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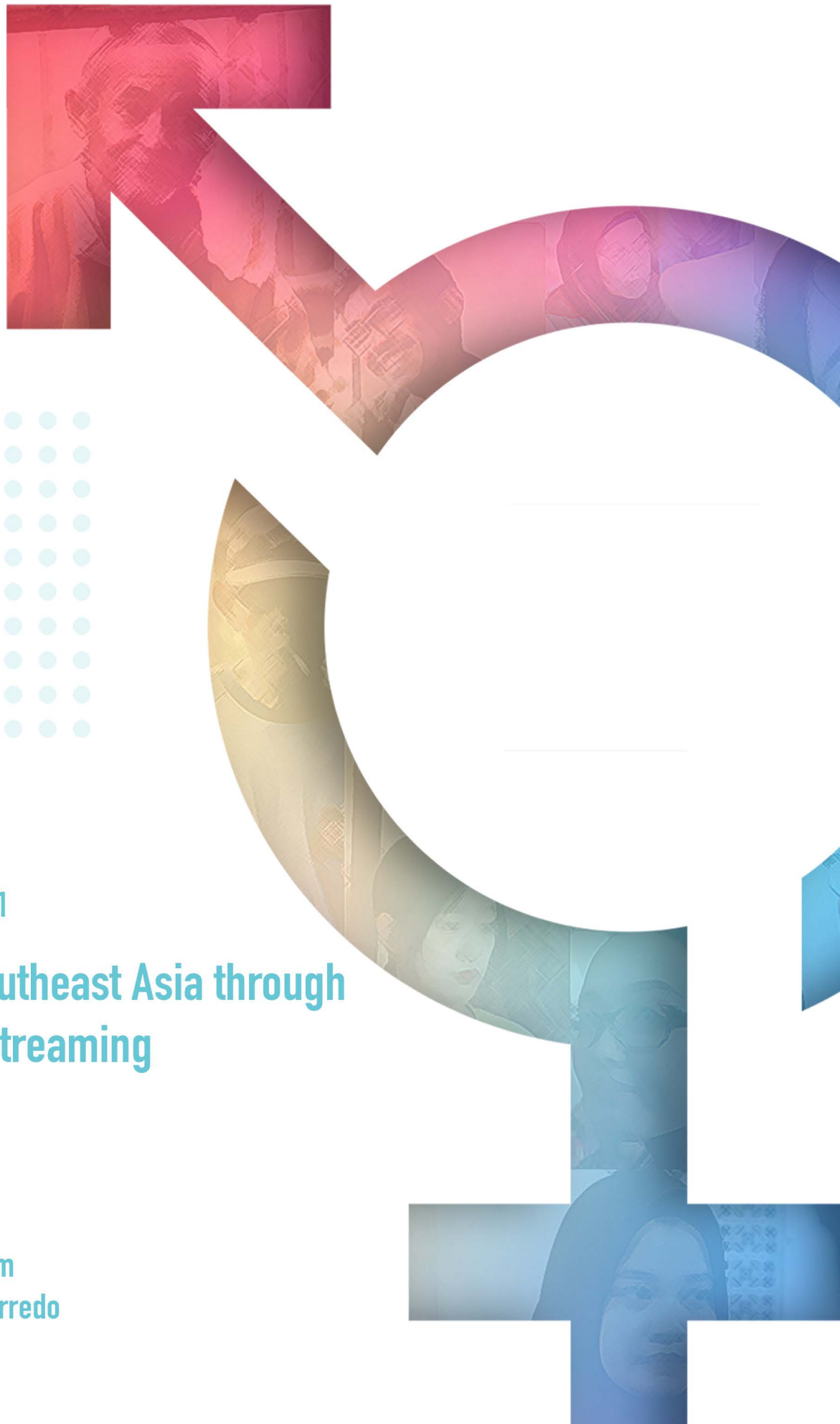

ASC Monograph 2021

Advancing Southeast Asia through Gender Mainstreaming

Edited by
Yuyun Wahyuningrum
Joel Mark Baysa-Barredo
Tunggul Wicaksono

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YOGYAKARTA
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2022

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"Advancing Southeast Asia Through Gender Mainstreaming"

According to UN Women, gender mainstreaming refers to the strategy that ensures the adoption of gender perspectives as well as the attention to it as a means for centering gender equality agenda in all activities, from policy development, research, advocacy and dialogues, legislation, resource allocation, and so on (UN Women). Gender mainstreaming is also argued as the most effective strategy for the United Nations to support the furtherance of gender equality.

However, the practice of gender mainstreaming policy advocated by international organizations and international development institutions has received criticism, in which sometimes it fails to capture the context in which women and gender minorities communities are living, thus obstructingthe effectiveness of its objectives. Departing from this point, (we invite) the idea of gender mainstreaming to be approached with a more critical engagement in accordance with the lived experiences that women and gender minorities communities have in the context of South-east Asia, as well as its relation to the broader reality of gender-based violence (GBV), among the few.

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Introduction: Gender Mainstreaming through Homegrown Knowledge Production and Dissemination

Joel Mark Baysa-Barredo[1] and Tunggul Wicaksono[2]

Rationale

The ASEAN Studies Center was established in 2012 under the Faculty of Social and Political Sciences, Universitas Gadjah Mada in collaboration with the Ministry of Foreign Affairs of the Republic of Indonesia, to generate critical scientific research and enhance the position and contribution of Indonesia in the ASEAN. The Center is responsible to provide critical and objective assessments on various prominent issues surrounding ASEAN, as well as institutional arrangements to strengthen ASEAN's role in the three pillars of political security, economic and socio-cultural, for the benefit of sciences development and policy formulation in the region. Along with that, the Center seeks to develop institutional capacity so that it could enhance institutional development as well as the local capacity to meet the ASEAN regionalization process.

The current going agenda of ASEAN member countries is the ASEAN Community Vision 2025 which has been unveiled in 2015. To extent of several years ahead, each member country should gradually enhance its society for a more cohesive, integrative, and unitive regime in Southeast Asia. Regarding this constructive agenda, it is essential to understand what has happened, happening and will happen next along the path of the ASEAN community.

Approaching the diversity between people of the ASEAN countries should be followed by the high implementation of the ASEAN way as the common path. We, the people of ASEAN communities, are being given the responsibility to adhere to the sense of common tenure.

Therefore, the tagline #BringingASEANCloserToYou can be the first steppingstone in envisioning the future of the ASEAN community. The tagline is the Center's endeavor to bridge the ideas, spirits, and programs of ASEAN to be people centered. In line with the Tri Dharma Principles which comprise three areas: Teaching, Research, and Community Service. Our programs are not only focused on strengthening the research and scientific assessment but also on disseminating information through a range of events such as seminars, workshops,

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training, and intensive discussions involving academics, and experts from government and non-government sectors.

The 2021 edition of ASC Monograph raises the issue of gender mainstreaming. Gender mainstreaming refers to the strategy that ensures the adoption of gender perspectives as well as the attention to it as a means for centering gender equality agenda in all activities, from policy development, research, advocacy and dialogues, legislation, to resource allocation.

However, the practice of gender mainstreaming policy advocated by international organizations and international development institutions has received criticism, in which sometimes it fails to capture the context in which women and gender minorities communities are living, thus obstructing the effectiveness of its objectives. Departing from this point, we invite the idea of gender mainstreaming to be approached with a more critical engagement in accordance with the lived experiences that women and gender minorities communities have in the context of Southeast Asia, as well as its relation to the broader reality of gender-based violence (GBV), among the few.

Gender inequality has become a salient issue considering that most societies in Southeast Asia are predominantly patriarchal, not to mention the immense occurrence of gender-based violence in the region. This has induced an increase in gender-based advocacy movements in the region's grassroots level of society. One of the discourses promoted by the advocacy movements to the policymakers is Gender Mainstreaming, an internationally encompassing strategy to materialize gender equality as mentioned above, deemed a solution to alarming gender-based issues such as gender-based violence derived from gender inequality through its demand for greater consideration based on gender perspective in the policymaking process.

At the regional level, although ASEAN has shown its initiative on gender mainstreaming through ASEAN Gender Mainstreaming Strategic Framework, cooperation between member states on eradicating gender-based alarming issues is still very limited. In addition, ASEAN member states' awareness and commitment to gender issues are also questionable considering the predominant patriarchal Southeast Asian society. As a consequence, the region still has yet to see formidable progress in eradicating gender-based alarming issues such as gender-based violence. Thus, it raised an urgency to push for a greater role of ASEAN in increasing member states' commitment and awareness of Gender

Mainstreaming and intensifying cooperation in the effort to eradicate gender-based alarming issues.

The open submission of the ASC Monograph was announced in December 2021. This year's theme explores the sub-topics of; (1) Mapping Progress on Gender Mainstreaming in ASEAN, (2) Addressing Gender Inequality in the Workforce, (3) Gender Identity, Participation, and Politics of Inclusion, (4) Unraveling Gender-Based Violence during the COVID-19 Pandemic, and (5) Strengthening Gender Advocacy through Grassroots Movements. The participants were obliged to send their research proposal form with their selected sub-topics including the background of the problem, methodology, and literature review.

The stage was followed by an initial quality check to make sure that the proposal complies with ASC publishing policies. This stage uses the blind review method that covers the check on authorship, novelty, methodological thought process, plagiarism, and research outcome. Ten research proposals considered suitable based on the area of interest were approved by the reviewers.

Writing and Editorial Process

Three board of editors were chosen to be involved in the selection process; they are Yuyun Wahyuningrum (Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights, 2019-2021), Joel Mark Baysa-Barredo (Programme Director at SHAPE-SEA), and Tunggul Wicaksono (Research Manager at the ASEAN Studies Center UGM). The editorial board was assigned to evaluate the selected research proposals in the first-round review meeting that was held in February 2022. The authors and co-authors were presenting their research proposals during the meeting, while the editorial board gave them feedback in order to perform a fair and thorough assessment that align with the monograph's objectives.

The editorial process was then followed by the second-round peer-review meeting. The selected authors were paired with one another for the purpose of helping to improve the quality of published research. Through scientific evaluation, it is believed that the manuscripts uphold transparency and limit the bias opinion. Moreover, the peer-reviewing process helps the manuscript to get more exposure in the broader scientific community. The final stage of the editorial process was the check on ethical consent and language structure in order to ensure that the manuscript complies with the guidelines.

Through the editorial process from the expert, it is hoped that the final manuscript could meet the requirements. Since its first launch, the monograph project emphasizes the mentorship process. The idea is to facilitate the authors in the manuscript's development; this includes the exploration of the research gap, the creation of creative conception, and the assistance in proofreading. The board believes that the mentoring could fill the void between the author's expectations and the reviewer's needs.

A Walk Through of Contributions

Opportunities and challenges towards gender mainstreaming come in many forms, shapes, and cycles. Unique and shared lived experiences highlighted in the ten articles reveal the extent to which equality in Southeast Asia is perceived (or ignored) and attained (or backtracked). This section provides you with a glimpse of the issues to be raised, as well as the excellent work produced by our esteemed authors.

The Covid-19 pandemic continues to pose serious, protracted challenges throughout the world, particularly in socio-economically emerging countries like Timor-Leste. Furthermore, governments are/were expected to achieve holistic and inclusive measures to solve multiple needs and concerns of affected individuals and communities. Chen and Martin's "**A Gender Analysis of Access to Cesta Basica (Food Basket): A Case Study of Likisa and Dili Municipality of Timor-Leste"** closely assesses a nationwide social program, aimed at addressing food insecurity amid a seemingly unprecedented health crisis. Their research delves deep into Cesta Basica's substantial and procedural elements, which bared many women and members of the LGBTQIA+ community from fully enjoying its intended benefits.

Even before the pandemic, spaces and opportunities for women activists to thrive and pursue their advocacies have already been limited and restricted. While women's rights are celebrated and accepted in many parts of the world, movements for and/or by women continue to grapple with achieving sustainable wins. Fathin and Achidsti's "**Transnational Advocacy Networks on the SDGs Agenda: Eradication of Violence against Women in Indonesia"** tackles long-standing collective struggles to map and eliminate damaging obstacles faced by women in Indonesia. They expose that networks have been pitted against systemic resistance, which is mainly rooted in weak institutional knowledge and political will, as well as shrinking resources and spaces.

Still in Indonesia, women at the local level have made significant steps to empower and organize themselves in light of fulfilling their needs, wants, and rights. However, many barriers continue to disable them from doing so, particularly on matters viewed as controversial such as sexual and reproductive health and rights. Febrilly's **"Advising the State's Action in Protecting the Reproductive Rights of Female Laborers in the Garment Industry: A Case Study of Women Production labors in the Setu Garment Factory, West Java"** touches on structural inequalities women laborers are constantly living through in the ground. She posits to correct perceptions and measures by both government and business sector, which have made these women vulnerable to more harm and injustices.

Gender-based violence has become rampant and more personal at the height of the Covid-19 pandemic. Amid securitized measures to suppress infections, gendered abuse, silencing, and disempowerment have skyrocketed. Haezreena's "**Addressing Gender-based Violence against Women in Malaysia During the Pandemic**" exposes how homes have turned into dangerous spaces for women, as well as cracks in reporting cases, and responding to calls for help amid lockdowns in Malaysia. She urges collective and coordinated action to improve policies and public awareness leading to the elimination (and prevention) of any forms of domestic violence in the country.

