Some commentators have suggested that counselling and treatment programmes for perpetrators of domestic violence may subtly perpetuate violence by easing feelings of guilt and allowing men to express violence in more socially acceptable ways. Others question the value of such programmes when the media, social and governmental institutions tolerate the subordination and violation of women.

Research, Education and Training

Government funded and sponsored research into the various aspects of violence against women in the family is well developed in some countries, with some having information clearing houses on the subject and others, such as Canada establishing Family Violence Initiatives. In most, however, research remains rudimentary.

A number of Commonwealth countries have initiated training programmes for professionals involved in domestic violence. Most of these programmes focus on the police, regarded as the front

line of response. The programmes vary in duration, scope and target group. Few countries offer police comprehensive and in-depth training in the dynamics of domestic violence, the legal response available and the services available for the victims of domestic assault. Police in some countries, moreover, never receive training in this area.

In a number of jurisdictions, police training has been accompanied with new models of response by the police to domestic assault. In the United Kingdom, for example, many police stations now have dedicated domestic violence units, staffed by specially trained officers who advise and assist victims of abuse. In other jurisdictions, women officers are specially trained to deal with incidents of domestic assault. In other jurisdictions, such as in New Zealand in its Hamilton Abuse Intervention Pilot Project, the police form part of a multi-disciplinary response team, which includes lawyers, social workers and psychologists.

In some countries law students, lawyers, magistrates and judges are made aware of domestic violence during their training, as are other professional groups, such as nurses, doctors, welfare and social workers. Again, this training is not routine and varies in quality and duration. Some countries, including Canada,¹⁹ have focused on the judiciary and attempted to ameliorate the justice system response where crimes against women are concerned, by addressing elements of gender bias in the justice system generally and the judiciary in particular.

Some countries have recognised that domestic violence is the result of social norms and values that produce stereotypical roles for men and women and have come to the view that this can be best addressed by formal and informal education. Accordingly, in some countries, the subject of family violence and peaceful methods of conflict resolution form part of the primary and secondary curricula.²⁰

Many countries rely on informal education strategies, both to inform women of their legal rights, available options and support systems and to convey to both women and men that family violence is to be deplored. Such strategies have included poster campaigns, booklets, videos, television and radio advertising and folk theatre. In both Australia and Canada, however, the crucial importance of education in its widest sense in changing attitudes toward violence against women generally and, particularly, in the home has been appreciated. The Australian Federal Government initiated a National Domestic Violence Education Programme for the three year period 1987-1990, the aims of which were fourfold: to raise awareness of domestic violence as a matter of community concern, provide accurate information on domestic violence, encourage widespread community participation in the campaign against domestic violence, and change attitudes which cause such violence.

In the first year of the Programme, a national survey was undertaken to provide information on community attitudes to abuse. This revealed, alarmingly, that one in five of the respondents condoned the use of physical force by a man against his wife in some circumstances, one third of the respondents regarded domestic violence as a private matter, more than a quarter would ignore a case of domestic violence in their neighbourhood and nearly half knew either a victim or perpetrator of domestic violence personally. In the light of this response, revealing that the Australian community viewed domestic violence as a private, non-criminal matter, National Domestic Violence Month took place. Activities, including local debate, the preparation of information kits, posters and pamphlets were co-ordinated at local level as a lead up to this month. The Month was launched by the Prime Minister and particular attention was paid to the development of materials for Aboriginal and Torres Strait Islander women, immigrant women, women in isolated and rural communities and young women. Videos, booklets and radio programmes were developed. The Programme ended with a National Forum on Domestic Violence Training attended by over 500 people, which stressed the need for training for those who work with domestic assault. Although the Programme has now concluded, it established an important momentum which affected further domestic violence strategies. It resulted in increased government funding for domestic violence programmes and evaluation of community attitudes after the Programme indicates that the Australian community no longer views domestic assault disinterestedly.

In Canada, similarly, a public awareness campaign on the theme of Zero Tolerance, aiming to highlight the prevalence of violence against women in the home, debunk the myths surrounding the issue, stress the criminal nature of the violence and the responsibility of the perpetrator for its occurrence, began in 1992. The Zero Tolerance campaign, consisting of striking and high-profile publicity which seeks to empower women and challenge men, has been adopted in other countries, including Scotland and England where, as in Canada, it has proved to be both controversial and effective.

Sexual Harassment

Legal Approaches

Legal approaches in this context are governed by the nature of the offensive conduct and by the circumstances in which the harassment occurs, with legal remedies dependent on whether the harassment constitutes a crime, such as rape, sexual assault, indecent or common assault or a civil wrong.

A number of obstacles stand in the way of women who wish to use the general criminal law in cases of sexual harassment. First, in most countries, the general criminal law criminalises only actual physical assaults or molestation and, accordingly, only the most egregious forms of harassment women experience are within its reach. Second, the decision of whether criminal proceedings will be initiated is almost always that of the police or a government official, such as a prosecutor, rather than the woman. Hence in those cases where the third party official considers the harassment to be trivial, the case is unlikely to proceed. Third, the proof required in a successful prosecution is high, the fundamental principle of the criminal law being that an accused is innocent until proven guilty. Fourth, as harassment usually occurs in private, evidence which establishes the allegation is difficult to obtain, particularly in jurisdictions which limit the use of the uncorroborated evidence of the victim. Finally, although a successful criminal prosecution will punish the harasser and discourage other would-be harassers, it will not provide the victim with compensation, nor will it, if it occurs in circumstances such as the workplace, impose liability on the employer for the acts of employees.

Fewer obstacles stand in the way of a woman who wishes to rely on the civil law for remedy. Although, again, the conduct of the alleged harasser must fall within the definition of a civil wrong, there is a greater possibility that this conduct will fall within the rubric of wrongs such as assault and battery, defamation, nuisance, malicious falsehood or breach of contract than within the definition of a crime. Moreover, there are significant advantages where the remedy is pursued through the civil law. The evidence required to establish the claim is lower than that required in a criminal suit, the successful claimant will be entitled to compensation, which can be substantial and an injunction or interdict to prohibit the conduct recurring, and where the harassment occurs in the workplace, the harasser's employer may be vicariously liable for the actions of the employee.

Some countries have specific legislation which addresses sexually offensive behaviour falling short of rape, sexual assault, indecent assault or common assault. In most cases these are general provisions designed to protect the "modesty" of a woman.²¹ Various countries have also introduced special legislation to confront particular forms of sexual harassment. For instance, the Delhi Metropolitan Council has criminalised "eve teasing", which it defines as words, spoken or written or signs or visible representations or gestures, or acts, or reciting, or singing indecent words in a public place by a man to the annoyance of a woman, and the Pakistani Penal Code criminalises the specific offence of stripping a woman of her clothes and exposing her to public view.²² Again, in England and Wales "kerb crawling" soliciting a woman, for the purposes of prostitution is proscribed.²³ Very recently, also, some Commonwealth jurisdictions, including New South Wales, South Australia and Queensland,²⁴ have introduced "stalking" legislation, which criminalises persistent harassing and intimidating behaviour.

A number of countries have become aware of the prevalence of sexual harassment in particular contexts, especially the workplace and educational institutions, and the implications that such harassment can have for the individual woman and the effectiveness of an organisation. Thus, some countries have allowed women who have been subject to such victimisation to seek remedies under legislation pertaining to employment, such as sex discrimination or equal opportunities statutes, concluding that harassment in the workplace amounts to less favourable treatment on the grounds of sex.²⁵ Remedies have also been provided under employment protection legislation which exists in some countries to protect workers from unfair dismissal, under provisions concerning health and safety in the workplace and under miscellaneous statutory duties which devolve on employers in relation to the workplace.

Some jurisdictions have enacted legislation prohibiting sexual harassment in specific contexts, usually employment, the provision of goods and services and in educational institutions and provide remedies where such harassment occurs. This legislation is broadly similar in approach. However, some statutes are more effective than others, having wider definitions of harassment, extending coverage to contract and commission agents, allowing representative actions by unions and fixing employers with vicarious liability for the harassment of their employees.²⁶ It is to be noted that even where this specific legislation is concerned, the emphasis has been on harassment in the workplace, with remedies generally confined to the formal sector. In general, the informal sector where cases of sexual harassment appear to be most prevalent and destructive for victims is outside the reach of legal remedy. Again, sexual harassment legislation often does not apply to small businesses²⁷ and frequently certain categories of workers, such as domestics or migrant workers, types of employees, who are particularly vulnerable to sexual harassment, are excluded from the coverage.

The European Commission issued a Code of Practice on sexual harassment for member states in October 1991. The Code, annexed to and enhanced by the Recommendation of the European Commission of 27 November 1991, recommended that European Community member states implement the Code in the public sector and take action to promote awareness of the unacceptability of sexual harassment. It encourages employers to issue a policy statement on harassment, communicate this effectively to employees, develop a procedure for advice, assistance and formal complaints and treat sexual harassment as a disciplinary offence. Recommendations relating to the responsibility of trade unions and employees are also made in the Code.

Non-Legal Approaches

Governments have usually confined their activity to eradicate sexual harassment to the introduction of legislation. Campaigns and publicising the issue has, in general, been left to the initiative of trade unions, worker's associations and private organisations. A number of governments have, however, produced protocols or guides indicating how sexual harassment can be eliminated in both government and non-government institutions. A limited number of governments have drafted standard form contracts, such as New Zealand, used when government contracts are concluded, which contain clauses forbidding harassment.

In some states, measures to address sexual harassment have been introduced at enterprise level in both the public and private sectors. Collective bargaining agreements, containing specific provisions concerning sexual harassment, cover workers in a number of enterprises in some countries.²⁶ Policy statements, directives or guidelines, incorporating internal disciplinary procedures, have been issued by public sector and large employers in a number of states.²⁸

Education

Some government bodies, trade unions, employers' organisations, women's groups, other NGOs and private consulting firms have worked to increase awareness of sexual harassment, its serious

short and long term implications and the measures that can be used to confront it by general and specific education measures. These measures have often served to initiate research and raise public awareness, to advocate legal change and to provide training and advisory services.

Measures have included the production of pamphlets, protocols and advertisements. In Australia, for example, the Human Rights and Equal Opportunity Commission conducted a poster, magazine and advertising campaign, which incorporated a toll free complaint line, aimed at young women in vulnerable occupations in 1990. Women responded positively to the campaign and its effects are continuing. Although other Commonwealth countries, including Canada, have initiated campaigns relating to harassment, predominantly, campaigning has primarily been the task of trade unions, employers' organisations and non-governmental bodies dedicated to the issue.²⁹

Perhaps because of the substantial impact sexual harassment has on industry and, inevitably, economic output, as well as the fact that such conduct may involve the vicarious liability of employers, numerous training programmes related to sexual harassment have been developed. Most of these have been the work of trade unions, employers' organisations and independent consultancy firms, a market having been found by the latter group in concerned employers. In the main, training programmes have been confined to sexual harassment in the workplace and within that broad category, the formal, and generally, large workplace.³⁰

Sexual Assault

Legal Approaches

In all Commonwealth countries sexual aggression against women and girls is criminalised in a broad range of legislative offences which are variously entitled abduction, defilement, indecent assault, procurement of a woman to have sexual intercourse by threats or false pretences, unlawful detention for immoral purposes, carnal knowledge and rape. Most legal systems criminalise some forms of activity involving minors, consanguines, affines – and sometimes dependants – and those who are mentally disabled, even in cases where the victim consents.

Over the last decade, many countries have witnessed demands for reform to both the substantive and procedural law governing sexual offences. In response to these demands, some Commonwealth jurisdictions have chosen to widen the definition of sexual assaults regarded as particularly heinous beyond penile penetration of the vagina and the anus to other sexual assaults and, for example, penalise forced oral intercourse heavily. Some have made their legislation "gender neutral", thereby allowing both victims and offenders to be both female or male. A number have graded sexual assault in terms of seriousness, providing higher penalties where sexual contact is forced by violence or where sexual assault is perpetrated by a group. Some countries have removed the word "rape" from the statute book.

An increasing number of Commonwealth countries now provide that unwanted sexual contact within marriage is unlawful, thus removing the rule that a wife, by the act of marriage, consents at all times to sexual contact with her husband. Such countries acknowledge that prosecutions may not be common and proof may be difficult, but their legislation indicates that the wife is no longer subservient to, or the chattel of, her husband.

Substantive legislative reform in some countries has sought to remove the focus of the trial for sexual assault from the complainant to the accused. Reforms here have been addressed at two areas of substance: the question of the complainant's consent and the offender's perception of the complainant's consent.

In most jurisdictions, the prosecution must prove that the complainant did not consent to sexual contact before the crime of sexual assault is made out. The standard of proof required of the prosecution is high in all countries. In some, however, the standard is almost impossibly high: those

countries which apply strict Islamic law requiring the testimony of four male eye-witnesses. In many, unless the complainant suffers fairly severe injury, it will be very difficult to prove that she did not consent. It will be an almost impossible task to prove she did not consent in most jurisdictions if the complainant is a prostitute or if she knew the offender had a past sexual relationship or was involved with him in some way.

Some reforming statutes have sought to shift the focus from the complainant's consent by defining situations in which the complainant's consent will be deemed to be absent. These include, for example, where she or another person is threatened with physical or economic retaliation or situations where the accused falls into a particular category, such as a hospital worker, employer, prison official or police officer.

Many jurisdictions require an accused to have a particular mental state before he can be regarded as having sexually assaulted the complainant. In general, the prosecution must prove that the accused intended to have sexual intercourse with the complainant against her will or that he was recklessly indifferent to her wishes. In effect, this means that an accused who is able to show, no matter how unreasonably, that he believed his victim consented to his attentions, must be acquitted. Some countries, alive to the fact that this allows the accused to allege that the complainant enjoyed sexual contact in demeaning circumstances, have introduced reforms which require the accused, once the prosecution has proved that the woman was not consenting, to show that he believed, on reasonable grounds, that she consented. Such reforms preclude allegations by an accused that although most women would be averse to sexual contact in the circumstances, the complainant under consideration had unusual sexual habits and desires.

Although there has been significant focus on the reform of the substantive law of sexual assault, evaluations of legislative reforms that have been made, reveal that most women place more significance on the reform of evidentiary and procedural aspects of this area of the law. Modifications of the requirement of fresh complaint, corroboration and rules allowing introduction of evidence of the past sexual history of complainants have been welcomed as significantly ameliorating the ordeal and limiting the humiliation that a complainant endures both in the courtroom and before. Other measures, which have included provisions allowing complainants anonymity, court procedures which hide their identity and deny the offender bail, or at least make the complainant aware of where the offender is, have also been enthusiastically received.

These modifications go some way to redressing the entrenched gender bias in the legal system which reflect perceptions of female behaviour in the context of sexual assault. At the same time, however, some of these modifications affect the opportunities that accused men have to introduce all relevant material relating to the offence at trial and, accordingly, can be construed as offending guarantees of civil liberties. In some jurisdictions accused men have mounted challenges to these reforms on the basis that they offend fair trial guarantees. In Canada, for example, a blanket provision prohibiting evidence of the victim's past sexual history was successfully challenged,³¹ although a similar provision, allowing the accused to apply for a judicial determination, which is heard *in camera*, for the introduction of such evidence, was subsequently introduced.³²

Support and Services

Support and services for victims of sexual assault have, as in the case of domestic violence, usually been initiated by individual women and women's groups. As with domestic violence, the models used have often been adopted by government at a later stage. It must be noted, however, that although some countries have been quick to introduce legal reform in the area of sexual violence against women, they have been slow to introduce services, perhaps reflecting societal discomfort with, and hostility towards women who have been victims of such assault.

In many countries rape crisis services, provide toll free advice lines, advice services and accommodation for women who are the victims of sexual assault operate. Some are run by women's groups

with no support from government, others are operated by a combination of such a group and government and some are operated by government. Some operate independently, others co-operate with the police and some are integrated formally with the police.

In most countries the traditional sexual assault reception agencies are police stations. In many, little attention has been paid to the singular ordeal that a rape complainant endures and in most countries police stations are not equipped to alleviate this. Some, however, have taken account of the particular needs of sexual assault complainants and offer a multi-disciplinary approach to such complaints, often co-operating with hospitals or special clinics. In some countries, such as the United Kingdom, police have introduced special examination rooms, away from the station, to render the ordeal of the victim as inoffensive as possible. A number of countries offer victim support services which aim to support the victim before, during and after any trial.

Training and Education

Victims of sexual assault are usually ashamed, guilty and afraid of how people will react to them. Many are humiliated, ridiculed, scorned and stigmatised by police and other workers and treated with suspicion and hostility by their family and friends. In some societies, such victims are rejected and shunned by husbands and other family members. Indeed, there is evidence that even women who have been sexually assaulted in detention or in conflict situations are blamed by their family members for their victimisation.

The negative response to the victim of rape stems from attitudes to women, rape victims and rape which is the result of myth and prejudice. Women are believed to provoke sexual assault by the way they dress, where they go, the way they move and behave. They are considered to be responsible for their own protection and must ensure that they do not arouse male sexuality.

Evidence from many countries suggests that the police are particularly at risk of being misinformed by these stereotypes. They are, thus, frequently suspicious of complainants, particularly in cases where there is no obvious sign of injury, where the offender is known to the complainant, where she delays reporting her assault or appears calm and unemotional. If the complainant is perceived to be morally dubious, for example, where she is a prostitute or sexually experienced, her allegation is highly likely to be doubted.

Police suspicion may manifest itself in various ways: the complainant may be totally disbelieved and discouraged from pursuing her complaint; the investigation may be conducted in such a way as to test her story – insensitive, bullying interrogation may take place, for example, involving a series of officers and a medical examination in unpleasant or threatening circumstances; and the complainant may be kept uninformed of the progress of the investigation.

In most countries, police officers receive basic training in the law and practice relating to sexual assault: usually, however, this training is brief and under-resourced. Some countries have recognised the importance of training and education in this context and have introduced specific training and education at basic, refresher and advanced level. Most of this training has been in methods of obtaining the best evidence for conviction and has thus been technical, but some has included attitude training and sensitisation. This has usually taken the form of training courses. However, some countries have employed Kits and Protocols which the investigating officer is directed to use in cases of complaints of sexual assault. This ensures that officers are meticulous in their collection of evidence and also direct their inquiries sensitively.

Police officers are not the only group who need to be educated in the dynamics of sexual assault. Prosecutors, defenders, judges and the general public require such training. Unfortunately, although some countries do conduct specific training for lawyers and judges, this area is not as developed as, for example, training in the area of domestic violence. Although poster and advertising campaigns around the issues of domestic violence and sexual harassment have been conducted in many countries, sexual assault has not received the publicity it warrants.

Violence Related to Tradition and Custom

In a number of countries, women are subjected to violent or harmful treatment because of practices which are regarded as traditional, customary or prescribed by religion. Four such instances are: violence related to dowry, widowhood rites, *sati* and female circumcision.

In all four instances legal strategies have been introduced to criminalise the practice, in the hope that this will lead to its eradication. However, here more than in other contexts where women are the subject of abuse, the law alone cannot be relied on to change practices which are rooted deeply in tradition and culture and which, to a certain extent, are defended by both women and men, despite the fact that they have patently harmful consequences.

Harmful traditional and customary practices will be eradicated only when there is fundamental societal change which will occur with attitudinal change at all levels. This sort of change can be achieved only with a combination of short and long term measures which are aimed at the particular practice and the cause of the practice. Such measures include formal and informal education, effective use of media and clear commitment from government, which is prepared not only to condemn such practices legislatively, but to ensure that such legislation is implemented in good faith.

Legal Strategies

A succession of statutes in India, Bangladesh and Pakistan have sought to criminalise violence related to dowry.

In India and Bangladesh, the payment of dowry has been outlawed, the Indian Central Government passing the first *Dowry Prohibition Act* in 1961. This statute defines dowry as “any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to another at or before or after the marriage as consideration for the marriage”. The statute set out severe penalties for those who demand, give, take or advertise dowry. Bangladesh, similarly, imposes substantial penalties for the giving or taking of dowry in legislation which follows the pattern of the Indian act. In Pakistan, however, a different approach is taken in the Dowry and Bridal Gifts (Restriction) Act 1976 which limits the amount of dowry, bridal gifts and presents and expenditure on marriage and also provides that any property given as dowry or bridal gifts vests absolutely in the bride.