Diverse experiences of violence against women are not unique to Malaysia. Throughout the ASEAN region, it has mainly been acknowledged and considered as a serious breach of human rights and gender equality. This pushed all Members-States to take a firm stand, and pursue preventive and protective measures at both national and regional levels. From the lens of Gender Regime Theory and Feminist Institutionalism, Hyun's **"Violence Against Women in ASEAN: Governance Conditions for Policy Reform"** comprehensively examines existing public policies and mechanisms mandated to eliminate VAW in the region. Apart from culturally gendered norms, the article argues that policies and practices are influenced by the level of both democratic governance and engagement of civil society organizations. Furthermore, it is vital to seriously invest resources to strengthen the mandates and capacities of dedicated regional agencies and national women's mechanisms.

Elevating voices from the margins is imperative to counter a culture of gendered inequality and oppression. Moreover, it introduces us to diverse identities, experiences, and worldviews. This is the added value of Khafifi's **"Why Class and Gender Identity Matter: Learning from Successful Advocacy of the Former of women migrant workers Alliance in Tracap Village, Wonosobo District"** to the Monograph. It provides us a nuanced

understanding of inequality from the eyes of Migrant Workers Village, a movement of former women migrant workers, based in Indonesia. It also highlights the vision and efforts to improve conditions and structures amid cumbersome social, political, and economic circumstances at the community level.

About 3,000 miles from their Indonesian sisters, the women of Cambodia, who make up more than half the country's population, have persistently struggled with social, economic, and political ordeals. This is exacerbated by poverty, democratic backsliding, and harmful gendered norms, which have been existing for decades. Nguov's **"Challenges to the Implementation of Laws and Policies on Gender Equality and the Right to Food in Cambodia"** zeroes in on issues surrounding women's access to food and resources in the Khmer Kingdom. She argues that existing local structures have been remiss in addressing needs and concerns. To attain sustainable solutions, the article urges the State to seriously mainstream gender, by reforming cultural norms, and policies, and seriously collaborating with members of civil society.

Patriarchy has long been obstructing efforts to mainstream gender in our respective societies. Despite gains, a significant number of women continue to experience insecurity and discrimination in many spaces, particularly the workplace. Wijanarka and Panjaitan's **"Dual Systems Theory Analysis: The Impact of Patriarchal Structure on Gender Equality in the Indonesian Workforce"** identifies and examines gendered gaps, fueled by patriarchy and capitalism, that have put women in a more disadvantaged position in the workforce. Apart from limited availability and access to opportunities, female workers are also constantly challenged by social perceptions belittling their identities and capabilities. The article then urges reform or dismantling these roadblocks in order to achieve equitable, just, and inclusive development.

For many outsiders, Thailand is synonymous with greater enjoyment of sexual rights and freedoms, particularly for LGBTQIA people. However, if one looks closer, there's still much to be desired to achieve such public expectation. Zhang's **"Gender Identity and Imprisonment: A Case Study of the Pink Prison in Thailand"** delves into a pilot project (2017) intended to accommodate transgender women offenders in the kingdom. It set a precedence for the recognition of transgender rights amid a gender binary justice system. Although in practice, a number of challenges were identified, which disabled authorities from effectively meeting their objectives.

Over the years, single motherhood continues to challenge traditional notions of family structures, as well as the leading roles of women within households. Pushbacks still exist particularly in male-dominated societies, such as Indonesia. More recently, technology has provided a platform for single mothers to seek support and affirmation from one another. Mas'udah and Subkhi's "**Unite to Empower: Exploring the Empowerment Movement of "Single Moms Indonesia" Community"** highlights the journey of the SMI community towards the promotion of safe spaces for discourse and information. Moreover, part of their agenda is to increase visibility and understanding on the lived experiences of Indonesian single mothers. It is also proved that a movement can be established through shared struggles and victories at home.

Our manuscript concludes with an article by our co-Editor, H.E. Wahyuningrum, current AICHR Indonesia representative and a staunch advocate for gender equality and women's rights in ASEAN. In her article, lived experiences of gender in Southeast Asia are diverse and distinctive. While challenges are present, they also provide us with insights into how violence and discrimination are felt and addressed. In this regard, we, as knowledge producers and advocates, should be able to contribute to systematic ways of achieving sustainable solutions. This, therefore, should lead to mainstreaming norms and institutions that enable brave and safe spaces for women and genders that are pushed to the margins.

As a send-off, we invite you to constantly review and reflect on issues, worldviews, discourses, and analyses raised by our esteemed authors. Before you turn this page, we urge you to keep these guide questions in mind:

- Amidst multiple intersecting issues and structures, how can gender mainstreaming truly be achieved in ASEAN/Southeast Asia? Where do/can we start the process?
- What are the recurring and emerging factors that obstruct gender mainstreaming from happening? What opportunities can be tapped?
- What are the non-negotiable elements to bring about this transformation?

A Gender Analysis of Access to Cesta Basica (Food Basket): A Case Study of Likisa and Dili Municipality of Timor-Leste

Chen, Li-Li[3] and Martinho Martins[4] [5]

Abstract

Although COVID-19 brings various impacts to the world, including Timor-Leste, it affects women and girls disproportionately through increasing economic and food insecurity, unequal access to reproductive and sexual health, health risks, and intimate partner violence during health crises. To respond to the socio-economic impacts of COVID-19, the Government of Timor-Leste adopted a series of public policies, including social protection programs, Cesta Basica (Food Basket). This program applies to all citizens, yet it has policy gaps since some people cannot register or have no access to Cesta Basica, especially vulnerable women. However, there is no Gender analysis in this program, and traditional instruments cannot show the differences regarding access to food within the households. To fill the gaps, the authors conducted a Gender analysis of access to Cesta Basica to understand different experiences between men and women and the challenges and problems faced by the communities in implementing the Cesta Basica program. This research found that women and men experience various challenges in registering and receiving Cesta Basica. It also concluded that the social protection programs which target reducing food shortages and hunger need to pay attention to power inequality within and among the households from a Gender perspective.

Keywords: *COVID-19, Cesta Basica, gender*

Introduction

1. Context

Until today, COVID-19 has already caused 485 million casualties and more than 6 million deaths (Worldmeter). On 21 March 2020, Timor-Leste found the first positive case of COVID-19. Almost 20,000 people have been infected, and more than 100 people have died due to COVID-19 (Google News).

To introduce the country, Timor-Leste is one of Asia's youngest post-conflict democratic countries. It is a patriarchal nation in which men are decision-makers and breadwinners, while

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[5] We appreciate the reviewers Yuyun Wahyuningrum, Joel Mark Baysa-Barredo, Tunggul Wicaksono from ASC UGM, and Dr. Fernando D. Gusmao for their invaluable comments to this draft, and National Institute of Science and Technology, Dili, Timor-Leste to fund this research in 2021.

women are responsible for domestic and care work, following the traditional expectations of gender (ADB, 2014). In the 2021 UN Gender Inequality Index (GII), Timor-Leste ranked 135 out of 162 countries, which indicates an enormous gender gap between men and women (UNDP, 2021). In addition, the rate of gender-based and intimate partner violence (IPV) is one of the highest in the Asia-Pacific region: 59% of ever partnered women have experienced IPV, according to the Nabilan report (The Asia Foundation, 2016). Moreover, the history of conflict and culture of violence help cause feminization of the economy and strengthen the gender roles, which in turn are conducive to gender inequality and violence against women and girls (Myrriten, 2005). The structural restraint and violence against women limit women's economic capabilities and resources through employment and the labor force. For instance, 56 percent of men are in the labor force compared with 27 percent of women (ADB, 2014). The economic marginalization of women is more severe in rural areas.

Despite barriers women and girls face in different sectors, there is no existing social protection program targeting women in Timor-Leste. The only social protection program related to women is named *Bolsa de Mae*, which focuses on vulnerable female-headed households with children and pays $5 for a child within a household (up to $15 maximum in the same household). In contrast, other programs focus on different social groups without being gender-sensitive, such as the elders, people with disabilities, and veterans (ILO, 2017).

Crisis tends to increase injustices faced by women and girls. Evidence shows that COVID-19 has affected women and girls disproportionately through increasing economic and food insecurity, unequal access to sexual and reproductive health, rising risks to health, and intimate partner violence in health crises (Haneef and Kalyanpur, 2020). The governmental response to COVID-19 prevention, such as a lockdown or boundary closure, could intensify the impact on women and girls (WFP, 2020). One study showed that many women in the agricultural sector experienced economic and food insecurity during COVID-19 (Chen, 2020). Therefore, existing inequality and violence faced by women could increase, and women thus become more insecure, vulnerable, and independent during the crisis. The existing condition means that women and girls could experience poverty, barriers in accessing different sectors, and violence faced by women (Foreign Policy, 2021). COVID-19-related socio-economic impacts quickly revert the progress of gender equality that the government of Timor-Leste already achieved. To define, gender means the social construction of "role, behavior, activities, and characteristics" related to men and women, which indicates the unequal power relations and

injustices between men and women (WHO, 2015). Gender inequalities, according to Anne Mikkola (2015), mean that men and women enjoy equal values and opportunities rather than the same status of men and women. Although this report will have gender implications, it will focus mainly on men's and women's access to social protection programs that target to mitigate the impact of COVID-19 and apply universally to the whole nation.

To define, social protection can be viewed as an "instrument with the objective to reduce poverty, inequality, risk and vulnerability," according to Fiszbein et al. (Fiszbein A. et al., 2013). Although social protection can help reduce the gap between men and women as well as contribute to gender equality, it also could sustain and even intensify the inequality between men and women if it does not integrate gender in terms of the gender dynamics and inequality (Camilletti, 2020). Poverty, risks, and vulnerabilities faced by men and women are not the same (UN Women, 2019), and women tend to have less access to social protection and its benefits compared to their male counterparts (Handayani, 2014). Consequently, some social protection programs only focus on female beneficiaries who have the right to access the benefits of the program. Although there are 214 nations in the world to adopt social protection and labor market methods to respond to COVID-19, there are only 23 percent target women (UNDP and UN Women, 2021). Like the methods of other countries which are utilized to respond to COVID-19 impacts, the government of Timor-Leste implements various policies, such as a household subsidy of $200 per month, electricity credits of $15 per month, assistance that covers 60 percent of the workers' salaries, and program Cesta Basica (Food Basket).

Cesta Basica is a universal social protection policy launched on 27 October 2020 and implemented mainly by the Ministry of Tourism, Ministry of Tourism, Commerce, and Industry, Secretary of State of Cooperative, Ministry of Agriculture and Fishery, and National Logistic Center with the coordination through Ministry of Coordinator of Economic Affairs in order to prevent hunger for vulnerable households, as well as to support national products and local businesses (Government of Timor-Leste, 2020). It is worth USD 25 one month per person. It was estimated to cost USD 71.5 million (LUSA, 2020). Until February 2022, there were 1491661 beneficiaries of Cesta Basica nationwide, while about 25000 beneficiaries are reclaiming to receive Cesta Basica (Tatoli, February 2022).

Whether this policy is accessible to all citizens remains uncertain since this gender-insensitive policy continues to pose barriers to some vulnerable men and women when accessing Cesta Basica. Some problems occurred during access to Cesta Basica, such as the

inability to register on the distribution list (Dageng Liu, Personal communication, 25 January 2021) or difficulty accessing the distribution of Cesta Basica, which have negative implications for including vulnerable populations who live at remote and isolated areas (PDHJ, 4 March 2021). Despite the gap between the objective and implementation of Cesta Basica, there is no gender analysis available to explain unequal access in the process of implementation and distribution of Cesta Basica.

2. Research question

What are the communities' experiences accessing Cesta Basica? What are the challenges regarding access to benefits of the implementation of Cesta Basica?

3. Research objective

This research aims to bridge the gap through gender analysis to access Cesta Basica. In particular, we would like to know about different experiences between men and women who access Cesta Basica and why some vulnerable women and men could not access the benefits from the implementation of Cesta Basica.

From this research, there are three specific objectives to achieve: 1) collect data about access to Cesta Basica for men and women; 2) know women and men's experiences and challenges in the process of registration and access to Cesta Basica in Dili and Likisa; 3) increase the knowledge about the relation between food security and gender for the government and the communities in the time of crises.

4. The importance of research

This research also found that the implementation and distribution of Cesta Basica depended only on *Fixa de Familia* (Household list), and this policy did not prioritize women to solve their obstacles to accessing the family's basic necessities. Therefore, it is easy for some women to be excluded from the program of Cesta Basica. We might say that there might be limited positive implications from the government's policy to the economic recovery plan if the program of Cesta Basica did not pay much attention to different access to food between men and women, as well as within and among social groups. In this regard, the result of this research suggested that although universal social protection programs are necessary, it is also essential

to have specific protection. As a result, it is vital to prioritize gender to reduce the gender vulnerabilities within and between the households.

The research findings are essential to inform the government policies of social protection in the future based on the evidence and experiences of men and women. In particular, this research will help the government identify potential problems and solutions to prevent people faced with hunger during the crises.

5. Justification

Personally speaking, this research is conducted with an intention to increase knowledge about the universal scheme of public policies and their limitation. Professionally speaking, we would like to understand why some communities have problems accessing Cesta Basica in Timor-Leste, despite Cesta Basica being implemented with the good intention of the government of Timor-Leste. Findings from this research will help inform the government's preparation and response to COVID-19 and other risks by paying attention to the gender aspect, which emphasizes the exclusion and vulnerabilities of some communities.

6. Outline

The structure of this research is divided into five parts: introduction, theories and measuring methods, methodologies, results, discussion and analysis, and conclusion and recommendation.

The introduction will introduce the contexts, motivation, and objectives of the research. Theories and measuring methods review and evaluate concepts of access to food, as well as how scholars and practitioners measure access to food through which methods. The methodology will introduce research methods, sampling methods and how to recruit respondents, data collection, and data analysis. Discussion and analysis will see the distribution of statistics between men and women and discuss based on the results arranged by main themes. Finally, this research will conclude with recommendations that consider the importance of gender.

Theoretical Framework

In this paper, we will focus on the relation between gender and the aspect of access to food which serves as an important pillar of food security. Food security is an issue of gender (Tobiloba and Fasina, 2017). World Summit on Food Security in 2009 defines access as an

important pillar of food security: “Four pillars of food security are availability, access, utilization, and stability (FAO, 2009).” Access to food often refers to the “accessibility and allocation of food and preference of persons and households (Parvathamma, 2015).” Access to food means “the abilities of people to find and/or access to an adequate amount of food through production and storage, purchase, paid work in type, exchange, present, and formal/non-formal help (WFP, 2016).” Not all household members have the same access to food. According to Broody, women’s necessities of nutrition and food security are often ignored at the household level, where discriminatory social norms and culture exist (Broody, 2015). From a gender perspective, having no access to food does not mean that food does not exist, but that people do not have capacities to access food. In the COVID-19 context, where many people experience the loss and reduction of food, work, or money, having no access to Cesta Basica may make them continue to experience food insecurity.

In the cycle of the process of public policy, evaluation and monitoring are essential to see whether the result of a policy implementation conforms to its objective (Jones, 1970). To evaluate and monitor the effectiveness, efficiency, relevance, and continuity of public policy of Cesta Basica, there is no fixed method. However, there are two methods to evaluate food assistance-related policies, Cesta Basica in particular, according to the guidance of Action against Famine: *Food Basket Monitoring (FBM)* no *Post-Distribution Monitoring (PDM)* (Action Contre la Faim, 2005). While FBM is conducted during the process of distributing Cesta Basica, PDM is often conducted after distributing Cesta Basica. PDM has some elements to be measured: “Quality of registration and perception regarding selection criteria; verification and eligibility of beneficiaries who have problems. Conforming Cesta Basica, which is already received as planned; quality of Cesta Basica, tax mechanism during or after the distribution of Cesta Basica, equity and efficiency of the distribution process, appropriateness of distribution system (distance, frequency, and method of distribution), problem and cost of transportation of Cesta Basica (Action Contre la Faim, 2005, p.109).”

To measure access to food or food security, there are quantitative methods focusing on the unit of analysis-household. Common survey methods based on the household level, such as the Household Food Insecurity Access Scale (HFIAS) (Coates et al., 2006) and Household Economy Analysis (HEA) (Boudreau et al., 2000), measure access to food and the level of food security, which change depending on the vulnerabilities and abilities of each household (Maxwell and Caldwell, 2008). However, measuring methods that are already established from

surveys mentioned above cannot really explain the variation among family members in the household (El-Rhomri & Domínguez-Serrano, 2019). In other words, those methods cannot show the differences among members and gender dynamics within the same household. Household Economy Analysis (HEA) also has qualitative methods to collect data, but there are still problems since it does not pay attention to gender. Sometimes female respondents do not feel free to share their ideas and perspectives with researchers because of male-dominant social norms and gender dynamics.

Data that is sensitive to gender needs to ensure that both "men and women's perspectives can be identified and represented (El-Rhomri & Domínguez-Serrano, 2019, p.687)." Because of this, El-Rhomri & Domínguez-Serrano consider that researchers need to consider that men and women have different access to resources and information in the same households, as well as how they interact with each other and how they respond to food insecurity through involving gender-integrated capacity methods. El-Rhomri's paper also criticizes the limitation of methods focusing onthe households and their contribution to the causes of vulnerabilities of members within the households (El-Rhomri, 2015).

With limitations that evaluators and scholars of public policies already found in methods of HFIAS and HEA, we decide to evaluate the access to the program of Cesta Basica at the individual level through a gender perspective which focuses on the experiences and perspectives between men and women. Part of the questionnaire used to collect data is developed from *Comprehensive Food Security Survey in Yemen* of *World Food Programme* (WFP).

Methodology

1. Research methods

This research uses a mixed-methods – a combination of qualitative and quantitative methods: 1) semi-structured interview; 2) interview with key informants, such as the chief of the village and relevant authorities or government entities responsible for the implementation of Cesta Basica. After interviewing respondents who received Cesta Basica with the questionnaire, the research team interviewed seven respondents who did not register or receive Cesta Basica to get information regarding their experiences and perspectives concerning the process of implementing and receiving Cesta Basica. We also interviewed key informants from the government and local authorities to verify the result from the communities as well as to find

more information regarding the implementing mechanism of Cesta Basica and the policy gap. As to data analysis, coordinators used the SPSS program and crosstab to make descriptive statistics from a semi-structured interview with the questionnaire and interpretive methods to analyze data from interviews with key informants and respondents who did not register or receive Cesta Basica through categories and meanings. Data is further verified with available documents and news for triangulation purposes.

2. Population and sample

The sample is taken from 4 villages in Dili and Likisa municipalities. Lauhata village has beneficiaries of Cesta Basica, 987 households, and 32 households already reclaimed Cesta Basica after distributing Cesta Basica in January of 2021, according to the available statistics. Maumeta village has beneficiaries of 881 households. Comoro village has 5879 households and 1185 households reclaimed, while Manleuana has 1676 households and has 1289 reclaimed. However, from an in-depth interview with the chief of the village, reclaimed beneficiaries from Maumeta were compensated immediately. Other reclaimed beneficiaries of villages, such as Lauhata, Comoro, and Manleuana, were waiting for compensation at the time of writing.

The sampling method to be used in this research to select respondents who are adults or are equal to or older than 18 years old living in the villages which already received Cesta Basica is purposive sampling, which selects respondents based on gender. In total, there were 50 percent of men and 50 percent of women.

Questionnaires containing 39 questions per questionnaire were distributed to 268 respondents in Comoro and Manleuana villages of Dili municipality and the villages of Maumeta and Lauhata of Likisa municipality. This research recruited 134 respondents from Dili and 134 from Likisa. We selected villages that had already implemented Cesta Basica.

3. Technics of data collection

The research team was composed of two research coordinators and eight enumerators from UNTL. Four teams that contained two enumerators per team were responsible for data collection and were monitored by INCT and coordinators within a week. While two teams worked in Dili, the other two worked in Likisa. Enumerators identified and interviewed respondents who registered and received as well as those who did not register or receive Cesta

Basica. To interview key informants, coordinators and enumerators approached and interviewed them directly in October of 2021. From the perspective of ethical practices, enumerators attended two days of research training, and they gained informed consent before the interview started. The interview usually lasts one hour. Research findings cannot be generalized to the general situations of Dili and Likisa municipalities or the whole nation.

Analysis and Discussions of Results

1. Demographic characteristics of respondents

The total respondents are 268 individuals from 268 households in Dili and Likisa. 134 from Lauhata and Maumeta of Likisa while 134 from Comoro and Manleuana of Dili. Of the total respondents, seven did not receive Cesta Basica. Most respondents have the highest education from primary schools (18.4 percent) and secondary high schools (21.8 percent), and some are university level. In terms of profession, most are farmers, while some are public servants. Regarding gender, among 261 respondents who received Cesta Basica, 49 percent are women, and 51 are men. 7 respondents who did not receive Cesta Basica are women, 6 of whom are not registered. Reasons for non-registration include that they are registered, but the names are not on the list; that babies are just born and not registered yet; some respondents are single. The family chief is primarily men (almost 90 percent), while 11 percent are women. Among respondents, 20 are widows (Dili: 5; Likisa: 15). The demography of respondents who already received Cesta Basica is as follows:

Table 1-Gender description of respondents

		Frequency	Percent
Gender	Women	127	49.0
	Men	134	51.0
	Total	261	100.0

Source: Authors self-made

The table above shows that the numbers of interviewed women and men are not the same since seven respondents who are women are not registered and did not receive Cesta Basica. Therefore, they did not fill out the questionnaire, which required only respondents who received Cesta Basica to answer. Because of this reason, they are not included in the above table.

Table 2-Age description of respondents

			Idade														Total
			17-	21-	25-	30-	35-	40-	45-	50-	55-	60-	65-	70-	75-79	80-84	
SEXU	M	Count	1	1	8	22	25	13	14	13	15	7	9	4	0	2	134
		% within	3.8	11.1	40.0	45.8	67.6	56.5	51.9	68.4	75.0	87.5	75.0	57.1	0.0%	66.7	51.3
		% of	0.4	0.4	3.1	8.4	9.6	5.0	5.4	5.0	5.7	2.7	3.4	1.5	0.0%	0.8%	51.3
	F	Count	25	8	12	26	12	10	13	6	5	1	3	3	2	1	127
		% within	96.2	88.9	60.0	54.2	32.4	43.5	48.1	31.6	25.0	12.5	25.0	42.9	100.0	33.3	48.7
		% of	9.6	3.1	4.6	10.0	4.6	3.8	5.0	2.3	1.9	0.4	1.1	1.1	0.8%	0.4%	48.7
Total		Count	26	9	20	48	37	23	27	19	20	8	12	7	2	3	261
		% within	10.0	3.4	7.7	18.4	14.2	8.8	10.3	7.3	7.7	3.1	4.6	2.7	0.8%	1.1%	100.0
		% of	10.0	3.4	7.7	18.4	14.2	8.8	10.3	7.3	7.7	3.1	4.6	2.7	0.8%	1.1%	100.0
		% within	100.	100.	100.	100.	100.	100.	100.	100.	100.	100.	100.	100.	100.0	100.0	100.0

Source: Authors self-made

Most respondents fall into categories of age between 30-34, or 18.4 percent of all. In particular, more women are in this category than men. Respondents who are more than 65 years old are about 9 percent of women and 6 percent of men. Older people might lack abilities to walk a long distance or bring heavy stuff when there is no transportation to facilitate them to carry Cesta Basica.

Results and Discussion

The findings of this research are organized with six themes: Access, Registration, Distribution, Quality of Item, Right to Item, And Perspectives Towards Cesta Basica Program in relation to 6 sub-research questions: To what extent is the Cesta Basica program accessible in Timor-Leste? (Access) Are all citizens able to register access to Cesta Basica in aspects of information, item, and monetary values? (Right To Item) Who in the household received Cesta Basica? Where did they receive Cesta Basica? (Distribution) What are the conditions of the item? (Quality) What are the perspectives with regards to registration, implementation, and distribution of Cesta Basica (Perspective)?

1. Various barriers to communities regarding access to Cesta Basica

No.18 probed respondents on how communities received Cesta Basica. From the respondents' answers, we found that most respondents only walk on foot, with which almost 30 percent of women walk on foot while 22 percent of men walk on foot. During a state of emergency, most of the time, public transportation does not operate as expected. Therefore, when communities receive Cesta Basica, they can only walk on foot, in contrast to others who have their transportation, such as scooters or cars. In particular, more men move by scooters or cars (28 percent) than women (16 percent), which suggests that men might be more accessible to properties. It showed that implementation of the Cesta Basica program is not effective and not accessible during lockdown when public transportation does not operate or operate with limitations, which has gender implications for the recipients.

Table 3-gender analysis of access to transportation

P18 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P18	By foot	Count	76	56	132
		% of Total	29.1%	21.5%	50.6%
	By car	Count	23	34	57
		% of Total	8.8%	13.0%	21.8%
	By scooter	Count	19	38	57
		% of Total	7.3%	14.6%	21.8%
	Other methods	Count	9	6	15
		% of Total	3.4%	2.3%	5.7%
Total		Count	127	134	261
		% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

Table 4 demonstrated the travel time between home and places of receiving Cesta Basica: 5 percent of respondents walked on foot for more than 2 hours in order to receive Cesta Basica. Among respondents who need to spend more than 2 hours to receive Cesta Basica, 3 percent are women while 2 percent are men. Since packages of Cesta Basica are distributed in the office buildingof villages or supermarkets, some who live in remote or isolated places and do not have transportation or access to good roads would have difficulties accessing Cesta Basica. In contrast, more than 60 percent of respondents only need to travel equal to or less than 30 minutes to receive Cesta Basica.