Further substantive and procedural measures to discourage dowry-related violence are to be found in the provisions of the Indian Penal Code 1860, the Criminal Procedure Code 1973 and the Evidence Act 1872 introduced in 1983 by the Criminal Law (Amendment) Act. Two new offences have been created. The first is dowry death, defined to occur where a woman, subject to cruelty or harassment by her husband or his relatives in connection with any demand for dowry, dies within seven years of marriage. The second refers to cruelty to a woman by her husband or the relatives of her husband, defined as any wilful conduct which is of such a nature as to be likely to drive the woman to commit suicide or to cause her grave injury to life, limb or her physical or mental health, as well as any harassment of the woman where this is intended to coerce her or any of her relatives into parting with any property or valuable security. It also includes any harassment which occurs because of her failure or the failure of her relatives to meet such a demand. These two offences attract heavy penalties. Prosecution of these offences is facilitated by provisions which presume that the crimes have occurred in specified circumstances and strengthen police powers.

Some countries, such as Ghana, have been prepared to criminalise those who compel a bereaved person to undergo any custom or practice which is cruel, immoral or grossly indecent, while India introduced comprehensive criminal legislation at both federal and state level to address *sati*, a historical practice, which has experienced some revival, wherein widows practice self-immolation on the funeral pyres of their husbands.

Except for Ghana with its 1994 Criminal Code Amendment Act, criminalisation of female circumcision has occurred only in countries, such as Australia, Canada and the United Kingdom, where the practice is confined to immigrant groups. Countries where the practice is customary choose to rely on education, information and consciousness-raising campaigns to eradicate the practice. Although at least one medical practitioner in the United Kingdom has had his practising certificate terminated for perpetuation of the practice, criminal prosecution of circumcisers and others involved in the practice is rare.

Education

Legal strategies have not proved to be very effective in the context of traditional and customary practices. Certainly, dowry has not been eradicated in South Asia and deaths and injuries occurring as a result of the practice continue to rise. *Sati*, on the other hand, is not a common practice. Widowhood rites appear unaffected and the incidence of female circumcision in those countries that have criminalised the practice continues to rise.

Some commentators argue that stringent legal measures in the context of traditional practices may be counterproductive, serving to drive the practice underground or, indeed, encouraging it, because these legal measures may be perceived to be an attack on the particular tradition or cultural and societal system, rather than on the harmful practice itself. Accordingly, these commentators advocate education strategies.

Education and information campaigns have been introduced in South Asia to discourage the practice of dowry and its related evils and to eradicate *sati*. Thus, the Indian Government, for example, has instituted television and cinema advertising campaigns which employ uncompromising commercials to discourage such practices. Furthermore, in India a number of special police dowry units headed by women officers have been established, public lawyers have been appointed to assist women in the prosecution of dowry related matters, and many women's organisations have actively campaigned on the issue.

Action taken to eradicate female circumcision has not been as focused as action to stop dowry related violence, but in those countries where the practice is customary, poster campaigns and training modules for service providers have been introduced. These have aimed at the transformation of the social, religious and cultural bases of the practice. Furthermore, in a number of these countries, high level members of government have been prepared to make statements condemning the practice, drawing attention to the health risks to girls and women.

Prostitution and Trafficking in Women

Approaches to prostitution at international, regional and national level reflect an underlying dilemma: whether all prostitution is inherently coerced, and accordingly, represents a form of violence against women or whether only coerced prostitution falls into this category. Early international regulation of prostitution concerned coerced trafficking, while the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others³³ draws no explicit distinction between coerced and voluntary prostitution. The dilemma relating to prostitution remains, with Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women requiring states parties to “suppress all forms of traffic in women and exploitation of prostitution in women” and the Declaration on the Elimination of Violence against Women addressing only trafficking in women and forced prostitution.

Whether or not prostitution is compelled in all cases, coerced prostitution certainly falls within the category of violence against women, while all prostitutes, coerced and voluntary, are at the risk of violence from their clients, their organisers and the authorities. *A fortiori*, coercion of women and

girls for prostitution abroad amounts to violence against women, with these women and girls even more vulnerable than other prostitutes to further abuse.

Legal Approaches

In essence, national jurisdictions take three approaches to prostitution: the “prohibitionist” approach, under which prostitution is forcefully suppressed with penalties against all, including the prostitute, associated with it; the “regulationist” system, whereby prostitution is regulated³⁴ and the “abolitionist” approach under which the prostitute herself is not penalised, but soliciting, procuring, pimping and brothel-keeping are offences.³⁵ None of these approaches has proved to be effective in reducing either the incidence of prostitution or the risk of further violence to prostitutes. On the contrary, criminalisation of prostitution and activities associated with it appears to have increased its incidence, creating opportunities for police corruption and allowing for exploitation of the human rights of prostitutes. Moreover, criminal sanctions have proved to be obstacles to prostitutes and their clients openly seeking safe sex education and health services particularly in relation to HIV/AIDS.

Although a number of national jurisdictions have legal provisions which relate specifically to child prostitution, these and general laws relating to prostitution have rarely been enforced rigorously, especially against foreigners. Recent extra-territorial criminal legislation has also encompassed the sexual exploitation of children. Australian nationals who sexually exploit children in other countries can be prosecuted in Australia³⁶, as can Canadian nationals in Canada.³⁷ France and New Zealand are considering similar legislation.³⁸

At national level, trafficking in women and girls is variously confronted by penal provisions criminalising traffic and those who facilitate such traffic, provisions in immigration legislation preventing the entry of traffickers into national jurisdictions and provisions in labour legislation which regulate employment and labour agencies and protect migrant workers. Furthermore, in some countries, regulations provide for the screening of passport applications for women and the screening of marriages between nationals and those from abroad.

Service Provision

In most countries, non-legislative measures to confront the exploitation of prostitution and trafficking in women has been the work of NGOs. Women have reflected the dilemma of whether all or only coerced prostitution amounts to violence against women. In a number of countries, prostitutes themselves have formed organisations to provide support for other women and to lobby for effective legal change.

Particular programmes have been aimed at young women so as to prevent them from entering prostitution. International and national NGOs in a number of countries have introduced safe house and education projects and specific programmes for “street children”. In some countries, programmes have been developed to assist women who have been trafficked, to provide them with legal advice so as to protect them from immediate deportation, and harsh treatment on return to their country of origin. Specific assistance exists in some countries for women who have entered as “mail order” brides or as assisted immigrants who find that, in fact, they have been the victims of trafficking.

Service provision for prostitute women, be they indigenous or trafficked, remains undeveloped, with too little attention being paid to economic and educational disadvantage which is the root cause of these abuses.

Research and Education

Although there is increasing research into the causes and dynamics of prostitution, its exploitation and trafficking against women, there has been little in the way of education measures at international, regional and national level to prevent their occurrence. In some countries, specific information measures to address HIV/AIDS have been aimed at prostitutes, but specific and general education measures with respect to the issues of prostitution and trafficking have not occurred.

Conclusion

Commonwealth countries have responded well to the identification of violence against women as a priority concern. However, in most countries of the Commonwealth the response has been to address various forms of such violence discretely rather than to consider these various manifestations as interrelated or interlinked in any way. In most countries responses have been law centred and have predominantly concerned law reform. Many of the legal responses which have been employed, and reforms that have been introduced, are based on a model of gender neutrality in a gender specific area and do not take into account the reality of victimisation and the systemic inequalities in society. The laws which are applied are based on a perception that the law is neutral, but, in fact, perpetuate outdated sexual stereotypes and result in unfair and unequal treatment of women. Furthermore, the legal response has usually been piecemeal so that although useful legislative reform has been introduced, its effectiveness has been undermined by other laws or provisions which impact on the particular issue.

The central difficulty with current strategies, however, is that, as yet, countries have been wary of allocating sufficient resources to create a harmonised and integrated response. It has been more convenient to concentrate on legal measures, where costs are few and rhetorical gains are high. Lack of resources, combined with competing values and beliefs about women, their place in the family, the community and society have been sufficient to dictate that the achievement so far, even in those countries where violence against women has been a priority concern for some time, is that individual women have been able to resolve their particular problems, but little substantial or substantive change has occurred.

Commonwealth countries should now move towards a harmonised and integrated response to the various manifestations of violence against women. They should adopt the interrelated definition of violence against women to be found in the United Nations Declaration on Violence against Women and ensure that the practical strategies recommended by the Declaration are in place. Countries must ensure that they have appropriate legislative provisions in place and should be encouraged to co-operate bilaterally and multilaterally. Countries should share evaluations of legislative measures that have been introduced and consider producing manuals of “good practice” in the area. Those countries that introduced reforms to address violence against women some years ago and are now introducing measures to improve these reforms should be particularly encouraged to share their knowledge and insights with other countries whose laws may not be so developed. Close co-operation should be fostered between the Commonwealth Secretariat and the various parts of the United Nations that are concerned with violence against women.

Particular emphasis should be placed on measures that might change attitudes to women and violence against women. Innovative public and sector specific education strategies should be developed and shared, and the Commonwealth Secretariat should take a lead role in acting as a clearing house for the sharing of such strategies. In co-operation with the Secretariat, Commonwealth countries should develop training materials for relevant sectors, organise workshops on critical areas concerning violence against women and concentrate on judicial training and education. Most importantly, a holistic approach should be taken to the problem of violence against women. It should be understood as the most blatant manifestation of the subordination of women and the denial of their human rights. Strategies to eliminate violence should be

seen as an indispensable part of the process of eliminating discrimination against women and achieving equality for women.

Countries must go beyond formalistic legal provisions and reach a deeper consensus and sustainable commitment to the eradication of violence against women. Violence must be made as costly to its perpetrators as it is to individuals, the community and to the state.

Notes

- 1 The Vienna Declaration and Programme of Action, June 1993, Reprinted in 32 *International Legal Materials* (1993) 1667 paragraph 38.
- 2 SC Res. 808, paragraph 1 UN Doc. S/RES/808 (1993).
- 3 GA Res. 48/103, 20 December 1994, UN Doc. A/RES/48/104 (1994).
- 4 CHR Res. 1994/45, UN Doc. E/CN.4/1994/132 (1994).
- 5 33 ILM 1534.
- 6 Beijing Declaration and Platform for Action, Fourth World Conference on Women, UN Doc. A/CONF.177/20 (1995) Declaration, paragraph 29; Platform, paragraphs 112-130.
- 7 NCVAW. (1992). *The National Strategy on Violence Against Women*. AGPS: Canberra.
- 8 *Changing the Landscape: Ending Violence – Achieving Equality* (1993). Ministry of Supply and Services: Canada.
- 9 See the approach of the Supreme Court of Canada to the prosecution of a woman who killed her partner who had treated her with violence in *R v Lavallee* [1990] 55 CCC (2d) 97.
- 10 New Zealand, *Domestic Violence Act* 1995 provides that violence perpetrated against a partner by the other can be taken into account in child cases.
- 11 Regulations introduced into Australian immigration law in 1991 allow domestic violence to be considered in immigration cases: *Review of the Operation and Effect of the Domestic Violence Provisions for Spouses Applying for Permanent Residence*, Domestic Violence Monitoring Committee, Department of Immigration and Ethnic Affairs, 1993.
- 12 Canada's *Guidelines: Women Refugee Claimants Fearing Gender-Related Persecution*, Immigration and Refugee Board, Ottawa, Canada, March 9, 1993 include gender-based violence against women as one of the possible grounds for claims for refugee status.
- 13 These crimes concern violence against wives to encourage dowry payments.
- 14 In some states, criminal codes expressly exempt sexual assault by a husband on his wife from the coverage of the criminal law, while in most states this exemption is implicit. A number of US states have extended the marital immunity to cover other situations, such as cohabitation or former intimacy: Sonya Adamo, "The Injustice of the Marital Rape Exemption: A Survey of Common Law Countries", *American University Journal of International Law and Policy*, Volume 4, 1989, p.555, pp. 562-566.
- 15 Physical chastisement of wives and other female relatives is acceptable in a number of societies. Many states with predominantly Muslim populations accept physical chastisement of wives, with Verse 4:32 of the Qur'an commonly being used to justify this practice. It is common for the defence counsel in these states and in others, to suggest that husbands have a right to discipline wives. Note the statement of Maisels JP in the Botswana case of *Losang v The State* (Crim. App. No 11 of 1985) where the defendant husband had beaten his wife to death.. "I wish..to state quite emphatically..that the law does not and will not recognise what is alleged to be an accepted custom in Botswana, that a husband may physically assault his wife..I mention this because Counsel for the State, of all people, appears to have thought there was nothing wrong in this alleged custom".
- 16 Susan Atkins and Brenda Hoggett. (1984). *Women and the Law*, Oxford, Basil Blackwell, p.138.
- 17 For example, UK, Police and Criminal Evidence Act, 1984, s.80.
- 18 NCVAW. (1993). *National Guidelines for the Training of Service Providers Working in the Area of Violence against Women*. Canberra. AGPS.
- 19 Department of Justice, Canada, *Gender Equality in the Canadian Justice System* (1993). Ottawa. Department of Justice.
- 20 The Canadian Teachers Federation, for example, has developed a curriculum guide containing sample lessons for kindergarten to grade 12 called "Thumbs Down, a Classroom Response to Violence against Women".
- 21 Indian Penal Code, s. 509.
- 22 Pakistan Penal Code, 1860, s.345 inserted in 1984 in response to a particular incident.
- 23 Sexual Offences Act 1985.
- 24 Crimes (Domestic Violence) Amendment Act 1993 (NSW); Criminal Law Amendment Act 1993 (Qld); Criminal Law Consolidation (Stalking) Amendment Act 1994 (SA).
- 25 *Strathclyde Regional Council v Porcelli* [1986] IRLR 134; *Wileman v Milenic Engineering Ltd.* [1988] IRLR 144. Michael Rubenstein (1987) *The Dignity of Women at Work: A Report on the Problem of Sexual Harassment in the Member States of the European Communities* V/412/1/87. See ILO, *Conditions of Work Digest*, Volume 11, 1/1992 for a comprehensive analysis of approaches to sexual harassment around the world .
- 26 ILO, *Conditions of Work Digest*.
- 27 In the United Kingdom the Sex Discrimination Act 1985 applies only where the employer employs six or more workers.
- 28 For example, Air Canada, New Zealand Post and Telecom Australia. Sexual harassment policies and procedures are common in universities and other educational establishments throughout the Commonwealth.
- 29 For example, Women Against Sexual Harassment (WASH) in the UK.
- 30 ILO, *Conditions of Work Digest*, Volume II, 1/1992.

- 31 *R v Seaboyer* (1991) 83 DLR (4th) 193.
- 32 Criminal Code s.276, introduced by Bill C-49, 1992.
- 33 Laura Reanda, "Prostitution as a Human Rights Question: Problems and Prospects of United Nations Action" 13 *Human Rights Quarterly* 202, 207-211 (1991).
- 34 Victoria, *Prostitution Regulation Act* 1986 and the related *Prostitution (Advertising) Regulations* 1990.
- 35 For the classification of approaches see Joan Fitzpatrick, "The Use of International Human Rights Norms to Combat Violence against Women" in Rebecca Cook (ed) *Human Rights of Women: National and International Perspectives* (1994). Philadelphia, University of Pennsylvania Press p.532 at p. 552.
- 36 Crimes Act (Cth) 1914 as amended by the Crimes (Child Sex Tourism) Act 1994.
- 37 Bill C-27.
- 38 Douglas Hodgson, *op. cit.*, pp.530-532.

The Commercial Sexual Exploitation of the Girl-Child in Commonwealth Countries: *An Overview*

Professor Savitri Goonesekere

Introduction

The phenomenon of the sexual exploitation of women and young girls for financial or other consideration is familiar to most societies. It is commonly described as prostitution and its discreet social legitimacy is reflected in the idea that it has existed from time immemorial and is the “oldest profession” of women. Sanctions introduced have invariably been against women for “soliciting” on public streets and occasionally against men and women who facilitate prostitution as procurers and brothel owners.¹

When international standard setting commenced in the early part of this century, it focused only on the suppression of “white slave traffic”, a phrase used to describe transportation of women and girls from Britain and Europe across borders for sex work in brothels in the colonies.² By 1921 the international standards on prostitution and trafficking were extended to minor children of both sexes. The major instrument on the subject, a United Nations Convention of 1949 has been ratified by a few Commonwealth countries.³

The most recent international instrument of importance in this area is the United Nations Convention on the Rights of the Child, 1959. The Convention which has been widely ratified by 187 countries including many countries in the Commonwealth contains a clear definition of a child as a person under the age of 18 years, unless majority is attained earlier. The Convention confers on all children under 18 years the right of protection against all forms of sexual exploitation and abuse. It imposes an obligation on State Parties to take all measures, national, bilateral and multilateral to prevent the abduction sale and traffic in children. Consequently the traditional sexual exploitation of girls, as well as all forms of sexual exploitation of boy children have become critical areas of concern.

The World Congress against Commercial Sexual Exploitation of Children held in Stockholm in August 1996 has given priority to the problem of the commercial sexual exploitation of children, distinguishing this phenomenon from sexual abuse. Commercial sexual exploitation has been defined for this purpose as sexual abuse, by an adult in a context where there is “remuneration in cash or kind to the child or a third person or persons”. This definition covers the aspects of prostitution, sex tourism, trafficking, and pornography.

It must be remembered however that the sexual abuse of children in Commonwealth countries of Africa and Asia may occur in an environment which does not fall within these particular problem areas, and yet merits critical concern as exploitative sexual abuse. It is also important to recognise that child sex work (CSW) in many Commonwealth countries involves adolescent girls in the age group 14 to 18, who would be considered “women” in these societies. Indeed the legal age of “statutory rape” or the age below which consent to sexual intercourse is not relevant to prove the offence of rape, is 14 or 16 years in many countries. A girl above this age is considered mature enough to express consent to sexual intercourse. The commercial sexual exploitation of girls is therefore inextricably linked to the wider problem of prostitution of women, and also reflects attitudes to gender relations between men and women in society.

Though commercial sexual exploitation as it was defined at the World Congress exposes very young children of both sexes to similar types of sexual abuse and violence, girls of all ages as a group are more at risk in Commonwealth countries. More girls seem to be exploited in commercial sex, for a

different range of reasons. This is evident from available information on the commercial sexual exploitation of children in Commonwealth countries, particularly in Asia and Africa.

The Incidence of Commercial Sexual Exploitation and Current Trends

It is comparatively recently that there has been a focus on the young girl engaged in prostitution as an exploited victim of a vicious system. The recent focus on child rights and the monitoring processes connected with the United Nations Convention on the Rights of the Child have encouraged national and international scrutiny and recognition of the problem. It has in particular strengthened the capacity of non-governmental organisations (NGOs) to collect material on child prostitution. Scrutiny at the national and international level is an essential part of the commitment of governments to realise the rights of children in their countries. The commercial sexual exploitation of children can no longer be perceived as a “sensitive” political issue, but rather a global problem that must elicit a shared commitment to eliminate this abuse.

There are many NGO reports on the incidence of commercial sexual exploitation of girl-children. A clear rise in the figures can be seen in some documentation from the early 1980s in several Asian countries both from within and outside the Commonwealth.⁴ The increase in the incidence of the problem in non-Commonwealth countries has relevance for the Commonwealth, since clients who patronise child prostitution come from some of the countries of the Commonwealth.

In general, statistics that have emerged from these studies are not definitive. Discrepancies between estimates in government reports, academic research and NGO studies foster denial of the problem, and the allegation that the data is not reliable. There are usually no reliable statistics on girl prostitution or accurate gender desegregated data in these studies, even in countries where both boy prostitution and girl prostitution can be found.

However the existing inadequate and impressionistic data and case studies suggest that the commercial sexual exploitation of girl-children is a more widely prevalent problem in both developing and developed Commonwealth countries. The commercial sexual exploitation of boys by contrast is a significant problem in very few Asian and African countries of the Commonwealth, and is most commonly associated with tourism in beach resorts.

Child Prostitution and Sex Tourism⁵

Child prostitution involving the sexual abuse and exploitation of girls is connected with local marketing in both developed and developing countries of the Commonwealth, as well as the demand for sex tourism in some Asian and African countries. Though the latter phenomenon has received a great deal of publicity in recent years, the flesh trade always supplied and continues to supply local clients who desire these services. Indeed in some Commonwealth countries traditional customs and practices give legitimacy to the exploitation of girls in the sex trade.

In some countries of Asia and Africa prostitution is clearly connected to foreign tourism. Girls solicit for sex on their own on the streets, or in places frequented by tourists. However, the phenomenon of girl sex workers who operate on their own is less common in Asia than forced prostitution. Girls forced into prostitution in Asian countries of the Commonwealth, or in non-Commonwealth countries, that provide these services to clients from Commonwealth countries, are exploited and abused by local and foreign tourists and paedophiles. The latter may be casual tourists from developed countries or travelling paedophiles who maintain and have contact with “safe houses” or even children’s homes and orphanages operated by local collaborators. These foreigners are frequent and regular visitors to the country. They also act in complicity with local procurers such as hotel personnel, taxi drivers and tour operators. This exploitation takes place with or

without the knowledge of the children's parents. Though girls are sometimes abducted and forced into prostitution, parental and family involvement seems to be placing girls at increasing risk of sexual exploitation in the trade.