Table 4-Time gap between home and places receiving Cesta Basica

P19 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P19	1-15 Minutes	Count	49	53	102
		% of Total	18.8%	20.3%	39.1%
	16-30 Minutes	Count	40	24	64
		% of Total	15.3%	9.2%	24.5%
	31-45 Minutes	Count	6	15	21
		% of Total	2.3%	5.7%	8.0%
	46-60 Minutes	Count	18	24	42
		% of Total	6.9%	9.2%	16.1%
	61-75 Minutes	Count	0	2	2
		% of Total	0.0%	0.8%	0.8%
	76-95 Minutes	Count	0	1	1
		% of Total	0.0%	0.4%	0.4%
	96-120 Minutes	Count	7	10	17
		% of Total	2.7%	3.8%	6.5%
	>120 Minutes	Count	7	5	12
		% of Total	2.7%	1.9%	4.6%

Total	Count	127	134	261
	% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

In addition to infrastructure and transportation, COVID-19 is another main factor that affects the community's access to Cesta Basica because the regulations of COVID-19 were active when the program of Cesta Basica started to be distributed in the communities in October of 2020, such as limited transportation and movement in nationwide, especially sanitary fence in some of the municipalities in which all people have to stay at home, and no transportation is allowed to operate. According to respondents' answers, around 70 percent feel difficult to access Cesta Basica because of COVID-19 regulations: 35 percent of women and 35 percent of men are affected by COVID-19.

Table 5 – Gender analysis of the impact of COVID-19

P20 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P20	Yes	Count	91	92	183
		% of Total	34.9%	35.2%	70.1%
	No	Count	36	42	78
		% of Total	13.8%	16.1%	29.9%
Total		Count	127	134	261
		% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

Table 6 asked respondents whether they feel difficult when they receive Cesta Basica. From table 6, we found that 70 percent felt difficult when they received Cesta Basica, while

30 percent did not. Most men and women feel that it is not too difficult to receive Cesta Basica.

Nevertheless, there are identifiable obstacles preventing respondents from receiving Cesta Basica, such as long distance between places distributing Cesta Basica and their homes; respondents have to pay for private transportation by themselves since there is no public transportation during sanitary fences; long hours of waiting while there are limited treatments for beneficiaries; some older persons feel difficult when receiving Cesta Basica without assistance, which confirmed the findings of Table 02.

Table 6 – Gender analysis of situation when accessing Cesta Basica

P25 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P25	Very difficult	Count	10	10	20
		% of Total	3.8%	3.8%	7.7%
	Difficult	Count	24	42	66
		% of Total	9.2%	16.1%	25.3%
	Somehow difficult	Count	49	45	94
		% of Total	18.8%	17.2%	36.0%
	Not difficult	Count	40	31	71
		% of Total	15.3%	11.9%	27.2%
	Not very difficult	Count	4	6	10
		% of Total	1.5%	2.3%	3.8%

Total	Count	127	134	261
	% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

2. Not all communities have access to Cesta Basica and the system of household list

Cesta Basica is implemented based on the unit of household, from which the household list is collected in the villages, then sent to administrative posts and ministries implementing Cesta Basica. Companies distributing Cesta Basica use this list to deliver the Cesta Basica to beneficiaries whose names are already registered on the household list. Those whose names are not registered or do not show on the list will need to make reclamations in order to receive Cesta Basica later on. Nevertheless, there is no clear definition of a household-based on a recent study (Rede Feto and Arcoiris, 2020). Article 1466 of Law No.10/2011 defined "household" as: "by union of two people analogs to marriage, or by sponsorship of a minor analogues to adoption."

Although the Cesta Basica program applies to all Timorese citizens, but not all can register in the household list with the mediation of gender norms. For instance, the LGBT community who cohabitate together or are not married officially, widows, and women who are victimized by domestic violence and find rescue in shelters could be excluded from this process. It is true that the household list ensures that all citizens can register. Still, it does not mean that all have the same access to receive Cesta Basica. 7 respondents who are unable to access Cesta Basica replied that they could not register Cesta Basica since they do not have household lists, or they do not receive enough information when they have to submit their complete documents to register their names of the lists.

3. Different access to information with regards to Cesta Basica

Table 7 – Gender analysis of access to information

P9 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P9	Hear from others	Count	7	4	11
		% of Total	2.7%	1.5%	4.2%
	Find information from local authority	Count	75	74	149
		% of Total	28.7%	28.4%	57.1%
	Social media	Count	3	2	5
		% of Total	1.1%	0.8%	1.9%
	Television	Count	24	28	52
		% of Total	9.2%	10.7%	19.9%
	Radio	Count	3	16	19
		% of Total	1.1%	6.1%	7.3%
	Others	Count	2	1	3
		% of Total	0.8%	0.4%	1.1%
	More than one option	Count	13	9	22
		% of Total	5.0%	3.4%	8.4%

Total	Count	127	134	261
	% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

Table 7 describes that most respondents found information regarding Cesta Basica from local authorities (57.1 percent), and 20 percent found information from television. This confirmed those local authorities play important roles for communities to access correct and precise information of Cesta Basica implemented in the base. The chief of a village in Lauhata village of Likisa municipality claimed that first, all chiefs of the village met with the municipal administrator to receive distributing schedule then they will meet with the chief of sub-villages in order to guarantee the accessible information between central and local level (Daniel dos Santos, 12 October 2021).

In addition, women and men have different methods of accessing information about receiving Cesta Basica. For example, for women, local authorities, television, and hearing from others are some of the most used methods to get information regarding Cesta Basica. In addition, more women gain knowledge through hearing from others compared to men, which mean show that some women have less access to local authorities or news or have different communicative strategies and network to access information compared to men. More men have access to information through local authorities, television, and radio compared to women.

Table 8 – Gender analysis of wait time from hearing to receiving Cesta Basica

P17 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P17	Within one week	Count	51	33	84
		% of Total	19.5%	12.6%	32.2%
	1-2 week	Count	28	42	70
		% of Total	10.7%	16.1%	26.8%
	2-3 week	Count	5	11	16
		% of Total	1.9%	4.2%	6.1%

	3-4 week	Count	6	8	14
		% of Total	2.3%	3.1%	5.4%
	More than 1 month	Count	32	27	59
		% of Total	12.3%	10.3%	22.6%
	Don't know	Count	5	13	18
		% of Total	1.9%	5.0%	6.9%
Total		Count	127	134	261
		% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

Among all respondents, 22.6 percent could not access Cesta Basica more than one month after hearing information or news regarding Cesta Basica, in contrast to 32 percent of respondents who received Cesta Basica within one week. Twelve percent of women could not access Cesta Basica for more than one month.

Geographically speaking, 33 percent of respondents in Dili have to wait more than one month until they receive Cesta Basica, In contrast to 12 percent of respondents in Likisa. One interpretation could be the size of the population in the capital Dili is much bigger than those in the municipality of Likisa.

Although communities in Dili easily access supermarkets or shops to exchange items with vouchers, many people need to wait longer due to factors such as difficult coordination between distributors of Cesta Basica, the government, and communities, or a long time to submit and verify data of household lists, etc. Table 9 shows that most respondents think that the value of the item received by the communities is not the same as what the government decided. Almost 60 percent of respondents declare that the items of Cesta Basica which they received are not worth $50 ($25 x 2 months). Almost 30 percent of women did not receive items worth $50. Some think that Cesta Basica is more beneficial to the companies compared to beneficiaries since they feel that companies manipulate the price of items, which are higher than the previous prices. This could be the main reason which provokes the communities to criticize the policy of Cesta Basica. Interestingly, more women (10 percent) do not know whether the items they receive are worth $50 compared to men (7 percent).

Table 9 – Gender analysis of values of items

P23 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P23	Yes	Count	28	36	64
		% of Total	10.8%	13.9%	24.7%
	No	Count	72	80	152
		% of Total	27.8%	30.9%	58.7%
	Don't know	Count	26	17	43
		% of Total	10.0%	6.6%	16.6%
Total		Count	126	133	259
		% of Total	48.6%	51.4%	100.0%

Source: Authors self-made

The items which were suggested by the government in the package of Cesta Basica include personal hygiene and food. Many respondents feel that the items in the packages vary, except cooking oil, which was received by all respondents. Respondents often received the rice, soap, coffee, toothpaste, salt, etc.

The item list of Cesta Basica declared by the government covers the rice, corns, beans, peanuts, coffee, salt, potatoes, milk, sugar, chicken, oil, coconut oil, wheat, eggs, leafy vegetables, soaps, alcohol gel, detergents, toothpaste, and toothbrushes, etc.[6] However, the contents of packages are decided by companies' suppliers without consulting the communities.

[6] Government of Timor-Leste. (Outober 26, 2020). *Journal de Republika*.

4. Distributing mechanism of Cesta Basica is not the same between Dili and Likisa

Respondents received Cesta Basica in the supermarkets or shops with baskets or vouchers. Five staff were recruited to assist the beneficiaries and the distributing process in each village (Fernando Carvalho de Araújo, 8 October 2021). Geographically speaking, 85 percent of respondents in Dili received Cesta Basica in the supermarkets or shops, while 83 percent in Likisa received Cesta Basica in the edifice of the village. Communities in Dili are close to supermarkets and shops in order to choose items compared to those in rural areas. In total, more women received items of Cesta Basica at the edifice of village (24 percent) compared to men (21 percent), as table 10 showed. Therefore, it means that these women have to accept what is determined in the package of Cesta Basica instead of selecting food and items available in the shops and supermarkets by themselves based on their preferences and needs. Moreover, one package of Cesta Basica available in the edifice of the village is more difficult to be confirmed whether it is worth $50 since the distributing companies with volatile prices determine the contents and prices of items of Cesta Basica. The data showed that 10 percent of women and 7 percent of men did not know the value of received items of Cesta Basica.

Table 10-Gender analysis of places receiving Cesta Basica

P15 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P15	Village office buildings	Count	62	54	116
		% of Total	23.8%	20.7%	44.4%
	Supermarkets or shops	Count	53	57	110
		% of Total	20.3%	21.8%	42.1%
	Other places	Count	12	19	31
		% of Total	4.6%	7.3%	11.9%

	Don’t know	Count	0	4	4
		% of Total	0.0%	1.5%	1.5%
Total		Count	127	134	261
		% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

Table 10 showed that more women do not have direct access to items at the moment when receiving Cesta Basica since only 20 percent of female respondents can access shops and supermarkets. This has important implications for women with particular needs, such as pregnant and lactating women and women who have many children, who have to secure nutritious and healthy food for themselves as well as their children and newborn babies.

Table 11 asked whether respondents knew the suppliers of Cesta Basica in their villages. Eighty-five percent of respondents consider companies as the main distributors, while 5 percent think that the government is the main distributor, and 7 percent do not know their suppliers.

Table 11-Gender analysis of suppliers of Cesta Basica

		Frequency	Percent
Valid	Government	14	5.4
	Company	222	85.1
	Local Authority	6	2.3
	Don’t know	19	7.3
	Total	261	100.0

Source: Authors self-made

Respondents who have no idea about the supplier of Cesta Basica might also have no sufficient access to information with regards to receiving Cesta Basica, despite that all

respondents have access to information about Cesta Basica through at least one way. This implies that either the government or the local authorities may fail to disseminate the information sufficiently among the communities, or the communities have unequal access to the information in terms of access to communicative facilities, networks, or resources.

5. Quality of item

No.24 asked the condition of items of Cesta Basica received by the respondents. The result showed that 60 percent think that the qualities of items are good or better, in contrast to 3 percent who think that the received items are not good or worse. There are differences between women and men: More women think that the qualities of items are good or better, as table 12 demonstrates.

Table 12 – Gender analysis of quality of items

P24 * Sex Crosstabulation					
			Sex		Total
			Women	Men	
P24	Very good	Count	5	10	15
		% of Total	1.9%	3.8%	5.7%
	Good	Count	74	67	141
		% of Total	28.4%	25.7%	54.0%
	Somewhat good	Count	44	54	98
		% of Total	16.9%	20.7%	37.5%
	Not good	Count	3	3	6
		% of Total	1.1%	1.1%	2.3%
	Not very	Count	1	0	1

	good	% of Total	0.4%	0.0%	0.4%
Total		Count	127	134	261
		% of Total	48.7%	51.3%	100.0%

Source: Authors self-made

The chief of a village in Lauhata of Likisa municipality, Daniel dos Santos, said that the qualities of items of Cesta Basica often vary according to the distributing companies since the government does not have a mechanism or facilities to control items transported to the rural areas, especially those who receive baskets directly in the municipalities (Daniel dos Santos, 12 October 2021). When distributing Cesta Basica through baskets rather than vouchers, beneficiaries do not have other ways but to rely on the distributing companies to guarantee the quality of received food and goods.

6. Community perspectives regarding the implementation and distribution of Cesta Basica

Table 13 below demonstrates how the communities perceive the implementation and distribution of Cesta Basica, especially whether the items they received could satisfy their familial needs.

Table 13-Analysis of community perspectives with regards to the sufficiency of Cesta Basica

		Frequency	Percent
Valid	Yes	143	54.8
	No	117	44.8
	Total	260	99.6
Missing	System	1	.4
Total		261	100.0

Source: Authors self-made

More than half of respondents feel that items of Cesta Basica cannot fulfill familial needs. But still, more than 80 percent consider that the program of Cesta Basica can continue in the future.

According to the advisor and focal point of MCAE, Mr. Fernando Carvalho de Araújo (Fernando Carvalho de Araújo, 8 October 2021),

"The focal points monitor only to make monthly report when they conduct monitorization to vulnerable peoples (because they did not receive). Therefore, it requires clarification from the chief of village. During the regular meetings with lining ministers, we can get updated information from the distributing process in order to reconsider and adjust the data. However, some respondents claimed that some families did not receive Cesta Basica because 'there were newborn babies who did not register in the household list yet, meaning that the focal points or the chief of village cannot reply and update data during the regular meeting between the chief of village and the government."

Regarding food security experiences, results show that not everyone experiences food insecurity. Some respondents feel that food is sufficient since they grow vegetables and cultivate rice fields, have a small business in the market or work in the informal sector, or receive Cesta Basica, etc. Others who do not feel safe receiving Cesta Basica have reasons, such as the government's limited access to the market and decreased food, and Cesta Basica, which they received, are in bad conditions or rotten. Those who had economic resources or access to food capacities did not experience food insecurity during the COVID-19 pandemic.

As to the implementation of Cesta Basica, many think that the program is good and it can help recover the economy of the household and lift up the poor from miserable situations. Still, there are also many who think that the implementation is not exemplary since the companies manipulate the price and value of the items, that the package is incomplete, long wait-time, etc. Some women also claim that the treatment is not good when they go with children to receive Cesta Basica in the supermarkets.

Some are satisfied with the Cesta Basica, while others are not during the process of distributing Cesta Basica with reasons as below: 1) that the schedule is not the same as what the communities know or that the implementation date is late; 2) long wait-time; 3) did not gain information from local authorities; 4) waiting areas are crowded; 5) some families' names are not the same as the list; 6) the number of items is not the same as suggested. From

their perspectives, the government can help fix the problems through methods as follows: improve the serving system, give cash to people directly in order to purchase food directly, and fix the prices of items, quantities, and qualities.

Conclusion and Recommendation

1. Conclusion

Based on the research findings, we conclude that the implementation of Cesta Basica is accessible to most respondents we interviewed, but a few women and children from vulnerable families, such as widows and babies, did not register or receive Cesta Basica. Some women who had already received Cesta Basica did not feel it easy to access Cesta Basica during the lockdown and the State of Emergency because of Covid-19 regulations. In the registration process, due to a lack of clear definition of what counts as a household and the influence of patriarchal norms, marginalized groups, such as female-led households and the LGBT community who cohabitated with their friends or partners, who are not homed or do not live in a physical home, may be excluded from registering their names on the household list of Cesta Basica. In the distributing process, respondents always face various problems, such as lack of access to correct information or lack of transportation. In addition, women's particular needs and conditions are not considered. Consequently, it may prohibit women's access to adequate food and sustainable health.

As mentioned above, together with the loss and lack of income or food during COVID-19, not all feel urgent to be covered by Cesta Basica. Not everyone experiences food insecurity during the COVID-19 crisis since everyone has different resources and strategies in response to the situation of food loss or lack of food. Although many beneficiaries feel that Cesta Basica cannot sustain the familial necessities for up to one month and do not feel satisfied with the program, most prefer that the government continues the program in the coming future.

2. Recommendation

This report recommends the government to integrate gender to its current and future related policy of Cesta Basica to: 1) have mechanism to collect data of Household list which is correct and up to date in the short period of time; 2) socialize with communities regarding the information related to objectives, background and component involving in the

implementing procedure; 3) establish a monitoring mechanism in the process of registering and distributing Cesta Basica to guarantee the access to food, quality and quantity, without relying only on the companies contracted with the government as suppliers; 4) to have policies of providing supplementary package to those who did not manage to register or did not receive Cesta Basica immediately in order to solve their urgent needs to food during the time of crises, and 5) consult with the communities coming from different socio-economic background and positionalities from a gender perspective in order to reform the current program more able to respond to those in needs in the future.

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Transnational Advocacy Networks on the SDGs Agenda: Eradication of Violence against Women in Indonesia

Cinintya Audori Fathin[7], Ashilly Achidsti[8]

Abstract

Since the concept of "women's rights as human rights" emerged, a massive wave of international actors successfully delivered pressure and resources in the global fight to reduce violence against women (VAW). However, the efforts to incorporate VAW and gender mainstreaming into the global policy agenda are not instantaneous but took a long and complicated process involving many actors. This research aims to challenge the conceptual development of transnational advocacy networks (TANs), specifically in the advanced stage of the advocacy process in domestic policy adoption. This study will contribute to the conceptual discussion of TANs by analyzing the results of a case study of policy advocacy for the Sexual Violence Bill (RUU PKS) in Indonesia. The finding shows the struggle of local NGOs and international organizations in Indonesia to infiltrate gender mainstreaming into the national agenda is due to a lack of institutional knowledge about gender equality, or what the UN called "gender blind." This research argues that this condition leads to the slowdown in policy adoption on VAW elimination and the adoption of gender mainstreaming perspective to the national policy agenda in particular and hinders the global goals of closing the gender gap in general.

Keywords: violence against women, transnational advocacy networks, gender mainstreaming, global agenda, SDGs

Introduction

Since the concept of "women's rights as human rights" emerged, there has been a massive wave of international actors, such as international non-governmental organizations, scholars, and transnational feminist activists, who successfully put pressure and mobilized resources in the global fight to reduce violence against women. Decisions about which local problems to address and how to manage them are frequently made at the international level via these transnational networks. One of them is the commitment to the elimination of all forms of violence against women (VAW), which has been successfully advocated to become a global agenda and has been included in the Goal 5 SDGs since 2015. The SDGs Agenda Goal 5

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particularly and explicitly mentions that realizing gender equality as well as women and girls empowerment will make a significant contribution to the global sustainable development (United Nations, 2015). The 2030 Agenda strongly emphasizes that half of the human population are female and sustainable development will never be achieved without achieving gender equality by treating both genders equally. The effort to close the gender gap requires institutional support. Eliminating the gender gap also includes eliminating all forms of discrimination and violence against women and girls globally through the adoption of gender mainstreaming at the global and local levels of government.

Violence against women is considered the most pervasive yet least recognized human rights violation globally (Murray, 2008). Almost 30% of women worldwide have been subjected to either physical and/or sexual violence in their lifetime, and almost 27% of women aged 15-49 are subjected to some forms of violence by their intimate partners (World Health Organization, 2021). Although women are proven to make big contributions to the social-economic activities in our society, they still appear to be unrecognized and are placed in the second position in society. Consequently, many women and girls globally have difficulties accessing fundamental human rights such as education, healthcare, and financial assurance (Peterson, 2012). Violating women's rights is a violation of global human rights. Thus, global action is needed to tackle these practices.

Many global-level agendas, from Beijing Declaration to SDGs and some ASEAN initiatives, have been established to address women-related issues. Although those initiatives have been focusing on gender issues, the gender mainstreaming approach has not been adopted institutionally at the national and local levels (Alami, 2018). One finding in this research also shows the struggle of local NGOs and international organizations in Indonesia to infiltrate gender mainstreaming into the national agenda due to a lack of institutional knowledge about gender equality, or what is called "gender blind" by the UN. This research argues that this condition leads to the slowdown in policy adoption of VAW elimination and gender mainstreaming perspective to the national policy agenda in particular and hinders the global goals of closing the gender gap in general.

This research aims to challenge the conceptual development of transnational advocacy networks (TANs), specifically in the advanced stage of the TANs process in the domestic context (domestic policy adoption of global agenda). Focusing on SDGs Goal 5, this study will contribute to the conceptual discussion of TANs by analyzing the results of the case study of

policy advocacy for the Sexual Violence Bill (RUU PKS) in Indonesia. As the largest country in ASEAN with a 49.42% female population, Indonesia was chosen as the case study in this research. It is also important to assess the interaction among non-governmental actors such as INGOs, NGOs, media, and civil society in overcoming these problems (Keck & Sikkink, 1999). Evaluating how the government and other actors adopt gender mainstreaming in women's global agenda and analyzing how TANs promote women's and girls' lives in Indonesia will highly contribute to the gender and global public policy discourse.

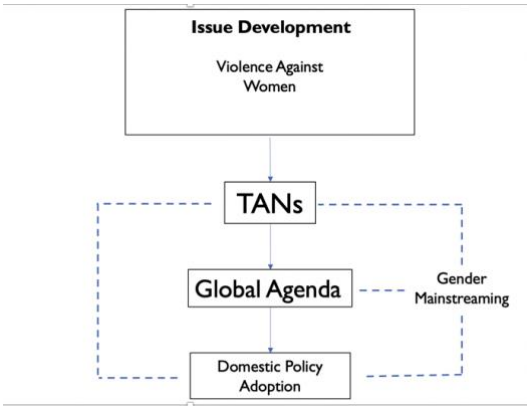
Literature on transnational advocacy networks has discussed how successful transnational movements draw attention to issues and set agendas for both states and international organizations (Keck and Sikkink, 1999; O'Brien, 2015; de Almagro, 2018). Several studies have also specifically discussed the position of TANs and global public policy on violence against women (Keck and Sikkink, 1998; Sperling, Ferree, and Risman, 2001; Harrington, 2011; Walsh, 2016; Zippel, 2004). Although many discussions in TANs have focused on the advocacy process at the international level, few analyses have been carried out to incorporate global policies on violence against women into the national policy agenda, especially in developing countries. Analysis of continued efforts in policy adoption at the domestic level becomes important within the scope of TANs to ensure that international efforts do not stop at global policymakers. Especially in developing countries, the opportunity for resistance or obstacles to global policy adoption becomes more significant due to the complexity of the socio-economic problems faced. Thus, this research is expected to fill the gap in the literature on TANs in violence against women by focusing on answering these two research questions: how transnational advocacy works on eradicating violence against women, especially sexual violence, through SDGs in Indonesia.

Defining the problems: feminist transnational advocacy networks in incorporating violence against women into the global agenda

This paper argues that the development of gender mainstreaming in the global realm is indivisible by the emergence of transnational networks activism (see Figure 1). The TANs' work on VAW issue development at the international level began when international women networks started to advocate women's issues at the international level. The advocacy processes then generate the global agenda development. TANs' dynamic in advocating women's issues has also brought gender mainstreaming to the table and forced global policy stakeholders to adopt gender mainstreaming to the global policy formulation. With the adoption of gender

mainstreaming, many policy agendas at the international level have prioritized violence against women issues in the domestic policy agenda (Figure 1). However, efforts to adopt gender mainstreaming in international organizations did not happen instantaneously but were greatly influenced by the movement of transnational feminist group activities that consistently campaign for women's issues to be included in the international policy agenda. Therefore, it is important to understand how this transnational movement was established and successfully incorporated a gender mainstreaming perspective into global public policy. Furthermore, it is crucial to understand how national and local government and non-governmental organizations receive information, translate it into policies, and implement them in order to identify the success of the global policy agenda.

Figure 1. Logical Framework



Therefore, this paper will explore how gender mainstreaming plays a role in encouraging the adoption of gender equality and VAW policies in countries within the feminist TANs framework. Feminist TANs are used to analyze the journey of the global policy agenda regarding gender discrimination and VAW implemented in the context of local and national policy, as well as the dynamics of domestic actors involved in addressing the policies resulting from this transnational advocacy.

Violence Against Women (VAW) and Sexual Violence

The United Nations defines violence against women (VAW) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life” (World Health Organization, 2016). Violence against women happens because of the unequal gender roles in society, and the complexity of gender

values in the society's culture, beliefs, norms, and social institutions leads to violence. Hence, violence against women is a worldwide issue, affecting women and girls of all ages, in all locations, and regardless of their income or social status (McQuigg, 2017). Furthermore, patriarchal values that have implications on violence against women are also reproduced by institutions, such as criminal justice, health, academic, scientific, military, athletic, and religion (UN Beijing, 1995; Flood & Pease, 2009; García-Moreno, Zimmerman, & Watts, 2017). True (2012) argued that despite the fact that current economic globalization and development are creating new challenges for women's rights, the global order has frequently ignored the analysis of VAW on it (True, 2010, 2012). The belief that women should be economically dependent on men aggravates VAW seen from men's reactions when women actively participate in economic production and get paid because men may lose their entitlement to resources and income. The inverse of women's economic empowerment might sometimes be men's economic disempowerment, leading to negative attitudes by reasserting their power over women through violence (True, 2012). According to WHO, there are two of the most common forms of violation: intimate partner violence and sexual violence. Those forms of women's violations are considered major public health problems and violations of women's human rights. In 2019, World Bank reported that at least 35% of women worldwide experienced physical violence, sexual violence, or both by a partner and/or by a non-partner in their lifetime.

Sexual violence is "violence that is targeted at women or men because of their sex and/or their socially constructed gender roles; it can manifest as humiliation, discrimination, street harassment, sexual assault, or rape" (Carpenter, 2006, p.83). Although it can happen to both men or women, women are more vulnerable to sexual violence. Until now, sexual violence is difficult to prevent and reduce because of several factors: (a) sexual violence still remains hidden or unrecognized, thus remains outside the social infrastructure of normalization as consistently shown by studies that sexual violence is heavily under-reported, although estimates of the level of under-reporting vary (NSW Bureau of Crime Statistics & Research, 1997; Bargen, Fishwick, 1995, NSW Standing Committee on Social Issues, 1993, Salmelainen, Coumarelos, 1993); (b) those who are most vulnerable to victimization also tend to be among the populations in the community with the least social resources to do much about it when they experience intimate sexual violence; (c) intimate sexual violence remains relatively invisible and normalized in everyday relationships; and (d) the legal system has not taken sides with victims of sexual violence (Carmody and Carrington, 2000).