Girls who solicit for clients on their own, or who are forced into prostitution in "safe houses" and brothels, come from a wide range of ages. Some are younger than 10 years. Girls in the older age group of 13 to 18 years are employed as entertainers in tourist hotels and nightclubs. In many Asian countries, these girls are physically and emotionally abused and live a life of brutal enslavement and forced prostitution. This type of prostitution therefore represents a contemporary form of slavery.

Boy prostitution that has surfaced in some Commonwealth countries and attracts clients from other Commonwealth countries also manifests itself as forced sexual exploitation of boys mainly by travelling paedophiles and tourists acting with the complicity of local procurers and even parents. However, "beach boys" who solicit for sex from tourists in resort towns and even act as procurers of younger children, are also self-employed, and their activities are visible. They have more personal freedom and control over their lives, and are therefore less subject to adult abuse at the hands of clients, procurers and family. They engage in the trade for reasons that go beyond survival and are often in response to the consumer culture of their environment.

Girls between the ages of 11 to 18 years are sexually exploited in some African countries by older men who seek sex with virgins for sexual potency or to obtain protection from HIV/AIDS. Older men also attract young girls with lavish gifts, and keep them as casual mistresses for a short period of time before discarding them. This "sugar daddy" syndrome fosters the commercial sexual exploitation of girls, and is also seen in non-Commonwealth countries of Asia. It has the potential of spreading in countries where extreme poverty exists side by side with new wealth and growing consumerism. There is also an increasing demand for sex with virgins from Commonwealth countries of Asia.

Child Trafficking and Pornography⁶

There seems to be little information on the problem of trafficking in Commonwealth African countries. Nevertheless, cross-border trafficking for fake employment is known to be a channel for absorbing girls into prostitution. Young girls are being taken across borders to Europe and the Middle East.

In South Asia the phenomenon of trafficking in girls within national borders to service red light districts in major cities has been superseded by cross-border trafficking. There is documented evidence of widespread cross-border trafficking in women and girl-children in countries of the subcontinent of India. There are also reports of open auctions in some remote villages in the subcontinent, in circumstances where the girls are humiliated, abused and treated as sex objects.

Several Commonwealth countries in Asia and the Pacific are both receiving and host countries involved in trafficking and the international sex trade in young girls. Myths with regard to sex with a virgin giving longevity, sexual potency and protection from HIV/AIDS have encouraged "one step" trafficking, or direct recruitment of Asian girls from rural areas by wealthy foreign clients. Solemnisation of fake marriages in the subcontinent of India and the practice of obtaining mail order brides from Asia also encourage child trafficking between developed and developing Commonwealth countries. Migration for employment represents another area that is closely connected with trafficking and the sexual exploitation of girls in Asian and African Commonwealth countries. Since immigration papers have often been falsified, the girls are vulnerable to exploitation and abuse by traffickers. There is clear evidence that the widespread prevalence of trafficking also encourages kidnapping and abduction of girls in the Commonwealth and non-Commonwealth countries of Asia. Abduction and kidnapping further entrenches the enslavement of these girls and encourages the use of extreme physical and sexual violence.

The phenomenon of prostitution and trafficking has created opportunities for the exploitation of children in pornography in these countries. Children are forced to be subjects for pornographic productions, or stimulated to view pornographic material and participate in sex for the purpose of producing pornography. These productions are circulated in well-known international magazines and create a wider clientele for sex with children. While trafficking seems to be confined to the sexual exploitation of girl-children, pornography affects boys as well.

The Impact of Commercial Sexual Exploitation on Girls⁷

The sexual exploitation of boys and girls has in many senses the same impact. It violates not merely their right to protection from abuse and exploitation, but all the other rights of privacy, personal liberty and participation recognised by the United Nations Convention on the Rights of the Child. It involves a denial of their right to physical and psychological growth and development. The immaturity of their bodies creates greater risk of physical damage to the sexual and reproductive organs. Their right to obtain access to adequate health, nutrition and education is denied. Where death, HIV/AIDS infection, venereal disease, grave physical injury, rape, sodomy and permanent disfigurement occur, there is a denial of the very right of survival and protection from violence.

Girls seem to suffer greater abuse. They are more frequently trapped and enslaved and have less freedom where they are the victims of abduction and trafficking. They run the risk of unwanted pregnancies and abortion, and may be forced to give up a child in adoption or be required to support it with no means to do so. They are at greater risk of sexual and psychological violence, since every effort is made to destroy their self esteem so that they lose their sense of individual identity and succumb to sexual enslavement. Young Asian and African girls are more vulnerable because of the myths surrounding sex with a virgin, and a new demand for sex with virgins from non-Commonwealth Asian countries amongst men from some countries of the Commonwealth.

Gender discrimination is encouraged by the commercial sexual exploitation of girls in Asia and Africa. It both manifests as, and further entrenches, negative stereotyping, thus undermining social and policy changes that seek to recognise a girl's right to equal treatment. When the sex trade flourishes, girls seem more prone to exploitation by parents and relatives, both male and female. They have been conditioned to filial obedience, and seem to accept their exploitation as a strategy of family survival.

Causes of Sexual Exploitation of Girls⁸

Poverty is often stated as a cause of this exploitation in the developing countries of Asia and Africa and even developed countries. However, it is becoming clearer that it is poverty combined with destabilisation of families particularly due to factors such as rural-urban migration, armed conflict and global economic policies that is placing girls at risk of exploitation. A culture of consumer values in a context where structural adjustment policies in Asia and Africa have been combined with open market policies, has placed children of low income families at risk of exploitation by families and adults tempted by financial considerations. Traditional family values on childcare seem to be breaking down. Children themselves are attracted by the new consumer culture. It is in this context that tourism becomes linked to the commercial sexual exploitation of children in general, and girls in particular. Promotion of tourism has often become a goal to attract any foreigner at any cost. The demand for "exotic" attractions creates an urgent need to supply such services.

In some countries there has been inadequate allocation of resources for education and other aspects of human development. Global economic trends have created an environment in which child prostitution can flourish, and girls do not have access to education, or their families to employment or alternative methods of income generation.

The low status of girls in the family and community in some Commonwealth countries of Asia and Africa has also contributed to the trafficking and commercial exploitation of girls. Local customs and values on the exercise of male power give legitimacy to the manipulation of social practices. Parents are forced or duped into giving their daughters to strangers as brides or workers, and the girls have no right to exercise personal choice. The permissive attitude to domestic violence against women and girls also results in sexual abuse in the family or in domestic service, so that victims of violence are drawn into prostitution.

The spread of HIV/AIDS has created a demand for virgins in both Asian and African countries. It has also created the phenomenon of AIDS orphans in Africa. These children lack adequate care and often become victims of the sex trade. In countries affected by armed conflict, orphaned and abandoned children cross borders as unaccompanied minors, and become victims of procurers and traffickers.

Current Interventions and Recommendations for Action

Most countries in the Commonwealth have ratified the Convention on the Rights of the Child, but have not used it to enter into bilateral agreements against trafficking.

However, very recently there has been an effort to strengthen laws that impose penal sanctions, and also to improve the mechanism for law enforcement. Several countries in the Commonwealth have introduced new legislation and created mechanisms such as child abuse committees and special police desks to combat sexual exploitation and violence⁹. However, the laws in some countries are not in place and therefore do not act as a deterrent¹⁰. Some developed countries have introduced the concept of extra territorial jurisdiction into their legal systems so as to try nationals for offences involving the sexual exploitation of children committed overseas, provided the conduct is an offence under their own laws. There has been inter-country collaboration through international NGOs and INTERPOL so as to be able to track down paedophiles, and engage in effective investigation and prosecution. Nevertheless the ineffectiveness of the legal procedures, laws and law enforcement, often continues to be a barrier to effective detection and punishment of offenders. It is not often that deterrent sentences and punishments are imposed on foreign paedophiles or locals even when they are prosecuted in trials in the courts. It is also alleged that mechanisms for cross-border patrolling are inadequate, and ineffective to prevent or detect trafficking. However, public interest litigation through constitutional proceedings in the Superior Courts in India has been sometimes initiated successfully on behalf of victims. This has also helped to highlight the need for effective administrative interventions¹¹.

The ratification of the United Nations Conventions on the Rights of Women and Children has encouraged this issue to be raised in country reports to the International Monitoring Committees set up under these Conventions. International agencies such as UNICEF and the ILO have in recent years moved towards recognising the commercial sexual exploitation of girls as a critical problem of concern. There have been recent efforts to modify the United Nations Convention on Trafficking (1949) to make it more comprehensive. There is concern with strengthening the international standards for monitoring a problem that is manifesting itself in new ways. The United Nations Commission on Human Rights adopted a programme of action for the prevention of the sale of children, child prostitution and child pornography, in 1992. A United Nations Special Rapporteur has also been appointed. The reports of these officials are important and encourage international scrutiny and accountability.

The NGO community has been active in recent years in many countries. It has engaged in advocacy and set up programmes of reintegration and recovery for child victims of sexual exploitation. It has also engaged in lobbying for law reform, and impacted to persuade governments to introduce legal and policy changes. There have been concerted efforts to encourage local NGOs to collaborate with international agencies, international NGOs and governments in responding to the

problem and this has resulted in a fruitful partnership. Local lobbying and advocacy has been strengthened by the networking between national and international agencies and governments. The recent World Congress in Stockholm was an outcome of this collaboration and networking.

Based on the Declaration and Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children (1996)¹², Commonwealth governments, local institutions and agencies should give priority to the following initiatives:

Countries that have ratified the United Nations Convention on the Rights of the Child should work towards meeting their obligation to eliminate the commercial sexual exploitation of children in general, and girls in particular. In doing so they should work towards realising the child's right to development, protection and participation under this Convention in an environment of gender equity, bearing in mind the obligation to make the "best interests" of the child a primary consideration in all their actions;

Countries should allocate adequate resources for this purpose and also encourage studies and data collection to provide an appropriate information base for programming, resource allocation, advocacy, and policy formulation;

Countries should recognise the importance of co-operation between governments international and regional organisations, and create a solidarity effort amongst all sections of society to eliminate the sexual exploitation of children. Political parties, NGOs, the community, and children and their families should be mobilised to eliminate this problem;

They should review and revise all laws, strengthen them, and where necessary introduce new laws to effectively combat this problem;

They should criminalise this conduct on the part of adults, and impose deterrent punishments and sanctions, and ensure effective implementation and enforcement of laws. Special attention should be given to criminalising the conduct of traffickers. These policies should be combined with others to promote long term socio-medical rehabilitation and behavioural change on the part of offenders;

Efforts should be made to realise the international, constitutional and legal standards and equality that are already accepted in most countries, so as to create an environment in which girls cannot be discriminated against and sexually exploited;

Countries should develop national agendas for action with time-bound goals so as to work towards effectively eliminating commercial sexual exploitation of girls. Indicators should be developed to monitor progress on the achievement of these goals;

Countries should develop effective mechanisms and focal points at national and local level to assist in implementing action plans and monitor progress;

Policies to promote access to health and education for children should receive priority, primary education should be made compulsory and free;

Gender-sensitive communication through media and information campaigns should be used to mobilise support for families, the community, government personnel, the private sector and professionals, for child rights and the elimination of sexual exploitation of children;

Every effort should be made to develop community-based programmes that can help in the reintegration of child victims, so as to provide the maximum facilities for medical and psychological counselling and support;

The legal system and legal procedures should be modified so as to treat the child victim as a person in need of care, recovery and reintegration, rather than as an offender;

Sensitisation programmes for law enforcement personnel, judicial officers and social workers on this non-punitive approach should accompany changes in the laws and legal procedures relating to the situation of victims of commercial sexual exploitation and child abuse;

Programmes should focus on child-to-child interaction so that children and young persons themselves can become catalysts and a community resource to prevent the incidence of sexual exploitation, and assist with the reintegration and recovery of victims.

Notes

- 1 e.g. Vagrancy and Brothels Ordinances introduced in British India and British Colonies in Africa.
- 2 Convention on the Suppression of White Slave Traffic, 1910.
- 3 International Convention on the Suppression of Trafficking in Women and Children, 1921. United Nations Convention on the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others, 1949 ratified by 67 countries including Singapore, South Africa, Sri Lanka, India, Bangladesh, and Pakistan.
- 4 Arts. 34, 35.
- 5 Draft Declaration World Congress against Sexual Exploitation of Children, 1996, para.5.
- 6 Situation of Children and Women in the Philippines, 1992, p. 76; International Traffic in Women Workshop Changmai, Report of Foundation for Women, Thailand, Women's Studies Centre Changmai, Thailand and Women and Autonomy, Centre Leiden University, 1994, p.13 and Appendix 11; Promotion of Community Awareness for the Prevention of Prostitution, Economic and Social Commission for Asia and the Pacific ST/ESCAP/1078, United Nations, New York, 1991.
- 7 *ibid*: Report of Muntarbohorn Viti, UN Special Rapporteur, 1994, Economic and Social Council E/CN.4/1994/84; Narveson Ove, "The Sexual Exploitation of Children in Developing Countries" Redd Barna Norway, 1989; "An Evil under the Sun: The Sexual Exploitation of Children in Sri Lanka," Peace Campaign Colombo, 1995; Conference papers, SAARC Conference on the Rights of the Child, Calcutta, November 1991; Mandal Mana Bendra "Sexual Exploitation of the Child and the Law in India" in Law Asia Conference papers on Child Labour and Child Prostitution, Kuala Lumpur, Law Asia, Sydney, 1986; Goonesekere S, Child Prostitution in Sri Lanka, *ibid*; An International Strategy for Intervention into the Commercial Sexual Exploitation of Children, Defence for Children International, USA, DCI New York, 1985; Butegwa, Florence, "The Sexual Exploitation of the Girl Child: The African Perspective", paper prepared for the Commonwealth Secretariat, 1996; Flavia, Agnes "Rescuing Mumbai's Sex Workers", Economic and Political Weekly, India, 6 April 1996, p. 873.
- 8 *ibid*: The Flesh Trade: The Trafficking of Women and Children in Pakistan, Lawyers for Human Rights and Legal Aid, Karachi, 1993; Fawad Usman Khan, Sexual Abuse of Girls and Young Women, UNICEF and WAR Working Committee, Lahore, 1995; O'Dea, Pauline "Gender Exploitation and Violence: The Market in Women, Girls and Sex in Nepal", UNICEF Katmandu, 1993; *International Herald Tribune*, 20-26 November, 1991; Gover, Deepa, An Analysis of the Situation of the Girl Child in Nepal, UNICEF, Katmandu 1991, p. 59, The Trafficking and Prostitution of Children in Cambodia, A Situation Report, 1995.
- 9 Notes 7 and *ibid*.
- 10 *ibid*.
- 11 e.g. India Prevention of Immoral Traffic Prevention Act, 1986; Nepal Human Traffic Control Act, 1987; Penal Code Amendment Act, Sri Lanka, 1995; Torture Act, Sri Lanka, 1994; Child Protection Act, Malaysia, 1991; Nepal Children's Act, 1992; Oppression Against Women and Children Ordinance, Bangladesh, 1995.
- 12 Hudood Ordinances, Pakistan, 1979 discussed Fawad Usman Khan, *op. cit*.

Additional Notes

Vishal Jeet v Union of India AIR 1990 SC 1412, Agnes Flavia *op.cit*.

Draft Declaration and Agenda For Action.

The Commercial Sexual Exploitation of the Girl-Child in Commonwealth countries: *The African Perspective*

Florence Butegwa

Introduction

This study focuses on the causes, extent, trends and effects of sex tourism and trafficking in young girls within and between Commonwealth countries in Africa and between the Africa region and other regions of the world. It compares the incidence and effects of sexual exploitation among girls and boys. The study provides some information on the cultural, religious, socio-economic and socio-political contexts in which sex tourism and trafficking in young girls is practised in Africa. It also provides information on strategies and actions taken in different countries in Commonwealth Africa to combat the sexual exploitation of the girl-child and attempts to make recommendations for action.

Methodology

This report has been compiled from a variety of secondary sources of data including reports of workshops and seminars convened as part of preparations for the World Congress Against Commercial Sexual Exploitation of Children (August 1996). Newspaper accounts, official and non-governmental responses, and some studies and materials on general prostitution were also used. Requests for information on commercial sexual exploitation of the girl-child were sent out to government departments and non-governmental organisations (NGOs) in ten African Commonwealth countries. The few responses received provided additional information. Individual persons involved in women's and children's rights work in Commonwealth countries were also interviewed and provided valuable information on the situation, and action-strategies relating to commercial sexual exploitation of the girl-child.

Organisation of Report

This report is organised in six parts along the following lines: Part I looks at current definitions of key concepts used in relation to the problem under study and their application to Africa. Part II provides information on the incidence and magnitude of, and trends in, the commercial sexual exploitation of the girl-child in Africa. Part III outlines the effects on victims of sex tourism and trafficking while Part IV examines causal factors. Part V outlines current strategies and action to combat the problem and Part VI has recommendations for combating commercial sexual exploitation and trafficking in girls and assisting victims.

Definitions

This study, focusing as it does on the commercial sexual exploitation of the girl-child, invokes concepts which often do not render themselves to easy definition or to a common understanding. This section attempts to introduce some of these key concepts and the pertinent issues which the various definitions raise.

Commercial Sexual Exploitation

The word “commercial” is used to distinguish between the situation of children in prostitution and the sexual abuse of children which is so common in many communities today.¹ Commercial sexual exploitation of children was recently defined as the use of a child for sexual purposes in exchange for cash or in-kind favours between the child, the customer, intermediary or agent, and others who profit from the trade in children for these purposes.² Sexual abuse of children on the other hand is subjecting any child to sexual acts within a community or family without the accompanying intention that such acts should be a means of generating income for either the victim or any other person.

It is necessary to distinguish between commercial sexual exploitation and sexual abuse of children for the following reasons:³

- In commercial sexual exploitation of children, money or other material things are given in exchange for sex. The child is doubly exploited – firstly as a sexual object and secondly as a commercial object;
- In commercial sexual exploitation, there may be an element of slavery. Children who are trafficked are taken long distances away from home and kept in bondage to their masters/mistresses who are usually brothel owners. Even children who are not trafficked are under the control of syndicates, pimps and brothel operators who exploit their bodies for commercial purposes. The United Nations Centre for Human Rights defines modern forms of slavery as including:

*“...the sale of children, child prostitution, child pornography, the exploitation of child labour ... debt bondage...”*⁴

- Unlike child sexual abuse, commercial sexual exploitation may be controlled by criminal rings with international links such as the Mafia, who engage in large scale trafficking of children across boundaries as a commercial venture;
- A commercially exploited child comes into contact with a much larger number of abusers and the effects on such a child may consequently be more aggravated. Rehabilitative strategies may also be significantly different.

At the World Congress Against Commercial Sexual Exploitation of Children held in Sweden in August 1996, three forms of Commercial Sexual Exploitation of Children were addressed. These were:

Child Prostitution

“Child Prostitution is the act of engaging or offering the services of a child to perform sexual acts for money or other consideration with that person or any other person”.⁵ In Africa and in the world at large, child prostitution has grown in leaps and bounds over the past few years. Child prostitution usually goes hand in hand with adult prostitution.

Trafficking and the Sale of Children Across Borders and within Countries for Sexual Purposes

The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines the sale of children as “the transfer of a child from one party to another for whatever purpose in exchange for financial or other reward or compensation”. Sexual trafficking is the profitable business of transporting children for commercial sexual purposes. It can be across borders or within countries, across state lines, from city to city, or from rural to urban centres.⁶

Trafficking of children is closely linked with *sex tourism*, which is a situation where tour operators include sex with prostitutes as part of the holiday package. The expectation is that tourists, especially those from developed countries, will be encouraged to go abroad on holiday, by the prospect of having sex with foreign girls, whom they consider more naïve, submissive and unspoiled and therefore more attractive.⁷ Sex tourism creates a large market for trafficked children.

Child Pornography

Child pornography is any visual or audio material which uses children in a sexual context. It consists of “the visual depiction of a child engaged in explicit sexual conduct, real or simulated, or the lewd exhibition of the genitals intended for the sexual gratification of the user, and involves the production, distribution and/or use of such material”.⁸ However, since in most African countries child pornography is an issue that is rarely discussed or heard of, it was not possible to obtain material for the purposes of this report on this form of commercial sexual exploitation as identified by the World Congress Against Commercial Sexual Exploitation of Children. Nevertheless this should not be interpreted as indicating that child pornography does not exist in Africa.

Commercial sexual exploitation of children as defined above puts the emphasis on child prostitution, sex tourism and trafficking of children. By doing so, other forms of sexual exploitation of a commercial nature are ignored. Within the African setting there is a practice of relatively well-off adult men sexually exploiting very young girls, particularly school girls and paying for those sexual favours with money and other gifts. This so-called “sugar daddy” syndrome is a form of commercial sexual exploitation of children, particularly of those in the 13-18 age bracket. There may therefore be a need to deviate from the classic definition of prostitution envisaged by Benjamin and Masters (1964) who identified the following five elements:

- prostitution involves a person selling sexual services;
- the seller receives money which is paid by the buyer in a direct way rather than indirectly as gifts;
- the seller provides sexual services to a large number of persons;
- the relationship between the seller and buyer is transient;
- the relationship between the buyer and seller is also impersonal and anonymous.

The commercial sexual exploitation of children is a wider concept than prostitution. It includes the latter but extends to other vices and practices all of which need to be addressed at both the policy and strategy level.

Who is a Child?

The Convention on the Rights of the Child defines a “child” as anyone below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. However, there are difficulties in defining a child in those African traditional societies where a 30 year old female who is still unmarried and has no children may be regarded as a girl, whilst a 14 year old girl who is married and has a child is regarded as a woman. In many African societies, early marriages are common and a girl is considered a woman, ready for marriage at puberty. Some existing national laws condone and perpetuate this state of affairs by ignoring the issue of age in legal marriages. In such situations, men who are legally married to children under customary law are exempt from law prohibiting sexual intercourse with children.

However, for purposes of this report, a child will be taken as any person below the age of 18 years. This is the definition adopted by the Convention on the Rights of the Child, which as of 1995 had been ratified by over 17 Commonwealth African countries.⁹

Incidence, Magnitude and Trends

It is difficult, with the limited amount of information available, to state with certainty, the actual incidence of commercial sexual exploitation of the girl-child within or between Commonwealth African countries or with other regions. Similarly, there is inadequate data to make categorical statements about the magnitude of the problem. There are many factors contributing to the dearth of information. So-called African values and morality made sex a taboo topic. It was never a topic for discussion in public. Prostitution and sexual exploitation, therefore, has until very recently not been covered by the media, religious establishments or government departments. In many countries sexual activity with a minor or coercing such a minor into prostitution (and related offences) are criminal offences attracting stiff penalties. The result is that a lot of the organised commercial sexual exploitation of children is secretive. This is particularly so in cases of sex tourism and trafficking in girls. The situation is aggravated by wide-spread corruption among law enforcement agencies, who offer protection to brothels and hotels offering young children to male customers. An interview with one police officer disclosed that in spite of clear laws against child prostitution, the keeping of minors for purposes of sexual intercourse, brothel-keeping etc., junior officers' attempts to deal with the problem are hampered by "directives from higher up in the police hierarchy" to release suspects and discontinue action. Even where police officers round up prostitutes, the preferred action in the case of children is a caution and return to parental custody etc., without making criminal charges. This means that police records may not be a true reflection of the magnitude of the problem of commercial sexual exploitation. Prostitution, whether involving children or adults, has also not attracted academic inquiry, making it a less understood phenomenon. There is also a tendency to equate commercial sexual exploitation with prostitution whilst ignoring other forms of exploitation (e.g. the sugar daddy syndrome, sex tourism and trafficking). Thus there is even less information available on the latter forms of commercial sexual exploitation.

Child Prostitution

There is, however, adequate information to show that the commercial sexual exploitation of the girl-child is a serious problem in Commonwealth Africa and other African countries just as it is in other regions of the world. Girls and boys, some as young as nine years old work as prostitutes in some cities. Many work under the control of ruthless syndicates or individual pimps while others work on their own, often staying in peri-urban townships and ply the streets at night.¹⁰ In countries where there is armed conflict, many young girls fleeing the fighting, or, separated from families or orphaned, have ended up in prostitution.

Civil war has left families dislocated, many in shacks and on the streets. In such situations young girls have drifted into prostitution to support themselves. Girls as young as 14, including school girls, ply the streets at night, particularly in areas around tourist hotels and night clubs. Many more children, some as young as nine years are sexually exploited as prostitutes in slum areas. Younger street girls are victims of commercial sexual exploitation, being pimped and controlled by older street boys and girls. Many young girls are trafficked between neighbouring countries.

Sex Tourism

Although there is a dearth of written information on the incidence and magnitude of sex tourism in Africa, interviews with people working in the tourism business and some law enforcement officers reveal that the availability of young, beautiful and "exotic" women ready to entertain tourists has always been a major attraction in some countries in Africa. Some hotels are known to give tacit approval to young child prostitutes, while others are said to actually "organise" both boys and girls for their customers. A particular hotel was said to "specialise" in young boys for its European clientele. Where this practice is encouraged or condoned, that in turn attracts many more young girls from rural areas who fall victim to this exploitation. It also provides a market for recruiters who

coerce and deceive parents to release young girls for supposedly lucrative jobs as domestic workers. These girls then become victims of trafficking and are usually recruited by older prostitutes and men known to the family of the young girls.

Young girl prostitutes expressly admit to preferring tourists to their local clientele due to the prospect of having better pay and other favours.¹¹

Trafficking in Girls

Just as in the case of sex tourism, there is very little information on the magnitude of the problem of trafficking in children for prostitution or other forms of commercial sexual exploitation. However, recent investigations on trafficking in women revealed a significant incidence of trafficking in girls ostensibly to work as domestic workers, but ending up as victims of commercial sexual exploitation. Some young girls from Africa are also trafficked to European countries. Incidents have also been reported of trafficking in young girls, mostly by relatives, to countries in the Middle East to satisfy the demands for young girls by a migrant clientele, many of whom are of Asian origin.

The “Sugar Daddy” Syndrome

In many African countries, young girls, particularly between the ages of 11 to 18, are victims of sexual exploitation by adult men, many of whom are old enough to be their fathers and with families of their own. This is not commonly considered to amount to prostitution, primarily because the girl will have one sugar daddy at a time, rather than many different sexual partners of a casual nature. The distinction is, however, narrower than it looks. Most men involved in these relationships are looking for casual sex with no strings attached and are willing to pay for it in terms of gifts and money. Many girls are also looking for those financial and material benefits, although the girls sometimes end up getting emotionally involved. This works to their disadvantage as the sugar daddy severs the relationship to avoid such entanglements.

Statistical data on this form of commercial sexual exploitation is very limited, even though it is widespread in African cities and towns. Schoolgirls from lower income families who want to keep up with their more affluent schoolmates are particularly vulnerable.

Effects of Commercial Sexual Exploitation on Children

The negative impact of commercial sexual exploitation of girls and boys is profound and often permanent. The effects range from medical conditions to physical, psychological and sociological damage. This section outlines some of the main effects.

Due to the fact that commercially exploited girls undergo repeated sexual intercourse with many adult men, cases of rectal fissures, lesions, poor sphincter control and lacerated vaginas are common. As a result of varying degrees of cruelty and sadism practised by the men, cases of foreign bodies in the anus or vagina, chronic choking from gonorrhoeal tonsillitis and even death by asphyxiation are not uncommon.

Commercially sexually exploited girls are exposed daily to the risk of infection with various sexually transmitted diseases, including HIV infection. They are particularly vulnerable because they cannot insist on safe sex practices with their many so-called customers. Due to their fear of arrest and/or institutionalisation, coupled with the hardships faced in their day-to-day existence, many such girls do not go for regular examination and treatment, a fact which exposes them to further reinfection and permanent damage. Psychological consequences include severe depression, suicidal tendencies and loss of trust in adults or other persons except for young girls in the same position as themselves.

There are severe social consequences too. Child victims are inadequately protected by law and their problem is addressed through misconceived retrieval programmes. They are often treated as criminals and subjected to militaristic or disciplinarian approaches which leave them with little recourse but to ply the streets where they fall victims to so-called “protectors”. Social stigma is attached to prostitution, without any regard as to how the young girls ended up in that situation. This leaves them as social outcasts, even when they try to return to their communities. Many young girls are exposed to addictive drugs which bring with them new dimensions of dependency and exploitation.

Where girls are trafficked for purposes of commercial sexual exploitation, they are the victims of more than one wrong. They are sexually exploited and they are always at the risk of arrest as illegal immigrants in the country of destination. They are in a strange environment with no friends and they are cut off from their families. They are at the sole mercy of their trafficker or those to whom they were sold.

Causal Factors

The types of backgrounds and situations in which children are victimised are manifold and intricately linked. The underlying causes are numerous and complex. They range from the expansion of global market forces and a growing materialism perpetuated by the media, to rapid social transformation and the erosion of values, nationally and locally. They include political and economic injustices leading to migration, urbanisation and family disintegration. They also include ancient and prevailing cultural attitudes which accord low status to girls and women. None of these forces should be looked at in isolation; usually, two or more of them combine to produce a thriving ground for commercial sexual exploitation.

Poverty

Poverty is a situation of deprivation and lack of self-sustenance, the inability to provide oneself with the basic needs, food, shelter and clothing. Most African countries are poor countries with very low per capita incomes (usually below \$250), which is far below the cut-off point of \$370, the yardstick for categorising countries as poor. The economies of most African countries have a large subsistence sector; in some countries, up to 80 per cent of the population are peasants who live directly off the land.

Many Africans live on the edge of destitution. In some cases, parents may be desperate enough to sell their own children. A case was reported of a woman who tried to sell off her six year-old daughter, alleging that she could not afford to look after her. Such cases are not isolated. Poverty also makes parents vulnerable to the deception and tricks used by individuals recruiting children, particularly girls, for commercial sexual exploitation.

Structural Adjustment Programmes aimed at revitalising Third World economies have accentuated the problems of poverty and unemployment in many African countries. Women who find themselves retrenched, turn to prostitution to earn a living. Children from families where parents have been retrenched are either neglected or have to work to support the family income, thereby making them vulnerable to commercial sexual exploitation.

The attempt to increase economic growth in many Third World countries in Africa has led to numerous investors flocking to the continent. Governments, in their eagerness to please, have afforded many exemptions and protective measures for these investors. Unfortunately, this policy of encouraging investors has brought into African countries, people from cultures in which sex with children is accepted, or a novelty to be experienced. This has created a “market” or demand for young girls. Exploitative adults have been quick to respond to this demand by providing young girls.

Poverty and unemployment cause frustration which leads to the break up of families and child neglect. Tension in the family may cause children to run away from home, and such children invariably end up on the streets. Studies have shown that there is an ever-increasing number of runaway and homeless children around the world (estimated at over 1000 million) who serve as recruitment sources for street and brothel prostitution.¹²

Due to the high levels of unemployment and poverty, some children are required to supplement the family income; and where legitimate work opportunities are not available, the girl-child may engage in commercial sex without the knowledge and approval of her parents. Some of these girls receive an early exposure to sex because of overcrowding in their homes. Indeed, the children most at risk tend to be those from desperately poor families, broken marriages or from families in which the parents are alcoholics or drug addicts. Some studies have also found that some child prostitutes had extensive experience of institutionalisation.¹³

Rural-Urban Migration

Poverty has led to a high rate of rural-urban migration. People leave the rural areas hoping to get higher paid jobs in the towns. This has led to high unemployment rates in urban areas. Just as adults migrate to urban centres for work, many young girls leave their homes in the rural areas, hoping to find some kind of employment in the towns, usually as domestic workers. Many of them end up on the streets where they are greatly exposed to being commercially sexually exploited. A large number of them inevitably end up as prostitutes. Most of those who find work are underpaid and some are even sexually abused by their employers.

It is not only poverty that leads to rural-urban migration. In some African countries, prostitution has become an alternative way of life to many children and women who flee their villages due to several other reasons including famine, drought and the disintegration of the family.

The Role of HIV/AIDS

The fear of AIDS has caused a greater demand for ever younger girls. Men, fearing HIV infection, seek sex with young girls who are less likely to be infected. Since the danger of AIDS became known, child prostitution has grown by leaps and bounds. There are also some indications that the fear of HIV/AIDS has also contributed to sexual exploitation by sugar daddies and pimps of child prostitutes.

AIDS has also led to an ever increasing number of orphaned children. The large number of AIDS-related orphans has caught society largely unprepared. There is no formal social welfare system and the traditional extended family with its cushioning role has been unable to cope and is in many cases dysfunctional. An individualistic and nuclear family outlook among well-off families and the growing instances where all able adult siblings die of AIDS, have left AIDS orphans with no alternative but to stay with their grandparents who are old, originally dependent on their children and unable to take care of children. Many consequently end up on the streets as street kids or in search of jobs from where they are lured into the sex trade. It is estimated that AIDS will have created 10 million orphans by the turn of the century, 90 per cent of them in Africa.¹⁴

Social Problems

African cultural values which once provided for the safety of children no longer seem to be the basis for life for a large number of people in Africa. The external influence of foreign cultures has had a negative impact upon African traditions and values. These influences have come through colonialism, the media, religion and education systems. African culture allowed for community

responsibility over children and child neglect, child sexual abuse or sale of children were rare phenomena. Where they occurred, they were more associated with spiritual cleansing than commercial gain. The break up of the extended-family system and community responsibility has made children more vulnerable to abuses both at home and outside the home.

There is a discernible rise in materialism and individualism. In their desire for material gain, parents are becoming more and more willing to sell off their children to recruiting agents. Teenage girls from families which are not very well-off have a desire for money and clothes, and so they exchange their bodies for money. This in turn leads to teenage pregnancies and the girls dropping out of school. Girls who are school drop-outs may end up as prostitutes in order to earn an income to support their children.

Morals have become lax, and people have no qualms in their search for stronger and stronger sensations. Paedophiles or people with an abnormal preference for pre-pubescent children are becoming more and more common in society. However, there is evidence that the millions of men who commercially exploit girls under the age of 18 are first and foremost prostitute users.¹⁵ They become sexual abusers of children through their use of prostitutes and not because of any specific preference for children.

Studies in South Africa also revealed that there was a tendency for sexually abused children to end up as prostitutes.¹⁶ Some girl prostitutes who had started prostituting themselves between the ages of 12 and 18 years narrated how they had been sexually abused by their fathers, step-fathers, neighbours, or boyfriends. Having been sexually abused, it was no problem for them to turn to prostitution as a means of earning a living, since they attached no value to their bodies. Some of them who had been physically abused by their parents, ran away from home and ended up being exploited by pimps who promised them protection and comfort.

Cultural Values and Practices

To some extent, the culturally embedded ideology of male supremacy over women is one of the main underlying reasons leading to the commercial sexual exploitation of the girl-child. Men view women as objects of sexual pleasure, and women become dependent and behave in this manner. Since women are viewed as sexual objects, in some societies, it is quite normal for girls to engage in sex at an early age. Men who are caught having sex with young girls may be required to pay a certain amount of compensation; usually a goat or a few chickens, and the matter is quickly buried and forgotten.

Boy-children are generally preferred to girl-children. Many girls in Africa do not go to school simply because they are girls and are therefore expected to get married and be supported by their husbands. The rate of school drop-out for girls is much higher than it is for boys – 75 per cent of girls compared to 64 per cent of boys.¹⁷ This is because girls may be forced to leave school and get married; in other cases, when money is scarce, parents would rather pay school fees for boys than for girls.

In some African communities, child marriage is a common practice. The abuse associated with this kind of practice has heightened because more and more parents marry off their daughters for financial gain. This has resulted in early drop-out from school and early pregnancies, which have adverse effects on the health of girl-children and makes them vulnerable to commercial sexual exploitation.

Tourism

Technological advancements in the world have made travelling across continents easier and cheaper. All over the world sex tourism has grown at an alarming rate, therefore an increasing proportion of exploiters are foreigners. Africa, with its unique peoples, culture and abundance of wild life, coupled with a good climate, is visited by a flood of tourists all year round.

However, it is important to note that not all tourists are sex tourists. Some tourists come with the aim of relaxing and generally to have a good time. Sex tourism is the dark side of tourism.

In many African countries, tourism has become a major source of income. The flourishing tourism industry has created a big market for prostitutes. Girls leave their homes in the rural areas and flock to towns, hoping to earn their living through prostitution. In this manner, tourism has become one of the major factors which has led to the increase in commercial sexual exploitation of children.

Tourism also provides a fertile ground for the establishment and growth of organised crime syndicates dealing in trafficking of children. Through coercion, deception and tricks, girls are lured into sham marriages with foreigners, or lured to European countries where they work as prostitutes in conditions akin to slavery.

Armed Conflict

Many African countries are engaged in civil strife, conflicts and wars. Consequently there are large numbers of orphaned and abandoned children many of whom have crossed borders in search of peace and a better life. Displaced children are easy prey for commercial sexual exploiters. They are more vulnerable to enticement of any kind. There is an increasing number of child prostitutes, many of whom have entered the profession as a result of the hardships caused by the war.¹⁸ Many child prostitutes can be found on the streets of large cities.

Legal and Administrative Machinery

Widespread corruption, low commitment and motivation in different government agencies including the police, hinder efforts to eliminate or even expose commercial sexual exploitation.

The existing laws in most African countries do not provide adequate protection against the commercial sexual exploitation of children. The fact that the age at which the protection of children ceases, varies from country to country has created loopholes in the legal machinery which could be used to counteract the evil. This situation is put to maximum use by perpetrators of child abuse.

Action to Combat the Commercial Sexual Exploitation of Current Children

There are various strategies and actions taken by governments and NGOs to combat the commercial sexual exploitation of the girl-child. These range from using the criminal justice system to offering services to victims. This section takes a closer look at four of the strategies, namely, criminal sanctions, special units for better surveillance, establishment of institutions and services to victims.

Criminal Sanctions

The main strategy for African countries has been to outlaw all actions which would bring a child into a situation of sexual exploitation. Uganda's Penal Code Act, for instance, has the following provisions:

“Any person who:

- (a) procures or attempts to procure any girl or woman under the age of 21 years to have unlawful carnal connection, either in Uganda or elsewhere, with any person or persons; or*

- (b) procures or attempts to procure any woman or girl to become either in Uganda or elsewhere a common prostitute; or
- (c) procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere, is guilty of an offence and shall be liable to imprisonment for seven years.”¹⁹

The Penal Code further provides that “any person being the owner, holder, or occupier of premises, or having or acting or assisting in the management or control thereof, knowingly suffers any girl under the age of eighteen years to resort to or be upon such premises for the purposes of being unlawfully carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony and is liable to imprisonment for five years.”²⁰

Kenya law makes it a criminal offence for any person to have unlawful carnal knowledge of a girl below the age of 14 (defilement). Sex with such a girl is statutory rape whether or not the girl purports to consent.²¹ South Africa has equivalent provisions aimed at protecting children from sexual exploitation and targeting those engaging them in actual sex acts and those managing brothels or parlours in which commercial sex with the children takes place. Laws also provide for stiff sentences for those found guilty of defiling a minor or otherwise sexually exploiting a child. In Uganda defiling a girl below the age of 18 is a capital offence.

How effective is criminalisation? That criminalisation of sexual exploitation of children has not eliminated the practice is evidenced by its continued prevalence and magnitude. There are many factors contributing to the relative ineffectiveness of penal sanctions as a strategy. They include the fact that:

- commercial sexual exploitation, like many aspects of sexual conduct, does not easily render itself to detection, investigation or prosecution. The moral outrage directed at men sexually exploiting children forces the practice underground.²² The difficulty in proving sexual offences often means that suspected offenders are charged with minor offences;
- commercial sexual exploitation of children is a symptom (albeit inexcusable) of underlying socio-economic and socio-political problems which make children vulnerable to such exploitation. A penal system which is not combined with concerted efforts to address the causal factors is unlikely to register significant success;
- widespread and systemic corruption within law enforcement agencies often means that in some countries, syndicates and the individuals who control and operate the child sex trade enjoy “protection” rather than the children who are the victims of the trade.

Special Units for Better Surveillance

Some countries have set up special units to patrol areas in which children are most vulnerable to commercial sexual exploitation or establishments (such as brothels, massage parlours and escort services) suspected of harbouring children for sexual exploitation. The South African Child Protection Unit plies the streets of major urban areas where children already in the sex trade are monitored and “picked up” for placement in rehabilitative institutions. The Unit’s specially trained personnel also enter premises in which children might be exploited for similar purposes.²³ The Kenya Ministry of Tourism and Wildlife in collaboration with the Kenya Police Force has put in place a Kenya Beach Management programme with regular beach patrols on some of the more notorious east coast beach hotels where sex tourism is a problem.²⁴ The programme aims at *inter alia* ensuring that curio and souvenir vendors are not used as contact points by tourists who may be targeting children for sexual exploitation.

Establishment of Institutions

Many Commonwealth African countries have some kind of institution for difficult children. Unfortunately, the philosophy behind most reformatory schools is flawed. The children are not seen as the victims, but rather as delinquents and/or criminals. The treatment meted out follows this line attempting to “instil discipline” in the children rather than love and care which they might have lacked in their homes. In many countries, children with a criminal background and those who are victims of abuse by adults are all kept together. Those who are already “street wise” are together with younger ones. Small budget allocations for the institutions mean that no meaningful rehabilitative programmes are undertaken for the children. The institutions end up as hard labour camps pushing the children back onto the streets when they escape.