Gender Mainstreaming in the Global Public Policy

The development and existence of the agenda on the elimination of all forms of violence against women in global public policy are not inseparable from the efforts of transnational networking among women's movements. This is also part of the global feminist effort to mainstream a gender perspective in global policy. The collaboration of transnational feminist policymakers, scientists, advocates, and non-governmental organization activists aims to incorporate gender approaches and perspectives into policy development, practices, and institutional behavior of global governance (True, 2003).

'Gender mainstreaming' arose as a concept in the early 1990s, described as a global strategy to achieve gender equality by reinventing the policy formulation and implementation processes across all issues and at all levels from a gender-differentiated perspective (Razavi and Miller, 1995; Council of Europe,1998; True, 2003). The attempts to establish a gender-equality perspective turned into action after the 1995 Beijing Platform for Action was ratified by all the United Nations member countries, incumbent upon countries and international organizations to internalize gender mainstreaming in the policymaking. The adoption of gender mainstreaming includes three stages: adoption of gender equality and gender mainstreaming terminology, enforcement of gender mainstreaming in policy formulation processes, and implementation of gender mainstreaming (Mukhopadhyay, 2014). Furthermore, mainstreaming a gender perspective embroils actors from multi-level organizations across nations, from governmental organizations to gender/feminist activist communities in the local and global civil society (Hafner-burton & Pollack, 2002; True & Mintrom, 2001).

The infiltration of gender mainstreaming is inseparable from the effort of feminist transnational movements to promote gender issues to international policymakers. The nature of these transnational movements has been examined most systematically by Keck & Sikkink (1998), with their term 'transnational advocacy networks' referring to transnational movements, including the transnational women's movement. This research argues that establishing the gender mainstreaming concept coincides with the TANs development, where the two concepts complement each other within the context of global public policy. This argument is strengthened in the next section, which explores the evolution of TANs with the emergence of international women's networks that attempt to introduce gender issues and gender mainstreaming to global governance.

Transnational Advocacy Networks

In their book entitled *Activists beyond Borders*, Keck and Sikkink (1998) introduce transnational advocacy networks (TANs). The argument behind the development of TANs arose from the fact that world politics at the end of the twentieth century involved not only states but also many non-state actors who interacted with each other and with state and international organizations. Non-state actors include local and international NGOs, economic actors and firms, networks of scientists, and experts that share principled ideas or values in motivating the advocacy issue (Keck & Sikkink, 1999; Sperling, Ferre, & Risman, 2001). By establishing new strings among actors in civil societies, states, and international organizations, opportunities for building transnational connections can be multiplied, and information can be shared in order to set global agendas and influence the decision-making processes. Indeed, the primary purpose of the practice of transnational advocacy networks is to change the behavior of states and of international organizations. True and Mintrom (2001) illustrated that transnational networking among governmental representatives and NGOs advocacy is able to change the state's interest and domestic policies. In the next process, TANs would demand the priority setting of the issue brought by the transnational networks to be discussed, drafted, and adopted internationally (O'Brien, 2015; True & Mintrom, 2001).

Transnational advocacy networks are most likely to emerge around issues where (1) channels between domestic groups and their governments are blocked or hampered, or where such channels are ineffective in resolving a conflict, thereby triggering the "boomerang" pattern of influence that these networks are known for, (2) activists or "political entrepreneurs" believe that networking will help them further their missions and campaigns, and they actively promote networks, and (3) conferences and other forms of international contact provide arenas for network formation and strengthening. When domestic participation channels are closed, activists may find that the international arena is the only way to bring attention to their causes (Keck & Sikkink, 1999).

During the development of TANs, there are at least three contemporary cases in which transnational organizations are very eminent: human rights, environment, and women's rights. However, this approach also widened around the issues of labor rights, discrimination, and violence. Although violence against women is considered a violation of human rights, VAW had not become the topic of discussion in any transnational social movement or network until early 1980. The Convention for the Elimination of All Forms of Discrimination Against

Women (CEDAW), as the main international normative legal code on women's rights drafted in the 1970s, does not address violence against women in its agenda. The emergence of the transnational campaign on violence against women only started in the mid-1990s and became the most important international women's issue at the UN Conference on Women in Beijing in 1995. The next chapter will explore the emergence of international women's networks and how the networks first constructed the emergency around the issue of VAW and brought it into the global discourse.

Research Methods

This study used the qualitative research method. This method was chosen specifically to gather information about the role of TANs in advocating for the eradication of violence against women, especially sexual violence. The discussion on reducing violence against women includes the advocation process for the Sexual Violence Bill (RUU PKS). The primary data that were used were taken from interviews with advocacy organizations such as Rifka Annisa and the National Commission on Violence Against Women (Komnas Perempuan), which handle cases of violence against women. In addition, secondary data, such as the data from Komnas Perempuan, international organizations reports, and relevant mass media, were also used in this research to support the primary data in order to build strong arguments for the discussion.

The conceptual framework is developed from three main concepts, namely gender mainstreaming, violence and discrimination against women, and transnational advocacy networks (TANs). We begin with the fundamental problems of violation and discrimination against women around the world, which lead to the development of the global agenda (SDGs). Gender mainstreaming is playing an important role in addressing these main problems within the global agenda, altogether with the role of TANs in implementing the agenda. Actors involved in the TANs, even though they are not directly related, help the achievement of the global goals and the improvement of women's condition.

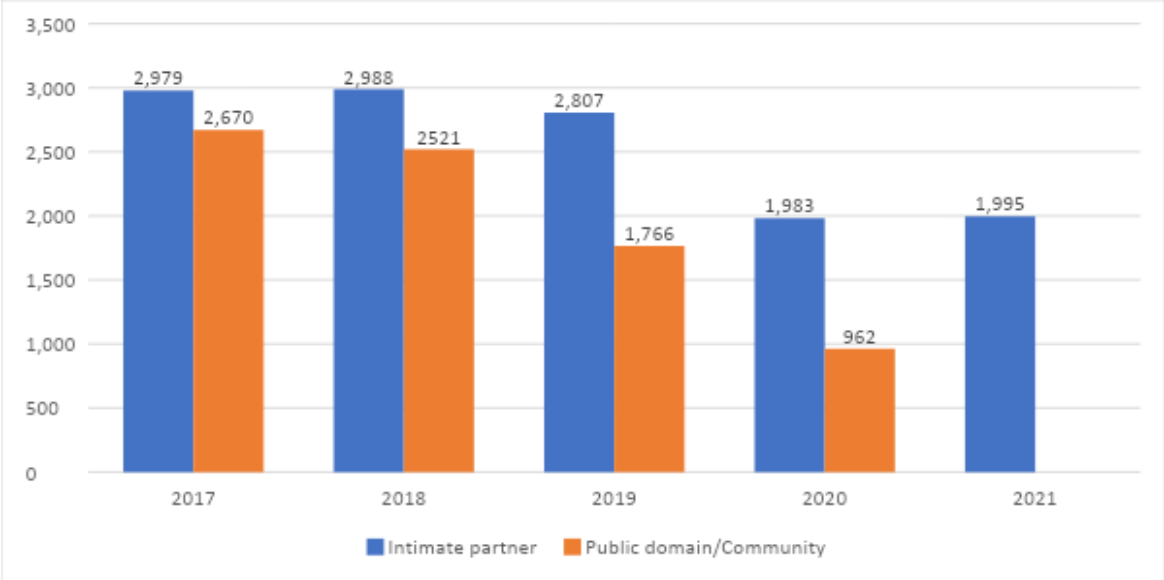
Sexual Violence in Indonesia

Target 5.2 in SDGs is eliminating all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation. This target can be measured using two indicators: (a) proportion of ever partnered women and girls aged 15 years and older subjected to physical, sexual, or psychological violence by a current

or former intimate partner in the previous 12 months, by the form of violence and by age; and (b) proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and by place of occurrence.

This research is focused on sexual violence. The data on sexual violence, which captures the two indicators of target 5.2 in SDGs, are limited. Nevertheless, the data on sexual violence in Indonesia can be seen in the following data from Komnas Perempuan:

Chart 1. Sexual Violence in Indonesia from 2017-2021



Sources: Komnas Perempuan's Annual Records 2018-2022

From 2017 until 2021, sexual violence in Indonesia done by an intimate partner and in the public domain/community has decreased (the data on public domain/community in 2021 is not available). However, according to the data, sexual violence cases did not decrease, particularly during the pandemic. Indeed, the condition of sexual violence during the pandemic was worse (Annual Report from Komnas Perempuan, 2021). This was because: (1) the victims were close to the perpetrators during the lockdown; (2) the victims tended to talk to their families or kept silent; (3) there were technological literacy issues; (4) a complaint service model was not ready for the pandemic condition, or in other words, has not adapted to changing the service to online (Annual Report of Komnas Perempuan, 2021).

In addition, the number of returned violence against women survey questionnaires, which fell by almost 100% from the previous year, indicates that women victims of violence could

not reach out to institutions related to handling violence against women. It is estimated by Komnas Perempuan that if the number of questionnaires returned is the same as the previous year, it is certain that the number of cases will increase by 10% or equivalent to 1,700 cases (Komnas Perempuan, 2021). Calculated on average, each institution had 61 cases in 2019, while it increased to 68 cases in each institution in 2020.

Although these data did not match the real condition, particularly during the pandemic, at least we know that sexual violence is still happening in Indonesia and urgently needs to be reduced. It means that target 5.2 of SDGs has not been achieved.

From global to local policy: National Resistance to adopting gender mainstreaming and ending sexual violence

To end VAW, specifically sexual violence in Indonesia, is by advocating sexual violence bill to legal protection for prevention and handling of sexual violence cases in Indonesia. Understanding the dynamics of the sexual violence bill in Indonesia is vital in enriching the development of discussions on transnational advocacy networks and gender mainstreaming adoption in the context of global agenda implementation. In the previous sections, TANs explain the process of advocating an issue into the global policy agenda. Still, the discourse on the advocacy process for its implementation has not been widely discussed. By looking at the issue of the sexual violence bill in Indonesia, this research shows that top-down implementation involves more actors than just international organizations and national governments. It also requires more than just 'collaboration' between transnational actors for policy transfer.

This study shows that there are problems faced by stakeholders to tackle violence against women in Indonesia, especially the delay in the ratification of the sexual violence bill caused by several factors, including limited budgets on the government institutions, the evolution of cases of violence against women due to technological developments that lead to cyber violence against women especially during the pandemic, the stuttering of public servants in responding to new forms of violence cases while the old cases have not been handled optimally, and limited understanding of certain community groups and individuals from government bodies regarding gender mainstreaming and violence against women. It causes the structural phenomenon of 'gender blind' in society and government.

Data taken from interviews with UN Women Indonesia[9] demonstrate that women-related formal organizations such as Komnas Perempuan and KPPPA are facing budget limitations to tackle women's issues, specifically during the advocacy of the sexual violence bill. This budget limitation is caused by budget cutting for Komnas Perempuan and KPPPA because the national government does not put women's issues as a priority of national development. In this case, those organizations are facing two challenges: resource limitation to implement global agenda and the responsibility to tackle sexual violence. This huge pressure comes to the solution of taking international fund assistance so that they still have space to maximize the effort to end sexual violence, including the advocacy processes of sexual violence bills. This decision brought an implication for a long-term commitment. When national governments are too dependent on international funds, some national priority programs might not be sustained. This is one of the challenges faced by national organizations.

In the case study of the sexual violence bill, this research mapped several main actors to analyze the interrelationships between actors in the advocacy efforts of the draft law. First, Komnas Perempuan and KPPPA, as the representatives of Indonesia's formal institutions. Second, UN Women Indonesia and UNFPA as the main focus from the perspective of international organizations. Third, Rifka Annisa as the representative of a non-governmental organization that has cooperation with international organizations and the government in handling cases of violence against women. Rifka Annisa was chosen because of her success in informally advocating for the government to ratify the sexual violence bill. This enriches the discussion on the policy transfer of the global policy agenda through informal advocacy and the importance of the role of NGOs in the agenda-setting processes.

Komnas Perempuan is an independent state institution and has the mandate to uphold the human rights of women in Indonesia. Since 2001, Komnas Perempuan has annually released Annual Records (CATAHU), which identify violence against Indonesian women in the private and public sectors, including the data on sexual violence. The priority issue for women victims of sexual violence has always been escorted by Komnas Perempuan and is currently included in the 2020-2024 Work Plans (Komnas Perempuan, 2020). One of Komnas Perempuan's goals on the sexual violence issue is to initiate advocacy regarding the importance of legal regulation

[9] Interview with Nunik Nurjannah, UN Women Indonesia for ending violence against women, 22 March 2022.

for victims of sexual violence by proposing the Bill on the Prevention of Sexual Violence (RUU PKS)/The Sexual Violence Bill.