Provision of Services²⁵

In some countries both government departments and NGOs offer a variety of services for sexually exploited children. These range from counselling to vocational training so that the children can find alternative employment. A few NGOs offer free legal aid to those children or parents of child victims of commercial sexual exploitation who would like to institute legal action against the abusers. Such cases are rare as most parents prefer to avoid the exposure, public scrutiny and possible ostracisation which a trial of this nature would entail.

The principal weakness here is that services presuppose the availability and freedom of the child to ask for help. In practice, children who are undergoing commercial sexual exploitation are not free agents. They are often scared of pimps, brothel owners and syndicates whose livelihood depend on the exploitation of their young bodies. Those who are not under the control of another person are often scared of the police and other authorities whose normal response is to haul them to the local police station and court for prosecution and committal to institutions. Those who are on the streets for lack of a better means of livelihood often need immediate money to purchase food and are attracted to counselling programmes if these basic needs will also be met. Others are addicted to drugs and are incapable of making informed decisions on what is best for them.

Other Relevant Action

There are other governmental actions which, though not specifically aimed at eliminating the commercial sexual exploitation of children, might have some positive impact on the problem. These include the decentralisation of government budgets and functions to administrative districts. It is expected that this focus will create rural jobs and stimulate rural growth thereby curtailing rural urban migration. Governments and NGOs have programmes to encourage girls to remain in school or to return to school if they drop out due to pregnancy. Awareness programmes aimed at keeping children and parents informed about the dangers of sexual exploitation and avoiding such exploitation are available in some countries. Needless to say, most of them are in their infancy and their potential effectiveness is not clear.

Recommendations

The commercial sexual exploitation of the girl child is a huge and widespread problem which, unfortunately, is not greatly appreciated. There is little information on the contexts in which commercial sexual exploitation takes place or its magnitude and/or trends. This means that it is not clear which children are most at risk and deserve early protection. The profile(s) of the trafficker or commercial exploiter(s) is also not clear, making the development of strategies difficult especially as they are inadequate empirical data. The problem itself is not yet fully part of the national debate

thus excluding the public and communities from the search for solutions. This is the context within which recommendations are made in this paper listed below:

The Commonwealth Secretariat, Commonwealth governments in Africa, academic institutions and NGOs should carry out studies which will improve understanding of the phenomenon. Particular attention should be paid to the causes, context, magnitude and form of commercial sexual exploitation of children in each country. The commercial sexual exploitation of children must be analysed, understood and confronted in the social context in which it occurs. The role of the family, community, government, criminal syndicates and individuals in promoting and/or perpetuating the practice needs to be understood more clearly if appropriate strategies are to be developed.

Current strategies, intended or incidental, should be analysed for their effectiveness and appropriate action should be taken to enhance their effectiveness. In particular, current legislation and administrative machinery should be analysed and assessed for their potential to protect children from sexual exploitation and to deal with offenders.

Law enforcement officials, including the police and immigration officials, should receive special training in detecting and handling victims of commercial sexual exploitation. The children are not sexual offenders but victims of sexual offenders and other socio-economic and socio-political problems.

Both governments and NGOs should create awareness about existing laws and programmes and ways in which the public and civil society can contribute to the elimination of the problem. Concerted effort should go into creating and sustaining a functional network of interested government departments, NGOs and members of the public to facilitate information exchange and action.

Governments should make concerted efforts towards improving the standards of living of families so that parents are not driven to sell their daughters and children are not driven to the streets, from where they become vulnerable to sexual exploitation.

Counselling and medical services should be available to victims of commercial sexual exploitation, in an environment which is non-threatening and conducive to openness.

The Commonwealth Secretariat needs to play a role in providing new and/or using existing fora to initiate intergovernmental and non-governmental dialogue on the problem, devise possible strategies for addressing it and encourage research and action.

Girls who are or have been commercially sexually exploited should be encouraged and supported to organise themselves for mutual support and to facilitate access to services. This could lead to strategy development and/or implementation.

Conclusion

This study must be seen as preliminary and has barely touched the core of the problem. The resources and time at hand precluded any systematic attempt at an in-depth study of commercial sexual exploitation of children on the African continent. In contrast to the Asian sub-continent where work in this area by NGOs and some governments has been under way for some time, Africa has yet to start understanding the magnitude of the problem and the challenges posed by the commercial sexual exploitation of children. This study should challenge governments and NGOs to design and carry out more systematic studies and to re-examine existing legislation and administrative mechanisms.

Statistics, inadequate as they may be, all point to a serious problem warranting action by intergovernmental organisations like the Commonwealth Secretariat, the African Commission on Human and People's Rights and the Organisation of African Unity. They need to take steps to support

governments in co-ordinating, not only the studies but also the strategies. The Convention on the Rights of the Child, in its Articles 34, 35, 36, 37 and 39 provides the minimum standard that states should be striving to attain in protecting children against commercial sexual exploitation.

NGOs also have a crucial role to play in understanding the issues at hand, by playing an advocacy role encouraging governments to take action and in offering services to victims of sexual exploitation.

Notes

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The Commercial Sexual Exploitation of the Girl-Child in Commonwealth countries: *The Asian Perspective*

Professor Savitri Goonesekere

Introduction

Commercial sexual exploitation of the girl child in the Asian region is a complex phenomenon that covers sexual exploitation of girls for financial as well as other considerations in a wide range of circumstances. Sex tourism and trafficking are particular manifestations of a wider problem of sexual exploitation of women and girls for economic gain. The phrase is used in this paper in a narrow sense to refer to sexual exploitation in sex tourism and in trafficking within countries and across national borders. The paper will discuss this particular form of commercial sexual exploitation of girls within and between Commonwealth countries of Asia, and the links that have emerged in the sex trade between Asia and regions outside Asia.

Sex tourism has manifested itself only in some countries, while trafficking represents a more common problem that has surfaced in many countries. Trafficking is the wider problem, even though it does not necessarily emerge in countries in which girls are exploited in sex tourism. Commonwealth countries in the region have become part of the problem of sex tourism and trafficking because they either provide the girls or the clients. The phenomenon of cross border trafficking has created a situation where some countries have foreign nationals involved in the sex trade and also provide girls for cross border trade in commercialised sex.

In the past, many national legal systems distinguished between youth and childhood so that only a pre-adolescent girl under 12 or 14 years would have been considered a child. However, the near universal ratification of the UN Convention on the Rights of the Child (1989) has made it clear that the concept of childhood can be interpreted to cover girls under the age of 18 years. The term "girl-child" will be used in that sense, in this paper. This extended definition has particular significance in Asia. An adolescent is invariably considered a woman rather than a child. The legal age for expression of consent to sexual intercourse and or marriage can be as low as 12, 14 or 16 years. The phenomenon of the sexual exploitation of girls thus becomes linked with the wider problem of the sexual exploitation of adult women in an environment which parallels enslavement and bondage rather than autonomous involvement in "sex work" by individual choice.

The Incidence of Sex Tourism and Trafficking: *Some Current Trends*

Sex tourism in the Asian region occurs in some countries in the Commonwealth as well as some non-Commonwealth countries. Within the Commonwealth, sex tourism or a tourist industry geared to the institutionalised exploitation of children can be found in some countries. Many non-Commonwealth countries are familiar with sex tourism and have a tourist trade which is linked to prostitution. Clients for the trade come from established industrialised countries as well as the newly industrialised economic powers of Asia.

Trafficking within and across borders by contrast is found in many of the Commonwealth countries of South Asia. Extensive trafficking in girls and women within and across borders is considered an entrenched feature of the sex trade. It is difficult to delink the flourishing sex trade in non-Commonwealth countries of Asia from the sex trade in Commonwealth countries, particularly because the clients for East Asian prostitutes are male tourists from some Commonwealth countries.

In view of the widespread nature of the problem in Asia and its very nature as an illegal activity, it is difficult to estimate the number of children involved in the sex trade, or the numbers of girls as opposed to boys affected by sex tourism and trafficking. Available information consistently indicates however, that where adult female prostitution exists, increasingly young adolescents and very small girl-children are being absorbed into the commercial sex trade. It is evident that there is a growing demand by male clients for sexual activity with virgins or girls in the younger age group. The prevalence of adult female prostitution in Asia thus tends to both foster and further entrench the commercial sexual exploitation of girl-children.

In all these countries there is a high incidence of girl prostitution. The phenomenon of boy prostitution is in general not so widespread, and is concentrated in specific countries. Boy prostitution is associated and linked to tourism and is also associated in general with beach resorts. Young girls, and girl-children seem however to be more vulnerable and placed at greater risk of being exploited in the commercial sex trade.

The available statistics and estimates in regard to some South Asian countries are found in a range of publications. There are discrepancies between government and non-governmental organisation (NGO) estimates and this data cannot be authenticated. Data can therefore be best described as "impressionistic". Though the data has not been disaggregated by gender, the impressionistic estimates indicate that girls are most vulnerable to exploitation in the commercialised sex trade.

Although the statistics on prostitution and trafficking that are available may not be accurate, they create a general picture of the reality of young children, especially girls, enslaved in prostitution. The commercial nature of the transaction indicates that market rules of supply and demand impact to deprive children of their rights to grow and develop and be protected, even though these rights have all been guaranteed by the near universal ratification of the UN Convention on the Rights of the Child.

Tourism and the demand of visitors for sex with children clearly foster prostitution and trafficking across borders, even as it encourages and stimulates the local trade. The involvement of local entrepreneurs who link to international operators institutionalises the phenomenon and gives it legitimacy. In some countries a local trade flourishes with the complicity of small time operators who become procurers for tourists.

"Safe houses" used by both tourists and local patrons can be found not merely in beach resorts but in other areas of the island. Taxi drivers, small hoteliers and hotel employees have become procurers for tourists and locals, while children themselves become procurers who obtain child prostitutes for clients. The phenomenon of the often wealthy travelling male paedophile from Commonwealth countries visiting Asian countries as tourists, ensures that they have opportunities to make contact with local racketeers. Together they establish "safe houses" and a network of clients who continue to travel in the region and create a demand for the sexual services of children provided in different countries. The availability of modern means of communication including the Internet has facilitated the growth and expansion of these enterprises.

In all countries in Asia there appears to be a growing demand by men for sexual experiences with young girls, both locally and in sex tourism,¹ and it is estimated that the average age for child prostitutes has dropped from 18 to 12-13 years. Myths connected with sexual intercourse with virgins as a way of sustaining sexual potency creates a demand for very young girls. The idea that sex with virgins does not create a risk of HIV/AIDS has further entrenched the demand for virgins. Customers now seem to move directly into villages in what is known as "one step trafficking" so as to abduct or obtain virgins for sex. Virginity is sometimes simulated by treatment in a brothel with pills and drugs that result in bleeding on intercourse. Though very young boys are used by travelling paedophiles who visit countries as tourists, young girls are placed at greater risk of sexual abuse. Paedophiles, as well as tourists from the West and neighbouring Asian countries, are increasingly demanding safe sex with virgins or sex with very young and "exotic" Asian girls. Wealthy male tourists from the newly developed Asian countries patronise very young Asian girls.

Cross border trafficking in South Asia is fostered by the practice of child marriage which is traditional on the subcontinent. Girls are lured into brothels in other parts of a country or across borders, with the promise of marriage. These children are taken across borders in arduous land journeys under primitive conditions. They are eventually absorbed into the sex trade to serve tourists and paedophiles. The girls and their families are often duped into thinking that they are being transported as brides for foreign men. In fact the solemnisation of fake marriages is a path to becoming trapped in brothels as child prostitutes. Cross border traffic takes place on known routes and some countries have become both sending and receiving countries.

The demand for young girls in the sex trade in Asia is thus leading to exploitation of girls from low income families in organised criminal enterprises connected to trafficking in human beings. In addition it is fostering other grave crimes such as abduction, kidnapping, forced prostitution and illegal detention when these girls are kept in brothels in conditions of illegal detention and bondage including the phenomenon of “cage prostitutes”.

There is clear evidence in the research and case studies that sale and trafficking into prostitution is with the complicity of parents, relatives and friends and people known to the children. Though some low income parents particularly in South Asia may be duped by promises of what are in fact fake marriages, parents and families of low income children force them into prostitution and barter them to settle debts or for other financial considerations, in the knowledge that beauty and virginity increase the demand for very young girls.

The nature of these illegal activities, makes the girls more vulnerable to extreme violence. They are controlled by the owner or procurer who has paid for them. They suffer physical injury, rape, abuse and beatings and are exposed to sexually transmitted diseases and live in poor working conditions. They also suffer from complete social isolation, and have no support system except that which is found within their place of work. There is less documentation of violence associated with boy prostitution.

Child prostitution also fosters the connected commercialised trade in child pornography, and thus is both a source of supply and demand for these publications. Child prostitutes are coerced or stimulated to participate in sexual activity for the purpose of making the product. They are also made to view these products and perform similar acts. Child pornography is thus doubly exploitative. Photographs and video films of child pornography have a local market and are also distributed widely overseas.

The demand for child prostitution and pornography provides an incentive to tour operators to organise sex tours, while some commercial establishments are known to provide services in the form of sex tours for their business associates, as a reward for good performance. The reaction of Japanese and Korean women's groups against this type of sex tours indicates the extent to which sex tourism has become entrenched, particularly in Asian countries. Organised tourism and business practice in some East Asian firms thus encourage clients to patronise child prostitutes and brothels where young girls are sexually exploited. Japanese and Korean women's groups have collected data, and published pamphlets on sex tours organised by the travel trade. They have demonstrated at airports and engaged in a public campaign to compel travel agents to conform to a code of practice in regard to tour operations. They feel that they have been successful in containing the incidence of sex tourism.

In recent years an NGO, End Child Prostitution in Asian Tourism (ECPAT) has spearheaded a campaign to persuade the travel trade to react against the phenomenon of sex tourism involving child prostitution, trafficking and pornography.

Sex tourism and the commercial sexual exploitation of children appears to have created a situation where girls are exposed to trafficking and enslavement in prostitution, while boy prostitution flourishes in an environment where children are self-employed, and solicit for clients individually or in groups or even act as procurers for clients.

Many women trafficked across borders in South Asian countries are supposedly migrant workers who are offered fake jobs. Women from Asia who expect to obtain work in other countries find that they have been duped, and end up as illegal immigrants exploited in prostitution. These women workers sometimes fall into the age group under 18 years and can therefore be considered as girl-children exploited in prostitution. Prostitution connected to internal migration from one area to another is also a phenomenon familiar to developing countries in South and South East Asia.²

The phenomenon of young girls in the older age group migrating overseas voluntarily for employment or willingly becoming “mail order” brides and ending up as prostitutes, is an emerging trend in the sexual exploitation of young girls from Asia.

The mail order bride business³ involves women, but also includes young girls below the age of 18 years. The racket in “mail order” brides, is initiated invariably with the consent of a young girl looking for greener pastures, though family pressure to contract a glamorous marriage is also a factor in persuading them to take the risk of contracting a “marriage” with any unknown foreigner. In any event these girls are placed in a situation of total dependence and vulnerability to exploitation in prostitution.

The globalisation of the phenomenon of trafficking has created criminal networks within countries even as it has encouraged international crime syndicates that make large profits in the sex trade. In the near absence of regulations on money laundering, untaxed profits can be transferred by them with the complicity of local officials. The existence of crime syndicates, both local and foreign, which thrive on the sex trade in women and children, encourages corruption, while it undermines effective law enforcement even when there are legal controls against these activities. Though police and official responses can be co-operative, there is potential for bribery and corruption. Border controls can be completely ineffective when immigration and law enforcement authorities act in collusion with traffickers, and themselves abuse women.⁴ It has been difficult to motivate political will, to initiate law reform or proactive policies, and obtain a committed official response to the phenomenon of child prostitution.

The Causes of Commercial Sexual Exploitation⁵

Poverty and economic deprivation are often considered the major causes for child prostitution. However, there are indicators that it is poverty combined with unstable family relationships and consumerism that place children at risk of sexual exploitation within their communities. Inadequate resources have been allocated to the provision of basic needs such as health, sanitation and education in many developing countries.

It is also clear that new market economic policies, and international policies such as structural adjustment, have resulted in a cut back on employment opportunities as well as “safety nets” of health and education where they existed. This has placed low income families and children under greater risk of destabilisation in family relationships, and community support systems. The gap between rich and poor has increased, and there is a struggle for survival and high unemployment, even as the new economic policies flood markets in low income countries with a variety of consumer goods that are not accessible to the vast majority of people who desire these items. The push for migration from rural to urban areas within Asian countries, and overseas migration in search of employment, represents a phenomenon of “economic refugees” – those seeking a new world of employment opportunities that they believe exist and will provide a strategy for family survival as well as access to baubles that only money can buy.

The economic context as well as the factor of unemployment and poverty and consumerism encourage legal and illegal migration. The Asian experience shows that migration often becomes a path to prostitution. It links with trafficking, and also places the worker in a situation of dependence until loans obtained have been paid off. Migration then leads to debt bondage in prostitution.

The economic context also creates a predatory family and community environment in which some of the worst exploiters are parents, family members, relatives or friends. What are described as “traditional communitarian Asian values” become distorted, encouraging the exploitation of children rather than providing them with family and community support and care. Family values regarding obedience to elders combine to give legitimacy to the exploitation of children in general, and girls in particular.

In some countries and communities in Asia, traditional practices foster prostitution. It is easy for girls from these communities to be absorbed into the commercial sex trade. The legitimacy of child marriage in the countries of the sub-continent of India, also encourages couriers to purchase young girls under the pretext of solemnising traditional marriages. In some countries, values of subservience of girls to family authority and the filial duty to contribute to family survival are manipulated in a consumer culture to give social legitimacy to parental exploitation of children in prostitution. In those circumstances it is girls more than boys who are pressurised into prostitution.

This corrosive consumerism impacts on children themselves and has created the phenomenon of the self-employed child prostitute who solicits for sex, alone or in a group, or even acts as procurer in order to purchase and obtain consumer goods. Boys more than girls then find themselves trapped in this type of prostitution which they cannot escape by the exercise of the same individual choice. These children also become vulnerable to exploitation by traffickers, procurers or pimps, who act as intermediaries for individual clients or criminal syndicates.

The current economic environment therefore has perpetrated and developed rather than eliminated the exploitation of girls in prostitution. The earlier limited demand for girl prostitution to serve foreign clients that was created by the establishment of foreign military bases has been absorbed into a new and expanding commercial sex trade in Asia that is linked to tourism. The economic prosperity of the North and some countries has created a demand for sex at little cost with Asian children, mainly girls, which in turn encourages a continuous supply. The abduction, kidnapping and forced prostitution of Asian girls represents the most violent form of this exploitation. The travelling paedophile from the West seeking exotic Asian children, or the wealthy Asian tourist seeking sex with virgins, create a constant demand for even younger girls and boys. The profitable nature of these enterprises as unregulated business, encourages investment for quick profits, as well as criminality at the highest levels. The absence of political will to intervene, and the weakness of cross border and immigration controls and law enforcement where laws do exist, become a cause and part of the manifestation of the problem. The focus on efforts to “rehabilitate the victim” and “wean children away from the trade” are not effective in reducing the problem because they do not present a real challenge to the legitimacy of the sex trade in children. Inevitable arguments of “national sovereignty” are also used to legitimise the disinclination of governments to enter into bilateral arrangements, even when they are mandated by the UN Convention on the Rights of the Child which has been ratified by most countries in Asia.

The low status of girls in many Asian countries and the attitude of social legitimacy to criminal assault and other acts of violent criminality perpetrated against them, also foster sexual abuse and exploitation in the sex trade and prostitution. There is evidence that girls who are raped and sexually abused in the family are socially alienated and marginalised so that they run away or leave home and become easy prey to pimps and procurers. The concept of son preference in some countries and the subordinate role of females in the family in many countries of East Asia lead to a denial of life chances for girls. Early marriage or migrant work is considered a first option in low income families which may be willing to shed a burden by taking the risk of a young girl travelling unaccompanied to a distant place. In the worst cases, intimidation, violence and forced prostitution will be considered part of the fate of a girl from a low income family. She is expected to submit to family authority or give in to the demands of a feudal overlord. Selling her into prostitution thus becomes socially legitimate and acceptable treatment. There is some evidence that girls from low income families are actually sold at public auctions held in remote areas or openly bartered and traded into prostitution.

The prevalence of armed conflicts in the region has also made girls from ethnic communities more vulnerable to commercial exploitation, particularly in cross border trafficking. Many of these girls are refugees, displaced persons or internally displaced persons seeking international protection. Girls from these groups can easily be recruited into prostitution by couriers and pimps who are also known to enter camps and sites where these groups are located so that they can either abduct children, or persuade families to part with them for a modest payment.

The Impact of Trafficking and Commercial Sexual Exploitation on Children⁶

The nature and incidence of child prostitution and the complex web of causes indicates dramatically the manner in which all the rights of children guaranteed in the UN Convention on the Rights of the Child are infringed when children are sexually abused in this manner. They are denied the right to survival, growth and development, their right to be protected from exploitation and abuse, and in most cases, their right to exercise a choice in regard to the kind of life they would like to have.

It is clear that girls are exposed to health risks such as HIV/AIDS, sexually transmitted diseases and vaginal infections. They may be forced to have sexual intercourse during menstruation and denied medical attention when they contract sexually transmitted diseases. The demand for sex with a virgin exposes girls to special forms of abuse. They are forced to take drugs and treatment to force them to service many clients or hasten growth or simulate virginity. They are often denied food or meals. They are locked up and their physical liberty is restrained so that they cannot escape. A brothel fire some years ago and a raid revealed that girls had been manacled and chained in the premises. Girls suffer violent physical abuse, repeated rape and sodomy as they are handed to different brothels. The act of “breaking a virgin” is often ritualised in abusive treatment, in order to condition her to have sex repeatedly with several men and destroy her sense of dignity and personal identity. Efforts are sometimes made to simulate virginity through treatment with pills or drugs that cause vaginal bleeding. Permanent injury is often caused to the sexual and other organs since young girls are immature for vaginal and oral intercourse. Commercial trafficking in girl-children, therefore, has all the manifestation of sexual slavery and bondage. There is no exercise of choice except in a very rare case where a girl may voluntarily decide to solicit for sex with older men.

Since boy prostitutes in the few countries where the phenomenon exists often operate as self-employed prostitutes, it would appear that they are less exposed to such violence and physical abuse. Boys, however, also face health risks, risks of permanent damage to genital organs, and can contract HIV/AIDS and sexually transmitted diseases.

The psychological stress, trauma and sense of guilt vary with the nature and extent of abuse, and will thus clearly be different in the case of boys and girls used in prostitution. It has been found that many boy prostitutes continue to go to school. Girls kept in brothels or other locations in slave-like conditions will clearly be denied any access to education or the chance to acquire life skills that will provide opportunities for regular employment.

Trafficking seems to affect girls more than boys and they are thus more displaced and alienated from their environment. Trafficking in Asian boys for camel riding is a known phenomenon and can lead to sexual abuse.⁷ However, the highest incidence of trafficking for sexual purposes is found in Asian girls. For this reason girls are more vulnerable to abduction, kidnapping and rape, including gang rape. In the process they are exposed to higher risks of disfigurement and murder, and beatings that cause permanent injury.

Girls also run the risk of pregnancy and all the physical and psychological stresses associated with pregnancy. If they have children, they become further marginalised and pushed into prostitution to

survive and support a child. They are also under pressure to face abortion, abandon their children or give them up for adoption.

Prostitution dehumanises a girl, stereotypes her into a position of hopelessness and reinforces her subordinate status in relationships with men. She is made to feel like merchandise with no human or individual identity, and this process is part of her subjugation as a man's sex slave. The phenomenon of child prostitution therefore entrenches gender discrimination against girls, and can undermine other efforts within countries and societies to move towards a recognition of their human rights as citizens to equal life chances. For these very reasons girls seem more subject to abuse and exploitation by parents, and both male and female relatives. They seem to have fewer chances to escape from abusive relationships and start a life of their own, both before and after being drawn into prostitution.

The Response to Commercial Sexual Exploitation of Girl-Children in Commonwealth Countries of Asia

It has been observed that the problem of commercial exploitation of the girl-child in Asia has links to trafficking and prostitution in non-Commonwealth countries of Asia. It has also been noted that clients who create a demand for the commercial sexual exploitation of girls come from both Commonwealth and non-Commonwealth countries of Asia. The commercial sexual exploitation of girl-children also has deep rooted socio-economic causes and specific implications which must be addressed if effective strategies and actions are to be developed to deal with this problem. Bilateral agreements, inter-country co-operation and effective legal and policy changes based on an interdisciplinary approach, seem vital if there is to be a meaningful response to the problem. This type of holistic approach has in general been lacking.

1990 was declared the Decade of the Girl-Child in South Asia. However the South Asian Association for Regional Co-operation (SAARC) Decade Plan of Action for the Girl-Child 1991-2000 does not refer to sexual exploitation as a priority concern though it has a statement which requires each country to accept the commitments of the global goal on "improving protection for children in difficult circumstances" developed by the World Summit for Children (1990).⁸ An expert panel on children has been set up but it has not been active, though many conferences with government and non-governmental participation have been held to discuss the situation of the girl-child. Accurate statistical data is not available but country experiences based on micro studies of the problem in general and individual case studies have been collected and shared. A SAARC Conference of officials and NGOs held in Colombo in 1995, specifically addressed the issue of girl-children "placed in difficult circumstances", using the UNICEF terminology which covers the sexual exploitation of children.

In the Association of South East Asian Nations (ASEAN) region there are desk officers in each country who can act as focal points to network and develop action plans and strategies on the commercial sexual exploitation of children. A meeting of Desk Officers of ASEAN, facilitated by UNICEF, that was held in Kuala Lumpur, Malaysia in late 1995 indicated that some initial proposals are being put forward to facilitate inter-country co-operation and develop country projects on critical issues such as cross border trafficking and the commercial sexual exploitation of children. The commercial sexual exploitation of girls which is a critical area of concern for the region and one that is intrinsically linked to gender and children's rights has not emerged strongly on the agenda of the regional organisations.

All countries of Commonwealth Asia have ratified the UN Convention on the Rights of the Child (1989). Article 35 of the Convention specifically refers to the concept of bilateral agreements to respond to the problem of commercial sexual exploitation of children. Nevertheless, there has been no action in the area of inter-country co-operation. Commonwealth countries have developed many national strategies and action plans to respond to the problem of gender discrimination.

Governments have established Ministries of Women's Affairs or Women's Bureaux, obtained support from international donor agencies, local and international NGOs and developed programmes to improve the situation of women and girl-children. The Gender Development Index of the UNDP's Human Development Report 1995, indicates that progress in Asian countries has been very slow. The social indicators for women and girls in critical areas such as health, nutrition and education in the developing countries of South Asia, continue to raise concern.

Adequate financial resources have not been allocated to basic needs such as health, education, and sanitation. Poverty has led to rural-urban migration within countries, and the phenomenon of economic refugees or overseas migrant workers. These phenomena have made girls more vulnerable to commercial sexual exploitation. Safety nets have either not been developed or have been eroded in countries which have a developed social and economic support system. Low and even middle income families have not been cushioned against financial stress in the transition to free market policies. They have had to cope with problems of poverty and indebtedness, and it is children, and young girls in particular, who have been pushed into prostitution as a strategy for family survival.

Poverty, illiteracy and ill health in the countries of South Asia have contributed to the entrenchment of the commercial sexual exploitation of girls, in the environment of consumerism generated by new economic policies. The fact that economic development alone cannot be an effective strategy against the commercial sexual exploitation of girls is seen in the experience of the developed countries of Asia. Even where the economic status of women discourages the local industry, women from outside the country are trafficked into it to satisfy the demand of affluent male clients. Thus, trafficking in turn creates an environment for the exploitation of local girls who are attracted into this trade because they desire a better life style in a consumer culture. Thus, consumerism can encourage prostitution and commercial sexual exploitation for reasons that go beyond mere survival. The breakdown of family values and concern about individual dignity have not been addressed in the newly developed countries in Asia so they are not used to stop the sexual exploitation of young girls and children.

Limited initiatives have been taken to respond to the problem. These initiatives are, in the main, focused on legal changes introduced by governments, and efforts by NGOs to empower and support the victims of sexual exploitation. The latter programmes sometimes include advocacy against the commercial sexual exploitation of children, and are targeted at the community, policy-makers and officials who can initiate an official response.

Countries in South Asia in particular have made some efforts to introduce law reform. Temple prostitution was prohibited in the colonial period in India, and post-independence legislation in several states has made the Devadasi practice illegal.⁹ Legislation has also been enacted to respond to the problem of cruelty and violence against women. Violence against children in the family and the community has been considered a critical area of concern in the Criminal Law (Second Amendment Act) 1983 which introduced radical changes in the nineteenth century Indian Penal Code. The law on rape, in particular, was strengthened and new offences such as custodial rape and a concept of minimum sentences was introduced. Significantly the age of rape irrespective of consent (statutory rape) was raised from 12 to 16 years. The concept of rape of a child bride below the age of statutory rape was an early nineteenth century recognition of marital rape in India. It has been retained in the amended Indian Penal Code and the age raised to 16 years. This offence, therefore, can cover intercourse in situations where marriage precedes forced prostitution. However, incest, following the approach in early English common law, is not included as an offence, and can be prosecuted only as rape. Indian criminal law also refers to rape exclusively as vaginal penetration by the penis, and does not cover other acts of violent sexual abuse. Prostitution has been dealt with in several post-independence statutes. The Suppression of Immoral Traffic in Women and Girls Act (1956) was extensively amended some years later by the Immoral Traffic in Persons Prevention Act (1986).

Forced prostitution and living on the prostitution of a child is punished with a sentence of 7 to 10 years imprisonment. Procuring and brothel keeping is also illegal. New legislation is currently under

consideration to deal with the award of compensation to women and girls who are victims of violence. The National Commission for Women has also proposed strengthening the law and procedure on rape to widen the offence, and help women and children receive fair treatment in criminal trials for rape. Legislation enacted in 1986 has expanded the Indian Penal Code provision on obscene publications involving the representation of women.¹⁰

All these new initiatives cover girl-children, and do not appear to address problems of boy prostitution or pornography. Such cases have to be prosecuted under offences involving “unnatural acts” and obscene publications in the Penal Code of India.

The Bangladesh Penal Code which has provisions on rape has been expanded by the Suppression of Immoral Traffic Act 1933 and post-independence statutes, in an effort to respond to the problem of violence against women and children.

These statutes, one of which was enacted in 1995, specifically address the problem of cruelty and the oppression of women and children.¹¹ Kidnapping and abduction attract a sentence of life imprisonment, while the sentence of death has been imposed for trafficking and for death or grievous hurt during rape. A sentence of death or life imprisonment can be imposed even in cases where rape has not been combined with homicide. The concept of statutory rape and marital statutory rape of a child bride, is the same as in the Indian Penal Code, and the relevant age has been raised to 16 years.

In 1995 Sri Lanka introduced significant amendments to its nineteenth century Penal Code, modelled on the Indian Penal Code.¹² This legislation was a response to the specific problem of child prostitution, but resulted in radical changes to the law on violence against women and children. The Act has extensively modified the law on rape by introducing the concept of minimum sentences and, particularly, a higher minimum sentence of 10 years imprisonment for rape of a girl under 18 years. The age of statutory rape has been increased to 16 years, but a proviso has prevented this age being applied so as to impact on child marriages, though the earlier concept of marital rape of a child bride under 12 years has been retained. The maximum punishment for rape remains at 20 years imprisonment. Incest, defined as sexual intercourse within certain prohibited relationships, has been made an offence with a minimum sentence of 15 years when a girl under 16 years is a victim of incestuous rape. The amendment introduces higher minimum sentences of imprisonment for gang rape and custodial rape. This amendment has also repealed earlier provisions on sexual exploitation of children, and introduced new comprehensive offences on procurement for prostitution of both males and females, and sexual exploitation of both boys and girls. This covers sexual abuse of all forms and commercial sexual exploitation of children. A new general offence of trafficking has been introduced and would cover trafficking for sexual purposes. The amended act also introduces a new offence of “grave sexual abuse” to cover cases of sexual abuse which involve acts other than vaginal penetration by the penis. The minimum sentence for such acts is higher if the victim is a child under 18 years.

The old Penal Code offences on homosexuality have been retained, and even widened to include lesbians. The child victim has also to be prosecuted as an offender! The law on pornography has been strengthened, and possession of pornography for the purpose of distribution or circulation has been criminalised. The new law creates an offence of cruelty to children, and the law on acts causing grave physical harm has been strengthened.

The law in these countries may have gaps but it is generally in place. There are instances in which police raids take place, and well publicised prosecutions have been initiated against foreign paedophiles, particularly in the last two years. However, in all these countries, enforcement of the law is in general weak. There seems to be an absence of an effective infrastructure for enforcement, due to inadequate resources, corruption, and lack of awareness of changes in the law. In Bangladesh, for instance, prosecutions continue to be filed under the Penal Code though the special statutes impose higher sentences. In Sri Lanka, amendments to the Penal Code have not been accompanied by a widening of the sentencing power of Magistrates' Courts. Consequently they cannot impose

the sentences provided for. Victims seem unable to use the law, due to their own lack of awareness. There is also a lack of co-ordination between the medical and legal professionals and law enforcement agencies, including the judiciary. Courts have a tendency to mitigate or suspend sentences or order low sentences, often ignoring the violence and infringement of human rights of the victim.

Developments in South East Asian Commonwealth countries by contrast have focused not merely on law reform but on providing an infrastructure of support services for effective investigation and prosecution of offenders who sexually exploit children. Consequently these countries have introduced the concept of interdisciplinary child abuse or child protection teams or committees, consisting of government social welfare officers, prosecutors, the police and medical personnel who network with each other in the preliminary stages of investigation and ultimate prosecution. Government crisis centres and family counselling centres have also been established to provide support and shelter for victims. This system also helps the child to be perceived as a victim rather than an offender and provides for institutional support for the victims and the family, or an alternative system of care. Malaysia's Child Protection Act 1991, and Women and Girls Protection Act 1993 which specifically deal with prostitution are particularly important initiatives in this regard. Malaysia has also introduced a sustained advocacy and training campaign for law enforcement agencies, including the police and the judiciary, and made efforts to combine legislative reforms with a campaign to increase community awareness of the law.¹³ Hong Kong has improved its laws on procedure and now provides facilities for recording evidence of child victims of sexual exploitation on video, and permits this evidence to be used in trials. In Malaysia, the Government has worked closely with women's NGOs in both changing the law and establishing and maintaining the supportive infrastructure.

In Asian countries the NGO community has made significant efforts to advocate against commercial sexual exploitation, alleviate the situation of victims, and promote law reform. Amendments to the laws on violence, prostitution and trafficking have been initiated largely through NGO activism.

NGO programmes take the forms of victim support and rehabilitation, advocacy and lobbying for legal and policy change, raising awareness of the situation among professional groups and the community, and para-legal training to demystify the law and help victims and families obtain access to justice. Women's associations sometimes address prostitution as part of their general aim to improve the status of women.¹⁴

NGOs have established links with international counterpart organisations in the West and within Asia to lobby the tourist trade to get their support for undermining the criminal elements that organise sex tours and use tourism to promote child prostitution. Travel agencies have been persuaded to include statements in travel brochures and airline tickets on child prostitution so that *bona fide* tourists themselves are made aware and can be persuaded to react against pimps and procurers operating within the industry. This type of programme seems to be operative on a very modest scale within the Asian region, but does not appear to be well established in the sub-continent or in East Asian countries of the Commonwealth where trafficking occurs.

Some NGOs have general programmes to improve the status and situation of women and the girl-child, and link their efforts to gender sensitisation and strengthening the capacity of affected girls, women and families to understand the need to break out of the cycle of violence and sexual exploitation. They focus on establishing centres for victims, counselling, skills training and basic education, and a general effort at rehabilitating the victims of sexual exploitation. Some facilitate the participation of the victims in planning programmes for themselves. Shelters have been established and women's resource centres have training and rehabilitation programmes.

Ministries of Social or Women's Affairs in these countries also have such resource centres and training and rehabilitation programmes with limited coverage. Special programmes have been established for the children of prostitutes to prevent them being absorbed into the trade. NGOs also work in high risk areas such as red light districts in major cities.

Professional associations and colleges of the medical and legal profession have in recent years begun to address the problem of exploitation of children in the sex trade. Some research has been done, and they have assisted NGOs in their advocacy and law reform efforts. Lawyers have also been willing to offer free professional services to assist NGOs to prosecute offenders. Occasionally groups of lawyers have established their own hotlines. They have also put greater emphasis on the establishment of programmes for para-legal training aware that it is impossible to provide easy access to legal services at all stages of court proceedings. Public awareness of the law and the intervention of para-legals at the initial stages can help victims and their families obtain access to justice through the legal system.

The phenomenon of public interest litigation developed in the Supreme Court of India has also been used in Pakistan. The situation of child victims of prostitution and sexual exploitation in the flesh trade has been brought to the attention of the Superior Courts by way of writ petitions filed by concerned persons. Courts have often made orders regarding the facilities offered to children in state shelters and homes, and the maintenance of standards so as to safeguard children from further abuse.¹⁵ In a recent Indian case an investigative newspaper report on prostitution was used by the Chief Justice of the Bombay High Court as a writ petition by the public. He went on to order the police and the municipality to take action to develop a rehabilitation scheme for the victims. Although this initiative of the courts has been criticised, public interest litigation has been effective in giving publicity to violations of children's rights, and promoting government accountability in the administration of shelters and homes run by the state.

NGOs have also focused attention on advocacy programmes.¹⁶ The media, particularly newspapers and radio, have been used to create public awareness and sensitivity to the issue and lobby for changes in law and policy. Street theatre has been used in these programmes using the high risk groups. In Malaysia the focus has been on sensitising families and girls in particular so that they are not cheated by offers of employment and marriage, which are a front for forced prostitution. Some of these programmes, in countries such as Malaysia and Sri Lanka, have also been linked to awareness raising on HIV/AIDS and prevention of this illness.

Conclusion and Recommendations

The experience of Asia indicates that for many years child prostitution was a phenomenon that was ignored in policy intervention and planning because of silence on the part of governments and the public. In the last few years international publicity and scrutiny has compelled awareness and some intervention at the national level. International efforts must therefore be sustained in order to ensure national action and even promote a regional response.

International and Regional

Commercial sexual exploitation can lead to a denial of the right to life, health, freedom of personal liberty, reproductive rights and education. A child's right of survival, development and participation are therefore denied. Besides, the concept of protection rights includes protection from all forms of sexual exploitation and connected violence such as abduction and trafficking.

Article 35 of the Convention on the Rights of the Child specifically mandates States Parties to take all appropriate bilateral and multilateral measures to prevent the abduction, sale or traffic in children. National and international NGOs and children also have a role in protecting children's rights as Articles 42 and 45 state that they must be made aware of the standards, and their voices must be heard in monitoring the situation of children within countries. Arguments of national sovereignty and political correctness can no longer be used to undermine the legitimacy that has been given to international scrutiny of the situation of children within countries. Consequently the Convention should be used to develop concerted strategies, build up such strategies and create

solidarity to combat what is obviously a contemporary form of slavery of children in the Asian region, and a gross denial of human rights.

This dimension is relevant for forging links with other human rights groups and with processes within the United Nations systems. The Commission on Human Rights and the Economic and Social Council have conferred a mandate on the Special Rapporteur on the Sale of Children, Child Prostitution and Pornography. This mandate must be retained and strengthened to provide an effective global monitoring system through networking at the national and regional levels. Violation of children's rights in commercial sexual exploitation must be perceived as a human rights and gender issue, since it is a violation of human rights and gender equality. Common recommendations should be developed by the Human Rights Committee, the Child Rights Committee and CEDAW – the three important monitoring bodies set up under the International Covenant on Civil and Political Rights, and the Women's Rights and Children's Rights Conventions. This concerted action may urge governments to regard it as a critical area of concern.

Promoting government awareness about the need to give priority to this issue will help to promote collaboration and bilateral agreements so as to prevent cross border trafficking. As it is, some governments, such as Sweden, encourage their police to provide local police in Asia with information on travelling paedophiles. Liaison officers have been appointed in some countries to deal with special problems such as drug trafficking or monitoring the situation of migrant workers. Bilateral arrangements of a similar nature can be approved by governments to deal with the problem of commercial sexual exploitation. INTERPOL has already taken some measures of its own, and has supported a recommendation of an earlier special Rapporteur on the need to promote a "pro-child-anti-crime network" and provide training for law enforcement personnel.¹⁷ The use of international standards in this regard and promotion of networking in law enforcement is crucial to prevent cross border trafficking as well as the phenomenon of the travelling paedophile. Currently Western countries of the Commonwealth such as Canada and Australia have taken initiatives to introduce laws conferring extra-territorial jurisdiction, to prosecute nationals who commit offences against children in other countries. Britain is also considering the enactment of this legislation. These efforts will strengthen law enforcement capacity since most countries have laws against trafficking and sexual abuse of children. This type of initiative can encourage other States Parties to the UN Convention on the Rights of the Child to take similar action against child sexual exploitation. If Commonwealth countries and regional organisations can promote the adoption of this type of legislation in all countries, this will be a powerful contribution to fighting sexual tourism, cross border trafficking and the exploitation of girls in the sex trade.