The substance of the Sexual Violence Bill began to be explored in 2010 after observing various cases of sexual violence contained in the Komnas Perempuan study in the 2001 to 2010 Catahu (Komnas Perempuan, 2017). In this observation, 15 types of sexual violence in the private and public sectors were identified. The vulnerability of women to become victims of sexual violence raises the urgency of the existence of legal regulation for the prevention and handling of sexual violence in favor of the victim. Up to this point, there is no regulation regarding this matter. Actualization of regulations that look into women's experiences is an effort to make policies in Indonesia that can fully implement gender mainstreaming, including sexual violence cases.

In 2014, the draft of the Sexual Violence Bill compiled by Komnas Perempuan was proposed to be included in the National Legislation Program (Prolegnas). However, it was only in 2016 that the Sexual Violence Bill was included in the Priority Prolegnas list (CNN Indonesia, 2020) by abstracting 15 types of sexual violence into nine types, and there is a subtraction of articles from 152 articles to 50 articles. Then, the Sexual Violence Bill discussion was postponed until the 2019 general election was over. Finally, the discussion continued with the pros and cons of the Sexual Violence Bill with various stigmas from some groups, especially conservative Muslims. However, they did not deliver a solid argument (Anshor, 2022)[10]. They stated that the Sexual Violence Bill was considered far from Islam because there were articles criminalizing rape in marriage, pro-LGBT and pro- adultery because it did not include LGBT or adultery in the article (CNN Indonesia, 2019), and it allows the practice of abortion which was carried out without coercion.

The pros and cons caused the Sexual Violence Bill to be shifted to discussion for the 2019-2024 period. This discussion shifted to the Legislative Body (Baleg). In 2021, the Public Hearing Meeting (RDPU) invited several experts on sexual violence and gender issues. Pro and cons parties were invited alternately to the RDPU. However, the stigma that has been conveyed before continued to be discussed. The discussion between the community network, Komnas Perempuan, and among the DPR members continued until finally the Sexual Violence

[10] Interview of Maria Ulfah Anshor, Commissioner for Women's Commission, 14 March 2022

Bill was agreed to be an initiative of the DPR and changed its name to the Sexual Violence Bill (RUU PKS).

The Sexual Violence Bill, which was re-drafted, subtracted 85 articles to 43 articles (CNN Indonesia, 2021). Several substances are missing from the draft of the Sexual Violence Bill and are different from the original draft submitted by Komnas Perempuan. Therefore, Komnas Perempuan provided responses and inputs in the preparation of the Sexual Violence Bill. Here is the draft of The Sexual Violence Bill, which was re-drafted and responses from Komnas Perempuan:

Table 1. Comparison of the Draft Sexual Violence Bill from Baleg with Responses from Komnas Perempuan

No	Draft of Sexual Violence Bill	Responses from Komnas Perempuan
1.	Definition of sexual violence: Sexual violence is any act of a physical and/or non-physical nature, leading to the body and/or the function of the reproductive organs that is liked or disliked by force by means of threats, deception, or persuasion which has or does not have a specific purpose to obtain benefits that result in sexual violence. suffering or suffering physical, psychological, sexual, and economic loss.	Improving the definition of sexual violence: Sexual violence is any act of a physical and/or non-physical nature, leading to the body and/or the function of the reproductive organs by force by means of violence, threats, deception, or seduction, taking advantage of the vulnerability, inequality, or dependence of a person, who has or does not have a specific purpose to obtain benefits that result in physical, psychological, sexual suffering or suffering, and economic loss
2.	Forced marriage, forced prostitution, forced abortion, sexual torture, and sexual slavery in the types of sexual violence are deleted.	Improving the provisions on sexual harassment, forced sexual intercourse, and sexual exploitation.

3.	There are no rules for online-based sexual violence.	Adding the sexual violence through or exacerbated by ICT to be part of the sexual violence type.
4.	In section of reporting just explained about regarding complaints and reporting services carried out by Technical Service Unit for the Protection of Women and Children (UPT PPA) and the police, but it's not explained how the reporting's system.	Adding provision about details of the report and what the victim got in 1x24 hours during reporting.
5.	There are no further regulations regarding the fulfillment of victims' rights to treatment, protection, and recovery. This can eliminate the guarantee of the fulfillment of the victims' rights during the criminal justice process.	Recommending the existence of a special chapter on the protection of victims, which includes the rights to treatment, the rights to protection, and the rights to remedy.
6.	The weighting provisions are only written if the sexual violence is committed by family, but it's not explained in detail	Completing the clause on the weighting of penalties for perpetrators who are still in the same family as the victim in the degree of straight-line relationship up to the bottom and arbitration
7.	Additional penalties are only in the form of revocation of child custody or custodial, announcement of the identity of the perpetrator, deprivation of profits derived from the act	Adding the additional criminal provisions concerning revocation of work, position or profession, and political rights for perpetrators

	criminal restitution payment, and special training	
8.	N/A	Adding the supervision of provisions on the implementation of the Act
		Adding the provisions regarding settlement outside the judicial process

Sources: Komnas Perempuan's View on the draft of Sexual Violence Bill

The advocacy for the Sexual Violence Bill is a systematic and continuous effort of Komnas Perempuan to achieve access to justice. Based on policy, the implementation of SDG's point 5 on gender equality has begun to be adopted in the RPJMN and passed down to cross-sectoral ministry policies. On the state institutional structure, KPPPA and Komnas Perempuan have specifically overseen the issue of women and gender equality. However, from the socio-cultural perspective, it becomes an obstacle because they still consider violence cases, including sexual violence, to be a private sector that does not need to be regulated. Therefore, it is necessary to advocate for an integrated criminal system to alleviate violence against women, including advocating the Sexual Violence Bill.

The vulnerability of women to experience gender-based violence, including sexual violence, makes the urgency to have legal regulations to protect the victims. Rifka Annisa made this effort by advocating the Sexual Violence Bill for ten years ago. "Indonesia must have regulations in the form of laws regarding the handling of sexual violence. At the ministry level, there are existing regulations, such as Permendikbud 30/2021, but they are sectoral. If it becomes the law, there will be no more untouched cases because it is directly centralized, not sectoral. If the law has been passed, the mechanism for handling will be protected, for example, the funding for rehabilitation or fulfilling the rights of survivors," explained Director Rifka Annisa regarding the urgency of the Sexual Violence Bill.[11] Rifka Annisa's partner to support the Sexual Violence Bill was carried out with a network of women's organizations throughout Indonesia, a network of women's activists, academics, Rutgers, and UN Bodies.

[11] Interview of Defirentia One Muharomah, Director Rifka Annisa, 14 March 2022.

The advocacy for the Sexual Violence Bill is carried out in various ways, such as holding various discussions, raising public and various stakeholders' awareness, and lobbying policymakers. Rifka Annisa was also lobbying through formal and informal channels, one of which was conveying the urgency of the Sexual Violence Bill so that Joko Widodo, as the President of Indonesia, made a public statement to encourage the immediate ratification of the Sexual Violence Bill in January 2022. The President's statement was the hope to issue the bill after it failed to enter the plenary session at the end of 2021. Civil society networks, including Rifka Annisa, continued to advocate until the President appointed KPPPA to coordinate with related ministries and institutions regarding the Sexual Violence Bill.

Not only Rifka Annisa but many NGOs in Indonesia are also active in advocating the Sexual Violence Bill, especially during the problem inventory process. One of the active NGOs is the Association of Women Living with HIV (IPPI). With the support of UN Women Indonesia, IPPI became one of the NGOs involved in the inventory of problems in the drafting of the Sexual Violence Bill. The main point of discussion is to ensure the articles related to the protection and services of women with HIV in Indonesia were not erased and their rights fulfilled.

IOs function in support Sexual Violence Bill in Indonesia

The practice of relations between various international actors has succeeded in advocating for the issue of violence against women to be discussed and ratified on the global agenda. However, in fact, the efforts to reduce or eliminate the violence against women do not stop at the ratification of the issue by the international community and international institutions. A policy agenda needs to be implemented to get the expected output. Global efforts to eliminate violence against women need to be adopted and implemented by the national government worldwide. Therefore, UN bodies through UN Women, UNFPA, and many other international organizations must collaborate to monitor and engage the domestic implementation processes.

This section discusses the dynamics of international organizations, especially UN Women Indonesia and the United Nations Fund for Population Activities (UNFPA), to advocate for a gender mainstreaming perspective into national and local policies and in tackling violence against women in Indonesia particularly sexual violence on sexual violence bill. The perspective of international organizations such as UN Women Indonesia and UNFPA, which represent countries in the world, is interesting and vital to examine the challenges and obstacles

in implementing global policies against sexual violence based on Sexual Violence Bill. The findings from the discussions with both international organizations significantly contribute to showing the void of discussion in the concept of transnational advocacy networks. It focuses more on the efforts of international actors in advocating for an issue to formal international institutions and with little consideration for top-down advocacy efforts from international institutions to national/local government bodies.

IOs have carried out further advocacy against the delay in the discussion and ratification of the Sexual Violence Bill by making the UN Joint Statement on the Passing of the Delay of the Sexual Violence Bill in Indonesia. Moreover, UNFPA has collaborated with Komnas Perempuan to advocate the Sexual Violence Bill (Anshor, 2022). However, regarding the tasks and functions, international organizations are limited to providing facilities and support for stakeholders who will build programs and cooperation to realize the global goal of anti-violence against women. Based on the international norms, IOs do not have the authority to exert pressure or intervention on the government or related policymakers in carrying out their roles. Sexual Bill Violence was advocated by community networks consisting of NGOs, academics, and recently by the government. This limitation from IOs can be a gap for cons and gender-blind groups to hinder policy transfer from the global to domestic policy agenda. Eventually, in relation to the concept of transnational networks, no matter how strong the encouragement from international stakeholders, the domestic context with all its socio-political turmoil has a more significant effect on the success of achieving global goals.

Even though IOs have the limitation of advocating the Sexual Violence Bill without a third party (collaboration with NGO), they have a commitment to eliminating sexual violence to achieve 5.2 in SDGs. Their commitment can be seen in their collaboration with UN bodies and many other international organizations in strategic plan organization or cooperation documents against sexual violence. They collaborate with UN Women, UNFPA, and KPPA to protect women's rights from discrimination and GBV during the pandemic. The concept of transnational advocacy networks enables the international organizations at the national level to establish a collaboration with local stakeholders. These programs aim to build resilience towards individuals and communities, such as women who face violence, families who are affected by violence, and communities with high levels of violence. A previous study regarding transnational networks was examined by Keck and Sikkink (1998). It explained that the formulation of the international processes requires actor collaboration across sectors and levels.

However, the implementation processes also require continued cooperation from policymakers, as well as additional actors from the national and local governments. The problem is, even though the global agenda has been successfully formulated and implemented (mainly related to violence against women), the national and local governments do not necessarily have the understanding and ability of the significance of adopting gender mainstreaming into the domestic policy agenda. This is a challenge for feminist activists around the world and international organizations carrying policies to achieve global goals and close the gender gap.

Conclusion

While most scholarship has celebrated the advances due to the impact of transnational networking for women, this article focuses on several dilemmas faced by IOs, local NGOs, and certain governmental bodies in the context of global policy adoption of sexual violence. The long-run effort of international women activists to advocate sexual violence has been recognized in the global realm for at least the past ten years. However, the successful transnational networks advocating this issue are now facing a new challenge: domestic resistance. This research shows several constraints faced by the Indonesian government body to implement the SDGs goal of eliminating sexual violence: limited budgets on government institutions, the evolution of violence against women cases due to technological developments, the stuttering of public servants in responding to new forms of violence cases while old cases have not been handled optimally, and limited understanding of certain groups of community and individuals from government bodies regarding gender mainstreaming and violence against women. IOs made the same effort as UN Women and UNFPA to give full support to all Indonesian stakeholders to fill the institutional gap by providing financial and human resources assistant in the VAW elimination program development at the national and local levels.

Financial dependence upon international donors implicates the stability of domestic institutions and the sustainability of programs to address violence against women. As the international donors from IOs are constantly shifting, primarily in response to global agenda priorities, domestic institutions built with the previous priorities will eventually lose international funding. International donors are not uniform, and their impact on local women's organizations varies. Overall, they have a significant impact on benefits and positivity, which are inseparable from their involvement. Some maintain more solidarity-based practices of

coordination with local women's organizations. However, the increasing organizational and economic rationalization of funding has resulted in far fewer grassroots advocacy regimes and eventually leading to unsustainable advocacy programs and outcomes. As a result, transnational advocacy networks that include international organizations may be on the path to more appropriate relationships and advocacy schemes with government bodies and civil society, collaborating with local women's organizations to create a more sustained agenda to end violence against women.

Lastly, some limitations to addressing global goals relating to sexual violence are also faced by international organizations such as UNFPA and UN Women Indonesia. Due to IOs' power limitations towards countries, they could not intervene with domestic stakeholders to combat sexual violence. In this case, UNFPA and UN Women can only involve in the advocacy of sexual violence bill ratification by giving support to extended organizations. The given supports include the organization's capacity building, framework development, and financial assistance.