Regional initiatives and inter-country collaboration are vital and will be fostered only if there is some international scrutiny and pressure and positive examples of international collaboration and networking in immigration matters and law enforcement.

Similar collaboration is necessary in responding to the problems of migrant workers since migration is often connected to the sexual exploitation of Asian girls. Countries in the region must be persuaded to ratify the UN Convention on Migrant Workers and work towards realising these standards on overseas migration for employment. Many Asian countries have "open policies" on migration but do not address the problem of exploitation of these workers in host countries. Similarly the Tourism Bill of Rights and Tourist Code (1985) of the World Tourist Organisation should be disseminated within the trade, and this international organisation should be encouraged to work with governments to ensure accountability in tourism.

NGOs and some government units have some resources for networking and sharing information, and there have been many meetings on the girl-child which have addressed the issue of sexual exploitation. Governments need to work more closely with the Special Rapporteur on the sale of children, child prostitution and pornography.

The UN Convention on Traffic in Persons and the Exploitation of the Prostitution of Others (1949) is the current international instrument that specifically deals with these subjects. India and

Singapore are amongst the few countries in the Commonwealth to have ratified this Convention, which has been ratified by only 67 countries.¹⁸ Reporting under the instrument is said to be inadequate. The Convention adopts an abolitionist approach to prostitution. It does not seek to prohibit it so as to penalise the client, the intermediary and the prostitute. Nor does it seek to legalise and regulate prostitution. Consequently the client and the prostitute are not prosecuted but penalties are imposed on intermediaries such as brothel owners, procurers and pimps. The Convention also does not reflect the experience of Asia on child prostitution. Though it deals with forced prostitution it does not cover practices such as fake marriages, fake adoption, illegal employment and overseas migration, which lead to prostitution.

The definition of force in the Convention should be widened. It should be revised so as to become an instrument that can be used to set standards on child prostitution as a contemporary form of slavery. Since there is a strong case for dealing with child prostitution differently, and not treating it as an expression of choice, a separate part of the Convention should deal with that aspect. This should reflect the concept of protection rights in the UN Convention on the Rights of the Child, and the concept of gender discrimination and right to freedom from violence found in the latter Convention, CEDAW and the UN Declaration on Violence against Women (1993).

A major weakness in the implementation of the UN Convention on the Rights of the Child as well as the Trafficking Convention is the absence of an effective monitoring system. An expert Committee has been established under the UN Convention on the Rights of the Child, and it has been innovative and dynamic in trying to persuade parties to take their regular reporting obligations to the Committee seriously. Goals or targets, however, have not yet been set, and a plan of action has not been developed to eliminate exploitation of children, though the World Summit for Children (1990) developed time-bound goals and a plan of action for monitoring aspects of survival and development such as health and education.¹⁹ In addition, the UN Convention on the Rights of the Child does not permit individual complaints to the Committee, since international monitoring is considered a state-to-state accountability.

There has been some effort to promote a Protocol on Children in armed conflict. The Asian region's problem of child prostitution in general, and sexual exploitation of girl children in particular, suggests that an individual complaints procedure in a Protocol should cover sexual exploitation. If such an Optional Protocol is introduced to the Convention on the Rights of the Child, governments may be under pressure to obtain international approval for their commitment to child rights by permitting complaints to be made to the international monitoring Committee. The development of a plan of action and time-bound goals on elimination of sexual exploitation and a process of regional monitoring can promote scrutiny and accountability at the regional level. If the sexual exploitation of children is considered a contemporary form of slavery, there will be greater pressure to treat it as a critical concern. Such a development with regard to effective monitoring represents an urgent area for regional collaboration in Asia. Collaboration within a broader group such as the Commonwealth may be a catalyst for promoting collaboration within the Asian region.

The substantive recommendations that follow in regard to national developments also represent areas for collaboration and networking at the international and regional level, and within the Commonwealth, so as to promote a concerted response to eliminating the phenomenon of commercial sexual exploitation of children.

National

(a) General Enhancement of the Status of Women and Gender Sensitisation

The sexual exploitation of the girl-child is clearly linked to gender relations within countries and the diminished status of women. The low social indicators for girls in South Asia and the heritage of rejection which girls face from birth is reflected in the tradition of son preference and some of

the cultural practices in countries of the subcontinent. The declaration of the SAARC Decade for the Girl-Child from 1990-2000 was a recognition of this reality.

Unless the general status of the girl-child is improved and it is recognised that discriminatory traditions must be eliminated because she deserves equal life chances, it will be impossible to address a root cause for the continued sexual exploitation of girls and the violence perpetrated against them in trafficking and sexual abuse. This will have to be followed through long term measures pertaining to family, and socio-economic policies that will foster delivery of services in the area of health and education. Such initiatives will require allocation of resources in national budgets to be combined with the creation of employment prospects so that the phenomenon of girls and women travelling overseas as migrant workers can be contained. Development policies such as structural adjustment which entail a cutback in state support will have to be reviewed, in the light of the resulting family disintegration.

The fact that socio-economic and employment policies alone are not adequate but must be combined with concerted efforts to promote attitudinal change with regard to gender relations has been recognised in the newly industrialised countries of Asia. Economic prosperity alone will not benefit women, unless it also impacts on attitudes to gender relations and women's subordinate position in relation to men. Indeed the consumerism generated by economic development can create a greater risk of sexual exploitation of women as an inherent part of a consumer culture.

Improving the status of women in Asia is thus a core dimension of eliminating sexual exploitation of the girl-child. The interface between realising human rights of both women and children must be recognised so as to foster concerted and continued efforts in promoting action and allocating national resources. The Beijing Platform of Action has facilitated this linkage, but women's and children's issues are often dealt with as distinct concerns, and there is little effort to co-ordinate initiatives at the national level. The problem of violence against women has an immediate connection to violence against girl-children and their sexual exploitation. This is also an important area for concerted planning and allocation of national resources, particularly in a context where the definition of children has been extended internationally to cover adolescents and teenagers under 18 years. The vulnerability of the girl-child, particularly the very young child is ignored in initiatives on violence against women. The adoption of a life cycle approach to planning and taking initiatives on violence against women from a perspective of equity in gender relations can help to prevent ad hoc approaches, and encourage holistic action.

(b) Effective Law Reform and Law Enforcement

It is important that the law should be clear and unambiguous on the illegality of child prostitution, pornography and trafficking, and that an uncompromising, prohibitionist approach is nevertheless combined with sensitivity to the need to protect rather than detain or punish the child victims.

There are gaps and ambiguities in laws, and when the law is in place, there is weak law enforcement. This encourages large scale infringements amongst the perpetrators of abuse, and leads to victim apathy and helplessness.

The problem of child pornography requires a special response given the fact that Commonwealth countries invariably have constitutional guarantees on freedom of speech and/or information dissemination. Research and proposals for law reform should explore the problems of conflict and compatibility between the social interests of protecting fundamental freedoms and eliminating child prostitution and pornography. Tighter regulatory controls may be necessary and the comparative experience of Commonwealth countries in introducing and enforcing regulatory controls can be shared usefully. It is time that all countries move towards recognising that even possession of child pornography is illegal.

In particular the minimum age of statutory rape should be raised so as to make sexual intercourse with a child a high risk activity. High minimum sentences, combined with guidelines to the courts and consistent efforts to sensitise the judiciary, the law enforcement agencies and professionals is

crucial for effective law enforcement. Inter-agency or inter-departmental collaboration in responding to sexual exploitation and allocation of adequate resources for institutional networking and law enforcement is crucial. It may be necessary to have separate police units with trained police officers, preferably women. Some countries have already taken initiatives in this regard but they are also not sustained by allocation of resources and monitoring law enforcement.

Law enforcement in this area connects to other matters such as migration and birth and marriage registration. Systems of registration help to prevent fake employment and marriages, and establish the correct identity and age of the victim. This infrastructure is often lacking and there is little co-ordination between professionals such as lawyers and doctors and immigration and registration authorities, even though their responsibilities are connected in effective investigations, court prosecutions and punishment of offenders. This is often why law enforcement is weak and ineffective or there is corruption and an undermining of legal controls.

Monitoring infringements, through the establishment of “hotlines” for complaints, and an internal Ombudsman system can be useful. Public interest litigation in the superior courts, with recognised standing given to NGOs and concerned activists working for children, remains an important strategy. These processes do not merely help to give individual redress, but provide public scrutiny of the action of officials, particularly law enforcement authorities. A system of imposition of liability to pay personal compensation to the victims and “shaming” the offender by public scrutiny can undermine, if not eliminate, corruption at the official level.

The legal system and legal procedure should recognise that the child victim of commercial sexual exploitation is a victim in need of recovery and reintegration. A non-punitive approach should be adopted and the judges, law enforcement officers and social workers sensitised to this approach.

(c) Establishing and Maintaining Crisis Centres and Shelters

Governments and NGOs must continue to provide a variety of services to victims for medical treatment, psychological counselling and support. These should also address the separate needs of the children of child sex workers in situations where these girls have their own children. The successful programmes often involve the victims themselves and a close collaboration with them, so that they are not merely the beneficiaries or recipients of “relief.” Strengthening their capacity to cope, and also using their experiences to develop strategies for eliminating this social problem is an important resource that must not be overlooked.

Health programmes must focus in particular on sexually transmitted diseases and HIV/AIDS, and preventive measures to combat this health hazard. This can include the integration of programmes for victims of sexual exploitation into national services programmes to combat sexually transmitted diseases including HIV/AIDS. These should also be lobbying for more humane and realistic laws to help those suffering from HIV/AIDS and similar diseases. Public awareness campaigns can be linked to rehabilitation programmes, so that the treatment and care of victims is perceived as a legitimate endeavour, and a social response to prevent further exploitation of girls, and the spread of disease in the community.

(d) Data Collection, Awareness-Raising and Networking

Lack of action has been encouraged by the absence of data. The public is often ignorant of the reality of the problem and those working in this area do not seem to network effectively with other groups, so as to bring the reality before the community. The fact that governments and NGOs provide different impressionistic data, helps to trivialise the problem. Governments and NGOs should collect data on the problem, its incidence and risks, that can help to prevent abduction and trafficking which are often strengthened by public ignorance of the reality of sexual exploitation. The mass media is often used in an *ad hoc* manner. It is vital to bring journalists, media personnel, and human rights groups together with activists working in this area to perceive it as a contemporary form of slavery that is still thriving in Asia. Radio and the visual media in particular are

accessible to people throughout Asia and can have a powerful impact in presenting the reality as a universal human problem that is causing anguish and suffering to victims and their families throughout the continent.

The recent sex scandal in Belgium, that was widely publicised in August and September 1996²⁰ shows how a whole nation was catalysed to take a stand because of the publicity given to the harrowing experiences of three or four girls imprisoned and abused as sex slaves by paedophiles. Paedophiles from the West have been exploiting Asian children for over a decade. The cynical response to this phenomenon both internationally and nationally on the ground that these are “poor Asian children” who must “sell their bodies to survive” may have been shattered by this episode. The conventional wisdom that appetite creates a demand which must be supplied, seems to have been authenticated in the Belgian experience. Programmes should also promote participation of children and young people so that they can contribute to prevent and protect children from commercial sexual exploitation, and assist victims in recovery and reintegration into society.

Hundreds and thousands of Asian girls have been abused in the same way, without provoking a national or international commitment to stop their sufferings. We must recognise that there can be no question of “their” children and “our” children in sexual slavery. This seems an appropriate time to address the gap in the collective conscience nationally, regionally and internationally and prevent child prostitution continuing to be perceived as a “sensitive” or controversial political issue.

Notes

- 1 Note 11 Supra; Ameenas Case, *International Herald Tribune*, 20-26 November 1991; Fawad Usman Khan, “Preparing for the Future: Sexual Abuse of Girls and Young Women”, UNICEF, Lahore, Pakistan; Bhuiyan op. cit. Country Report, Bangladesh 24; The Flesh Trade: the Trafficking of Women and Children in Pakistan, Lawyers for Human Rights and Legal Aid, Karachi (1993); An Evil under the Sun, *ibid*; ESCAP/1078 op. cit.; Workshop Report on International Migration and Traffic in Women op. cit.; ESCAP/1078 op. cit.; CATW Report op. cit.; Report of Muntarbhorn Vitit, UN Special Rapporteur (1994) Economic and Social Council E/CN-4/1994/84 .
- 2 CATW Report op. cit. 21; The Flesh Trade op. cit.; Workshop Report International Migration and Traffic in Women *ibid*.; ESCAP/1078, op. cit.
- 3 CATW Report op. cit. 22; Workshop Report on International Migration and Traffic in Women *ibid*.
- 4 Fawad Usman Khan op. cit.; The Flesh Trade op. cit.; Workshop Report on International Migration and Traffic in Women *ibid*.
- 5 Note 11 Supra; CATW Report op. cit.; The Flesh Trade *ibid*.; ESCAP/1078 op. cit.; Workshop Report on International Migration and Traffic in Women *ibid*.; Report of Muntarbhorn Vitit op. cit.; O’Dea, Pauline op. cit.; An Evil under the Sun op. cit.; Fawad Usman Khan *ibid*.; Declaration of Asian Preparatory Meeting for Stockholm World Congress on Sexual Exploitation, Bangkok (1996); Country Report, Pakistan, SAARC Meeting, Colombo op. cit. 15; Country Report, Nepal, to UN Committee on the Rights of the Child op. cit. 68-69.
- 6 Note 30 Supra; Mandal Mahabendra “Sexual Exploitation of the Child and the Law in India” and Muntarbhorn Vitit “Child Prostitution and Thailand” in Lawasia Conference Papers on Child Labour and Child Prostitution, Kuala Lumpur, Lawasia Sydney (1986) at 331 and 406; Defence for Children International USA Report, New York (1985) 8; Country Report, Nepal to UN Committee on the Rights of the Child op. cit. 68-69.
- 7 Report on Camel Kids, note 2 supra.
- 8 The Colombo Resolution on Children. SAARC Report of the Second SAARC Conference on Children, Colombo, 16-18 September (1992) 5-7; SAARC Decade Plan of Action for the Child 1991-2000, endorsed by SAARC Summit, Colombo (1991), reprint, SAARC Conference on Children in South Asia, Colombo, September 1992.
- 9 Bombay Devadasi Prosecution Act 1934 and Bombay Protection Extension Act 1957, Madras Devadasi Prevention of Dedication Act 1947, Andhra Pradesh Devadasi Prohibition of Dedication Act 1988, cited in Kosombi Meera, Promoting Women’s Rights as Human Rights, National Paper India, ESCAP Expert Grant Meeting, Saitama, Japan August 1996; Devadasi Prohibition of Dedication Act 1982, cited in ESCAP/1078 op. cit. at 30 .
- 10 Kosmabi *ibid* 23; Indecent Representation of Women Rehabilitation Act (1986).
- 11 Cruelty to Women (Determent Punishment) Ordinance (1983), Oppression Against Women and Children Ordinance (1995), cited Sobhan Salma in Bangladesh Country Paper, ESCAP Expert Group Meeting op. cit. 7.
- 12 Penal Code Amendment Act (1995).
- 13 Child Protection Act (1991) Malaysia and Women and Girls Protection Act, Malaysia 1973 cited in Report Vitit Muntarbhorn op. cit. 36; Fernandez, Irene, Mobilising on All Fronts in Schuler M. ed. Freedom from Violence, UNIFEM (1992) 102.
- 14 ESCAP/1078 op. cot.; Fawad Usman Khan op. cit.; Country Report of Nepal to UN Committee on Convention on the Rights of the Child op. cit., Country Reports in Workshop Report on International Migration and Traffic in Women op. cit., Country Report Pakistan, SAARC Meeting, Colombo op. cit., Report Vitit Muntarbhorn op. cit.
- 15 Shiela Barse v Union of India AIR 1986 SC 1773 and AIR 1988 SC 2211; Vikram Deao v State of Bihar AIR 1988 SC 1782 (general); Jain v Union of India AIR 1990 SC 292, Vishal Jeet v Union of India AIR 1990 SC 1412 (specifically regarding children of prostitutes and children in the flesh trade).

- 16 ESCAP/1078 op. cit.; PEACE Newsletter No. 19 June 1996; Country Report Pakistan, SAARC Meeting, Colombo op. cit.; Country Report Nepal to UN Committee on Rights of the Child op. cit. 69.
- 17 Report Vitit Muntarbhorn op. cit. 33.
- 18 Workshop Report on International Migration and Traffic in Women op. cit. 18; Cook, Rebecca, Human Rights of Women, University of Pennsylvania Press, Philadelphia (1994) Appendix A.
- 19 World Plan of Action from World Summit for Children (1990) Section 1(g) and 11(F) on "children in difficult circumstances".
- 20 AFP Report, "Police Inspector held in Belgium Child Sex Scandal: Brussels" *Sri Lanka Daily News* 27 August 1996.



Appendices



Appendix 1

Proposed Commonwealth Action Plan for Increasing the Representation of Women in Politics

Action	Government	Commonwealth Secretariat	Political Parties	Women in Parliament	Civil Society
A <i>Setting Targets</i>	Ministers agree on target(s) in Trinidad and Tobago Seek endorsement at CHOGM 1997 Monitor and publicise programme	Facilitate work of task team and tabling of target(s) at CHOGM 1997 Monitor and publicise progress	Support target(s)	Support/lobby for target(s) Monitor progress	Support/lobby for target(s) Monitor progress
B <i>Affirmative Action</i>	Identify the most appropriate form of affirmative action	Carry out a study on "best practices" of affirmative action	Adopt affirmative action within parties and ensure this is achieved	Lobby for affirmative action	Lobby government and political parties to take affirmative action measures
C <i>Review of Electoral Systems</i>	Review impact of electoral systems on representation of women in politics and take corrective measures	Carry out a comparative study of the effect of different electoral systems on the representation of women in politics	Participate in review of electoral systems	Lobby for review of electoral systems	Lobby for/monitor the review of the electoral systems
D <i>Public Awareness Campaign</i>	Launch a national campaign around the target(s)	Launch a Commonwealth-wide campaign around the target(s)	Encourage positive images of women in advertising campaigns Publicise and affirm target(s) for women	Engage with the media in publicising the work of women parliamentarians	Assist in the public awareness campaign, especially in remote communities
E <i>Encourage Women into Politics</i>	Initiate campaigns and develop simple guidebooks Work with electoral authorities on gender sensitive voter education materials	Assist in developing/facilitating exchanges of materials	Encourage women to take leadership roles in parties as a spring board to elections Adopt IPU Guidelines on women's wings of political parties	Address women's groups, help demystify politics	Mount campaigns to interest women in politics
F <i>Support for Women Candidates</i>	Support training and mentorship programmes for women candidates Initiate and publicise research on women's voting patterns and performance of women candidates	Develop education materials including distance education materials for women candidates	Provide in-house training and mentorship for women candidates Offer financial support	Become mentors to candidates Lobby for funds for women candidates in political parties	Initiate training and mentorship programmes Establish foundations to offer non-partisan financial support for women candidates

Action	Government	Commonwealth Secretariat	Political Parties	Women in Parliament	Civil Society
G <i>Support for Women Parliamentarians</i>	Support on-the-job training initiatives for women parliamentarians Work with women's caucuses in formulating gender sensitive legislation	Develop training materials for women leaders Working with the CWPG in supporting and networking with women's caucuses	Back women parliamentarians Continue training and mentorship programmes	Get organised Carry out needs analysis Set out concrete action plans	Provide relevant training and support to women parliamentarians

Appendix 2

Tools for Integrating Gender Issues into National Budgetary Policies and Procedures within the Context of Economic Reform

Tool 1

Gender-Disaggregated Beneficiary Assessment of Public Service Delivery and Budget Priorities

Aim

To collect and analyse the opinions of men and women on how far current forms of public service delivery meet their needs and how far current patterns of public expenditure accord with their priorities.

Instruments

Opinion polls, attitude surveys, participatory rapid appraisal processes (including focus group discussions, participant observation, semi-structured and conversational interviewing, preference ranking and scoring, institutional diagramming).

Opinion polls and attitude surveys are quantitative instruments which address individuals in isolation. They are statistically representative, but the views generated do not benefit from a process of discussion and reflection, and may therefore be ill-informed, transitory and inconsistent.

Participatory rapid appraisal processes are qualitative instruments which provide for collective analysis and discussion of the issues under consideration and facilitate a process of social learning. The views generated do benefit from a process of discussion and reflection, however they are not statistically representative.

Examples of Use

In the UK, opinion polls and attitude surveys have been used to investigate people's perceptions of public expenditure.

- Peter Kellner, "What Does the Public Think?" and John Hall *et al* "How Public Attitudes to Expenditure Differ" in Dan Corry (ed.) *Public Expenditure – Effective Management and Control*, Dryden Press, London, 1997.

In a variety of developing countries including South Africa and Sri Lanka, participatory assessments have been made of poverty and public expenditure with the assistance of the World Bank.

- Andrew Norton and Thomas Stephens, *Participation in Poverty Assessments*, Environment Department Papers, World Bank, Washington DC, 1995.

To date, beneficiary assessments have not routinely been designed to be gender-disaggregated, though they have been disaggregated by region, class, political affiliation etc.

Institutional Stakeholders

1 *Who can use these instruments?*

Opinion polls and attitude surveys will be useful to the Ministries of Finance and Women's Affairs when concerned with the full range of public expenditure and by sectoral ministries when concerned with specific expenditures and services.

Participatory rapid appraisal processes will be useful to the non-governmental organisations and community based organisations.

2 *Who can develop these instruments?*

Opinion polls and attitude surveys are normally designed by specialised public or private sector research organisations

Participatory rapid appraisal processes are normally implemented through non-governmental organisations at the grass roots level.

The Ministry of Women's Affairs and Parliamentary Committees could provide a forum for beneficiaries to discuss public expenditure priorities, for example, the organisation of a Budget Hearing to examine the national budget from a gender perspective.

Implementation

Establish what use has already been made of the instrument in the country.

Refine the instrument and use it to:

- i gather and analyse gender-disaggregated views;
- ii create a process in which women feel comfortable in expressing their views; and
- iii identify the different needs and priorities of men and women.

Analyse the data to provide a separate assessment for men and women; with further cross-cutting disaggregations by class, region, ethnicity and other relevant differences.

Review the findings within each relevant ministry and identify the necessary changes to be made in the expenditure.

Publicise the findings widely and encourage public debate about their implications.

Gender-Disaggregated Public Expenditure Benefit Incidence Analysis

Aim

To analyse the extent to which men and women, girls and boys, benefit from expenditure on publicly provided services.

Instruments

Benefit incidence analysis

This quantitative tool reveals what has been the historical gender specific distribution of benefits from public services. It is particularly valuable for establishing base lines and setting up monitoring systems.

This requires the measurement of: i) the unit costs of providing a particular service – e.g. the costs of providing a primary school place for one year; ii) the number of units utilised by men and women, boys and girls.

Benefit incidence can then be calculated as the value of the unit costs multiplied by the number of units utilised by the relevant individuals. The benefit incidence depends upon: i) the allocation of public expenditure in providing public services; ii) the behaviour of households in utilising public services.

Example for Primary Education

The incidence of benefit of public expenditure on primary education is: i) for girls, the value of public spending on primary education multiplied by the ratio of girls' enrolment in primary school to total enrolment in primary school; ii) for boys, the value of public spending on primary education multiplied by the ratio of boys' enrolment to total enrolment in primary school.

Examples of Use

Benefit incidence analysis is a well-established approach in estimating the distribution of public expenditure.

- Jacob Meerman, *Public Expenditures in Malaysia – Who Benefits and Why?* Oxford University Press, New York and London, 1979.

Until recently most benefit incidence studies did not report gender-based disaggregations. But this is changing. A recent study for Ghana was gender-disaggregated.

- Lionel Demery, Shiyun Chao, Rene Bernier and Kalpana Mehra, "The Incidence of Social Spending in Ghana," *PSP Discussion Paper Series No. 82*, Poverty and Social Policy Department, World Bank, 1995.

Institutional Stakeholders

1 *Who will use these instruments?*

The Ministry of Finance and those ministries responsible for, or involved in, providing public services.

2 *Who will develop these instruments?*

The central statistical office and the Ministry of Finance are normally best able to design these instruments. Public expenditure benefit incidence calculations require access to data on public expenditure and on utilisation of services. The participation of the ministries supplying the services is thus essential, and generally also the participation of the Central Statistical Office. The calculations themselves can be made within government, or independent researchers can be commissioned to make them.

Implementation

Establish what use has already been made of this instrument in the country concerned, and if so, whether the benefit incidence has been disaggregated by gender.

Gather a consistent set of data from different sources for measuring benefit incidence by gender.

To measure the amount of public expenditure on a particular service is complicated because of the operation of several tiers of government (e.g. local, regional, national) and by discrepancies in the data reported by different sources (e.g. the Ministry of Finance may report a different value than that reported by the ministry providing the service). Data on the utilisation of services may be obtained from government ministries providing the service, or from households surveys. The two sources may differ, and in some cases neither may provide gender-disaggregated data.

If the relevant data is not available, then develop procedures in place to generate the relevant information.

Calculate the gender-disaggregated benefit incidence.

Review the findings within each relevant ministry and identify the necessary changes in the expenditure pattern.

Publicise the findings widely and encourage public debate about their implications.

Gender-Aware Policy Evaluation of Public Expenditure by Sector

Aim

To evaluate the policies that underlie budget appropriations to identify their likely impact on men and women. Are the policies likely to reduce, increase, or leave unchanged the degree and pattern of gender differences?

Instruments

Specification of an expected causal chain from planned public expenditure and the activities it supports, to expected intermediate outputs, to anticipated ultimate impact on men and women. This may be operationalised by the following methods:

- i a narrative of expected events e.g. a planned increase in public expenditure on education is expected to a) increase school enrolment of girls (and reduce the gender gap in enrolment) and b) improve educational qualifications for girls (and a reduction in the gender gap in educational qualifications);
- ii a flow diagram;
- iii a check list of questions;
- iv a log frame analysis; and
- v programme performance budgeting.

One major weakness of this instrument is that the nature and scale of the links in the causal chain cannot be predicted with accuracy.

Example for Education

A planned increase in public expenditure on primary education may not result in increased school enrolment of girls (and a reduction in the gender gap in enrolment between girls and boys) because of a) increases in family poverty which require mothers to spend more time in paid work (“productive work”) while daughters undertake the household tasks (“reproductive work”) or b) the low priority given to female education due to social and cultural factors.

It is therefore important to monitor and evaluate the results as expenditure takes place and to refine the policy for subsequent budgets in the light of what is learned.

Examples of Use

Examples of gender-aware policy evaluation

The UK government has instituted a process of policy appraisal for equal treatment.

- See, *Gender Integration and Mainstreaming in the United Kingdom Government's Policies and Programmes*, WAMM (96) (GMS) BRI, Commonwealth Meeting of Ministers Responsible for Women's Affairs, Trinidad and Tobago, November 1996.

In South Africa a joint initiative has been taken by a group of NGOs and the Parliamentary Joint Standing Committee on Finance to examine the likely gender impact of key areas of public expenditure (and also of taxation).

- See, Debbie Budlander (ed.) *The Women's Budget*, Institute for Democracy in South Africa, Cape Town, 1996.

Policy evaluation of various kinds has been used by governments, international financial institutions, parliamentary groups, NGOs and independent research institutes, but it has all too often been gender-blind.

- For a helpful discussion of policy evaluation in relation to public expenditure, see Geoff White, "Getting the Most Out of Public Expenditure" in Dan Corry (ed.) *Public Expenditure – Effective Management and Control*, Dryden Press, London, 1997.

Institutional Stakeholders

There are a number of organisations within government and civil society which might appropriately conduct gender-aware policy evaluation of public expenditure. Given the inherent uncertainty about the nature and scale of the links in the causal chain, it is important that policy evaluation should be an open and consultative process. It is also important that different stakeholders evaluate expenditure policies. A two pronged-approach is recommended to ensure objectivity:

- i Each ministry should conduct a gender-aware policy evaluation of its planned expenditure prior to the budget, using a commonly agreed method. These evaluations could be brought together in an Annex to the Budget Statement.
- ii NGOs and research institutes should be encouraged and facilitated to carry out independent evaluations of expenditure policy.

Implementation

Establish what use has already been made of the instrument in the country concerned.

Refine the instruments so that they can be used in a gender-aware manner. This requires transforming the conceptual framework with gender-disaggregation, so as to reveal causal links that are routinely omitted. The significance of unpaid reproductive work needs to be acknowledged in the evaluation.

Identify data requirements and data gaps and formulate a strategy for addressing the latter.

Conduct the policy evaluations.

Publicise the findings widely and encourage public debate about their implications.

Review the findings within each relevant ministry and consider what changes in expenditure are appropriate.

Gender-Aware Budget (Expenditure) Statement

Aim

To demonstrate the expected implications of the Expenditure Estimates in addressing issues of gender inequality in terms of total public expenditure and expenditure by sectoral ministries.

Instruments

Disaggregation of projected expenditure into gender-relevant categories is the key instrument. Public expenditure is conventionally disaggregated:

- i by ministry and functional division
- ii by recurrent and capital expenses
- iii by “line-items” – e.g. personnel, equipment, fuel etc.

This makes it difficult to judge how far public expenditure priorities align with the needs of different groups of men and women; and how different groups of men and women are likely to benefit from the expenditure.

A variety of gender-relevant disaggregations may be made, presented in graphical as well as tabular form. Example:

1 *Gender Equality Targeted Expenditure*

The share of expenditure which is targeted explicitly to women, to help redress past inequality and neglect, e.g. education and health programmes targeted at women and girls; equal opportunities initiatives in employment; programmes to support women’s businesses.

2 *Women’s Priority Public Services*

The share of expenditure devoted to public services which have been identified of highest priority in reducing the burdens on women (especially poor women) and reducing gender gaps in health, education, income and leisure (even through not specifically targeted to women and girls). Example, primary education, primary health care, household water supply and sanitation facility, and rural electrification.

3 *Gender Management System in Government*

The share of expenditure devoted to the Ministry of Women’s Affairs (or Office of Status of Women); Gender Equality Commission; Gender Focal Points in Ministries, etc.

4 *Women’s Priority Income Transfers*

The share of expenditure devoted to income transfers which have been identified as of the highest priority in reducing women’s income inequality and dependence – e.g. child benefit, women’s pensions.

5 *Gender Balance in Public Sector Employment*

For each ministry, shares of men and women in employment at each grade; the average earnings of women as a percentage of the average earnings of men in each grade.

6 Gender Balance in Business Support

The projected shares of men and women in expenditure directed to business support in agriculture, manufacturing and services (training, loans, subsidies etc.)

7 Gender Balance in Public Sector Contracts

Shares (by value) of contracts going to male-headed firms and female-headed firms.

8 Gender-Inequality Reduction Rate

The share of each ministry's expenditure that is allocated to assist in the reduction of gender inequality. This would be accompanied by quantitative indicators of the expected reduction in gender inequality, and an explanation of how the reduction is expected to be achieved.

Note, the emphasis here is on sectoral (or meso level) effects. To take account of the full impact of the overall budget requires the development of a gender-aware macroeconomic scenario or model that will analyse employment, growth, and inflation from a gender perspective.

All of the gender relevant disaggregations can be further disaggregated along lines of class, race and region.

Examples of Use

While no government at the moment produces a budget statement containing the above list of gender-relevant disaggregations, there are some relevant experiences and ideas on which to draw.

Women's Budget Statement initiated by the Australian government in 1984.

- For evaluations of this experience see Rhonda Sharp and Ray Broomhill "Women and Government Budgets", *Australian Journal of Social Issues*, Vol. 25. No 1. 1990.

World Summit for Social Development 20/20 Initiative. This was the recommendation that government spend 20 % of their budgets on basic social services, and donors do the same for their aid budgets.

- For an empirical investigation of the possibilities for implementation see Santosh Mehrotra and Aung Tun Thet, "Public Expenditure on Basic Social Services: The Scope for Budget Restructuring in Selected Asian and African Economies", *UNICEF Staff Working Paper*, No. 14. New York, 1996.

Sri Lanka Budget in Brief. The Ministry of Finance and Planning produces a short presentation of the information contained in the Annual Estimates approved by Parliament, using simple tables, graphs and charts.

Institutional Stakeholders

A Gender-Aware Budget Statement can only be produced by the Ministry of Finance, in co-operation with all the government ministries.

Other stakeholders may also have roles to play. For instance, in the absence of an official Gender-Aware Budget Statement, it may still be possible for independent research institutes or NGOs to calculate some of the gender-relevant disaggregations on the basis of information contained in the budget estimates. These organisations may also play a role in monitoring the extent to which outcomes are in line with budget estimates; and in comparing and commenting upon changes over time in gender-relevant disaggregations of expenditure and outcomes.

Implementation

Establish how the budget is currently prepared and presented.

Identify how far the required information for the gender-disaggregations is currently available. Note that in identifying women's priority services and transfers, use may be made of gender-disaggregated beneficiary assessments, gender-disaggregated public expenditure benefit incidence analysis, and gender-aware policy evaluation of public expenditure by sector. The latter will also be vital for preparation for calculating a gender-inequality reduction ratio.

Secure agreement on which gender-relevant expenditure disaggregations will be presented in the next budget, and establish procedures for the collection of the relevant information and production of the relevant calculations.

Ensure wide distribution of the Gender Aware Budget Statement and encourage public debate about its implications.

Set up procedures to monitor how far outcomes matched projections and to review procedures so as to reduce discrepancies.

Gender-Disaggregated Analysis of Impact of Budget on Time Use

Aim

To identify relationships between the national budget and household time budgets, so as to reveal the macroeconomic implications of unpaid work in social reproduction. That is, the time devoted to caring for the family and community members, to the sick; to collecting fuel and water; to cooking, cleaning and teaching children and so on.

Instruments

The collection of information on how household members utilise their time through household surveys.

Time-use data, disaggregated by gender (and age), can then be used to reveal connections between the government's budget and household time budgets. For example:

- i Calculation of the "reproduction tax" defined as the proportion of a person's time spent on unpaid reproductive work in order to maintain society. Changes in reproduction tax can then be linked to changes in other taxes.
- ii Calculation of a social sector's input-output matrix that includes unpaid caring work as an input and output, as well as social sector public expenditure.
- iii Calculation of household expenditure of time and money on services including health, education, sanitation, transport. Changes in time expenditures can then be linked to changes in public expenditure.

By pricing unpaid work a "satellite account" can be constructed for the whole country to calculate gross household product. This will enable policy-makers to establish a link between changes in gross household product and gross national product.

Examples of Use

Some governments already collect time-use data and use it as the basis for constructing satellite accounts and analysing policy issues.

Canada has published regular estimates of monetary value of unpaid work since 1978. Time-use surveys were initiated in 1986. Statistics Canada estimates that in 1992 unpaid work had a monetary value equivalent to 30-46 per cent of GDP. Status of Women Canada has put forward a six-point policy framework for addressing unpaid work

- See, Zcyncp Karman, "Toward a Framework for Evaluating the Policy Implications of Unpaid Work," Status of Women Canada, 1995.

Norway estimates unpaid household work since 1912. Current Statistics Norway conducts regular national time budget surveys and estimated in 1990 that the monetary value of unpaid house work was just under 40 per cent of GDP.

Netherlands established an Expert Committee to determine how to redistribute unpaid work between men and women. The Committee analysed time-use data and recommended changes in tax and expenditure policies and employment laws.

- See, Marga Bruyn-Hundt, "Scenarios for a Redistribution of Unpaid Work in the Netherlands", *Feminist Economics*, Vol. 2, No. 3, 1996.

World Bank uses social input-output analysis and household social accounts in social sector analysis. This analysis could be extended to incorporate unpaid household production of social services, applying techniques used by researchers in Australia, Canada and Norway.

- World Bank, "*Morocco Reaching the Disadvantaged: Social Expenditure Priorities in the 1990s*," (Report No. 7903 – MOR), World Bank, Washington DC, 1990.
- Lionel Demery, Shiyun Chao, Rene Bernier, and Kalpana Mehra, "The Incidence of Social Spending in Ghana", *PSP Discussion Paper Series No. 82*, Poverty and Social Policy Department, World Bank, Washington DC, 1995.
- Duncan Ironmonger, "Counting Outputs, Capital Inputs and Caring Labour: Estimating Gross Household Product", *Feminist Economics*, Vol. 2, No. 3, 1996.

Institutional Stakeholders

1 Who can use these instruments?

Social sector ministries can use this data to analyse the impact of their policies on household use of time to produce social services.

Ministry of Finance can analyse implications of the budget for the satellite account for the unpaid economy as well as for the conventional national accounts for the paid economy.

Independent research institutes can use data on time use and public expenditure to analyse the implications of the budget for unpaid work.

2 Who can develop these instruments?

The Central Statistical Office is the key stakeholder, since it alone has the capacity to conduct regular, comprehensive time-use surveys and construct satellite accounts.

NGOs can contribute to production of time-use data by selective monitoring of sentinel sites using the techniques of Mass Observation (such as daily diaries).

Implementation

Identify data available on time-use for the country concerned. If necessary initiate a regular collection of time-use data.

Develop awareness of how such data can be used in policy analysis.

Encourage relevant ministries to publish an analysis of the implications of their expenditure policies for household time budgets.

Publicise data on time-use and unpaid household production.

Facilitate public discussion of the implications of this information for policy.

Review policy and consider what changes are appropriate.

Gender-Aware Medium Term Macroeconomic Policy Framework

Aim

To create a medium term macroeconomic policy framework incorporating differentiated roles of men and women in economic activity.

Instruments

Medium term macroeconomic policy frameworks are formulated with the help of a variety of economy-wide models, for example, i) financial programming models; ii) fixed coefficient, two-gap, growth accounting models; iii) macroeconometric models; and iv) computable general equilibrium models.

Currently all of these instruments exclude a gender perspective. A variety of approaches could be used to introduce gender concerns:

- 1 Disaggregate existing variables in the models on the basis of gender where applicable.
- 2 Introduce new variables and equations to incorporate a gender perspective.
- 3 Construct new models incorporating the conventional macroeconomic system (based on the national income accounts) and a gender relations system (based on household income accounts of unpaid work).
- 4 Change the assumptions of the available models regarding social-institutional set up to incorporate a gender perspective. A major focus of economic reforms is changing these institutions but the analysis of institutions and design of reforms currently overlooks the gender dimension.

A variety of approaches could be used to analyse economies as gendered institutions:

- i identification of gender balance in decision-making on macroeconomic policy
- ii identification of gender composition of organisations and fora in which macroeconomic policy is debated
- iii identification of gender content of organisational culture in the key sectors of the economy e.g. patterns of time use, selection of performance indicators, structure of incentive systems, profiling of occupations, gender composition of employment
- iv identification of gender roles in the process of macroeconomic adjustment e.g. if aggregate monetary demand exceeds supply, whose consumption of marketed goods is cut? What role does women's unpaid work play in the adjustment process?

Examples in use

Macroeconomic models are currently used to generate medium term economic forecasts by international institutions, Ministries of Finance, Development Banks and other national institutions, and independent research groups. For example:

- International Monetary Fund, "Theoretical Aspects of the Design of Fund Supported Adjustment Programmes", *Occasional Paper No. 55*, Washington DC, 1987.

- D. Addison, "The World Bank Revised Minimum Standard Model – Concepts and Issues," Policy and Planning and Research Paper WPS 231, World Bank Washington DC, 1989.
- W. Naude and P. Brixen, "A Provisional CGE Model for South Africa Based on the 1988 SAM," *South African Journal of Economic and Management Sciences*, Vol. 10, pp 22-33, 1992.

Strategies for introducing gender into macroeconomic models are now being explored by researchers:

- N. Cagatay, D. Elson and C. Grown (eds), Gender, Adjustment and Macroeconomics – Special Issue, *World Development*, Vol. 23, No. 11, 1995.
- Duncan Ironmonger, "Modelling the Household Economy" in Jan Dutta (ed) *Economics, Econometrics and the LINK: Essays in Honour of Lawrence R. Klein*, North Holland, Amsterdam, 1995.

The institutional context of macroeconomics is analysed in a series of studies by the World Institute for Development Economics Research, United Nations University, Helsinki:

- Lance Taylor, *Varieties of Stabilization Experience: Towards Sensible Macroeconomics in the Third World*, Clarendon Press, Oxford, 1988.

Strategies for analysing economics as gendered institutions are now being explored by researchers:

- Diane Elson, Barbara Evers and Jasmine Gideon, Gender Aware Country Economic Reports – Concepts and Sources, *Working Paper No. 1*, GENECON unit, Graduate School of Social Sciences, University of Manchester, 1997.

Further development is required to produce gender-aware models and institutional analysis capable of producing a gender-aware medium term macroeconomic policy analysis.

Implementation

Organise symposia on the macroeconomic models currently used by the country to integrate gender into them.

Set up a working group of economists and gender analysts to produce a report on ways to integrate gender into the country's medium term economic policy framework.

Organise workshops to consider ways in which women can play a greater role in macroeconomic policy making.

Initiate discussions with the World Bank on how to improve the treatment of gender in Country Assistance Strategy Documents.



Commonwealth Secretariat

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