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Advising the State's Action in Protecting the Reproductive Rights of Female Laborers in the Garment Industry: A Case Study of Women Production labors in the Setu Garment Factory, West Java

Vanesha Febrilly[12]

Abstract

The study of gender inequality in the workforce has attracted feminist studies for a long time. The vulnerable position of women in the work environment reflects many acts of injustice, one of which is the emergence of violence in the workplace, sexual harassment, and even various disorders related to their reproductive health. In practice, policymakers are increasingly ignoring workers' rights, especially in the implementation of the Omnibus Law in Indonesia, which was passed in 2020, and placed workers in the most vulnerable position. This study will use the case of workers in the Garment Industry, which is the company that absorbs women workers the most. The vulnerable position of women garment laborers will be strengthened by the use of the concept of gender division of labor which describes the existence of gender-based work discrimination and the neglect of women workers' rights in relation to their reproductive system. Using the case of female garment laborers in the Setu area, West Java, this study will also present empirical facts originating from women's voices. Implications for practice and advocacy, such as advocating for a fair employment policy that recognizes gender equity and the experience of the intersection of the labor community, will also be presented.

Keywords: *Female Garment Laborers, Garment Industry, Sexual Division of Labor, Workers' Rights, Reproductive Rights*

Introduction

Background

Violations of labor rights have resulted in many phenomena. Ranging from violations of wages, work systems, or relationships to various acts of violence against labor. This paper focuses on the fact that the guarantee of worker protection as written in laws or government regulations does not necessarily provide justice for laborers for many years. This issue will then be proven by how acts of injustice against laborers still occur today, with the perpetrators escaping law repercussions. The focal point of this paper is the garment industry in Indonesia, which is dominated by female laborers, especially in the production sector. According to the International Labor Organization (ILO) data, business owners in the Textile, Textile Products,

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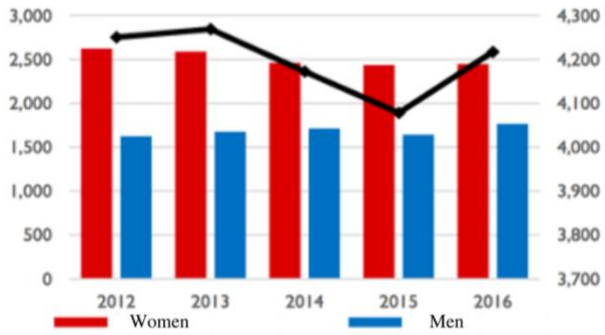
and Footwear (TPA) Industry continue to hire women more frequently than men. In 2016, approximately 4.2 million people were employed in the Garment Industry in Indonesia, which accounted for 26.6 percent of all manufacturing jobs. Women also make up the majority (i.e., around 58 percent) of all people employed in this industry (Horne & de Andrade, 2017).

Picture 7: TPA Industry Workers based on their sex (thousand), 2012-2016



Source: Sakernas BPS

The garment industry itself continues to be a significant component of the manufacturing industry in Indonesia while also continuing to value efforts in providing substantial sources of employment, especially for women (Horne & de Andrade, 2017).

The dominance of female laborers in this sector also refers to various problems related to the extent to which the Stakeholders, whether from the public or private sector, State is involved in the protection and guarantees of laborers, especially female laborers in particular. Women have different basic and physiological needs from men. Women have their basic needs regarding their reproductive systems. For example, women experience menstruation, not to mention women have the possibility of becoming pregnant and giving birth. Moreover, women are more susceptible to experiencing reproductive health problems, such as various diseases that allude to reproductive disorders, such as menstrual or pregnancy disorders (Martina et al., 2019).

Each country has its protection for laborers, especially against the dangers in the working environment. In Indonesia, the law is supposed to provide security for female laborers, such as permission to leave on the first and second day of menstruation, rest before and after childbirth, and prevention from working at night or for more than 40 hours a week. However, in reality, many female laborers still have to work more than 40 hours per week, and many of them find it difficult to approve their maternity leave requests (Martina et al., 2019).

Female laborers are susceptible to several hazards such as noise, heat, dust, and vibration in the workplace environment. Laborers with longer working hours are likely to have a higher likelihood of exposure to hazards in the workplace. In addition, excessive workloads can affect laborers' physical and mental health. Female laborers need to be protected from dangers in the

workplace, especially when menstruating, pregnant, and breastfeeding. Hazards in the work environment can cause various disorders such as menstrual disorders and pregnancy disorders in female laborers (Martina et al., 2019).

In addition, women's position of vulnerability has been exacerbated by the emergence of the pandemic COVID-19 over the past two years. During the pandemic, women also face a greater risk of losing their jobs than men. According to the International Labor Organization (ILO), at the end of 2020, ILO stated that women have a greater risk of being laid off and experiencing reduced working hours during periods of economic and social restrictions due to the pandemic. Many women not only lose their income but also bear the unpaid workload (Hadiwinata, 2020).

The care function attached to women is also more prevalent, especially during the pandemic. According to the Center for Population Research, stressors are being faced by garment laborers, which women dominate. The pandemic also causes a decrease in the amount of production in the factories where women work and refer to the difficulty of garment laborers in accompanying children's online learning process at home (Baskoro et al., 2021). The decrease in income also makes many female laborers take additional work, making it difficult to manage time for household care, such as attending to their children, who are also mostly at home during the pandemic.

In this case, the protection of laborers, especially those related to the needs of women, is often neglected, both by the industry and the government. The issue of labor protection cannot be separated from various significant efforts usually carried out, starting from the regulation of Law no. 13 of 2003 concerning the workforce. However, there are still many barriers to the injustice that occurs to female laborers or workers – aggravated by the state has increasingly provided space for more profound injustice for laborers through the implementation of Law no. 11 of 2020 concerning Job Creation, often called the Omnibus Law.

Omnibus Law was officially ratified by the House of Representatives (DPR) on October 5th, 2020. The process of the realization of this bill has become a polemic, especially seeing how many related articles will actually ignore and even eliminate the rights of laborers, as previously stated in the Manpower Act. The rejection of this bill's ratification has happened since 2020, primarily from civil society circles, because many layers of society can be affected by its impact, particularly on the rights of unrepresented laborers (Oktaviani, 2020).

This paper will dive into a much more profound alienation of Female laborers in the "*feminization of work*," which perpetuates the social construction which states that women who work to earn a living in productive areas still bear social reproduction work at home. Therefore, in this case, the consequences are various inequalities, one example of which refers to low wages. When women almost always receive lower wages than men, which relates to facts regarding the *gender pay wage gap data* globally (Izzati, 2019). Furthermore, Iris Marion Young reveals how the analysis of the sexual division of labor is the main argument in describing the primary source of oppression against women, which relates to much deeper oppression of working women (Tong, 2009).

Many facts regarding the neglect of the protection of female laborers will be closely related to the reproductive rights that female laborers should possess. Until now, women garment laborers still experience many acts of injustice caused by the discrimination attached to their identity as women. This issue also affects their rights which are often ignored and taken for granted. Thus, in this paper, we will see the authentic voices of female garment laborers who still experience many injustices and struggles in their workplace. And how in this case, the position and attitude of the state increasingly marginalize women in the realm of their work.

Research Problem

The social construction of "women's work" or "feminization of work" creates disadvantages for female laborers who are undoubtedly vulnerable to various acts of injustice and their harrowing experiences as female workers. The state, in this case, is also more interested in economic needs through the existence of companies or investors who have committed repeated violations to laborers rather than providing protection policies for the workers. Female laborers' rights continue to be ignored despite the various promotions of "gender justice" initiated by the state. Women's testimonies are essential evidence that proves how female laborers are the ones who suffer the most losses in every aspect of their lives due to the gender division of labor imposed by companies and the state. The neglect of the protection and rights of labor through implementing the Omnibus Law has even further worsened this issue. To tackle the problem, the State should initiate substantial efforts to prevent female laborers from experiencing health problems related to their reproductive system, including how to create safe spaces and conditions for them to work. The empirical findings of in-depth interviews with several female garment laborers in the Setu Area, West Java, will then illustrate the neglect of labor rights that are still happening today.

Research Questions

This paper consists of two main questions that will be examined more deeply:

1. How are the reproductive rights of female garment laborers can be deemed unfair?
2. What is the State's role in protecting female laborers' rights in the garment industry?

Methodology

The method used in this paper is qualitative research, which can be used to study people's lives, history, behavior, organizational functionalization, social activities, and other usages. According to Cresswell, qualitative research is obtained by not using statistical procedures or measuring or quantitative methods. Therefore, the research procedure is based on descriptive data, which can be extracted from speeches, written documents, the behavior of people, or observed phenomena (Cresswell, 2017).

This research will use two methods of qualitative data collection; literature studies and in-depth interviews. Literature studies are used to identify the results of previous research, namely various findings that have been found or have not been found related to the phenomenon or particular situation to be studied. In addition to that, an in-depth interview that will be conducted in this research will involve several female garment laborers who live and work in the Setu industrial area, West Java.

The type of research is phenomenological, which involves a careful and thorough examination of the awareness of human experience. The phenomenological method can be used to identify the core structure or characteristics of human experience – for this reason, it is necessary to pay attention to various consequences and assumptions for the justification of a focused object. Phenomenology composes multiple events and phenomena that do not stand alone in one concept (Bryman, 2012).

Theoretical Framework

Women's work is related to reproductive labor, which is associated with analyzing the division of labor based on gender and its central role in perpetuating women's subordination (Duffy, 2007). Feminist scholars argue that women's continued responsibility for unpaid domestic work at home harms them in the labor market (Hochschild, 1989). This frailty of the labor

market ultimately limits women to lower-paid and lower-status laborers, thereby reinforcing men's greater access to resources and power. This macro-level inequality maintains substance boundaries and ideological norms that uphold the gender-based division of labor in the home (Chafetz, 1991).

As a consequence of the hidden work of social reproduction in the household or family from the broader political context and society, the domestic area has become an official locus of women's work (Fraser, 2017). As a result, when working in productive areas, women are only considered additional breadwinners. Therefore, women eventually occupy a vulnerable position in the labor market. The patriarchal social construction that places women as laborers who are deemed obedient and will not easily protest or poor working conditions has become the main narrative of the feminization of work (Izzati, 2019).

Iris Marion Young also explains this in the development of classical Marxist Feminist thought, which principally only uses class as the main category of their analysis. Furthermore, Iris Young mentions that the variety of "sexual division of labor" is needed to analyze women's oppression, especially working women, more thoroughly. Iris Young argues that while class analysis looks only at the production system as a whole, focusing on the means and relations of production in the most general terms, the study of the sexual division of labor looks more closely at the individual characteristics of people doing it. In other words, an analysis of the sexual division of labor requires a detailed discussion of who gives orders and who receives and does them (Tong, 2009).

Analysis of the sexual division of labor can also explain why women usually take orders, do tedious jobs, work part-time, and receive relatively low wages. Iris Young believes that capitalism and patriarchy are always intertwined. She also revealed that capitalism is very aware of the 'gender' of its work. Instead, it provides space for the sexual division of labor to maintain and perpetuate injustices such as low wages or prolonged targets to continue increasing the supply of goods and services. Under this kind of capitalism, women are more vulnerable to experiencing patriarchal oppression such as unequal wages for equal work, sexual harassment in the workplace, uncompensated household work, and so on (Tong, 2009).

More broadly, the actual feminization of work, in this case, is also related to the minimal range of women's employment opportunities, limited by stereotypes and gender expectations that apply to each different type of work. According to Mezzadri (2016), the feminization of

work describes a process of extra value extraction, which is then strongly supported by patriarchal values. In the feminization of work, women enter and are involved in the labor market because of the patriarchal construction attached to it and the conditions of poverty experienced by women. In other words, the feminization of work occurs when women enter the labor market due to patriarchal values prevailing in society and the material conditions of women's lives, which tend to be poorer than men (Mezzadri, 2016).

In this regard, the feminization of work further deepens the double workload of women, especially those who come from poor working-class backgrounds (Mezzadri, 2016). These women tend to carry a heavier double burden than women of the urban middle class. How do poor working-class women also carry out social reproduction work in their homes after finishing their work in production or social reproduction areas outside their homes or workplaces (Izzati, 2019).

The construction of women's work also produces various work systems that domesticate these poor working-class women, so women who work do not have the opportunity to be actively involved in the existing democratic space. This keeps women away from the knowledge of their rights, such as rights as laborers, citizens, and even rights as women themselves. As a result, female laborers tend to be more vulnerable than male laborers (Izzati, 2019). On the other hand, not all Female laborers who work in production areas are also members of the union (Arifin, 2015). Even when they associate and voice their interest, most Female laborers often face obstacles to being actively involved in the union because of the double burden they have – both in production and social reproduction – which they bear in their daily lives. Hence, it takes their energy and time (Arifin, 2015).

The lack of involvement of women in unions is caused by the construction of women's work which places women's work in social reproduction in the household, not as work, and women's work is produced only as additional work. So this causes women to tend to be seen as not having the capacity for leadership or being able to make decisions for the organization (Izzati, 2019). In this case, even the government's role is increasingly cornering women by placing women as passive objects. Such as the existence of programs in the name of women's empowerment, but only limited to training programs related to women's domestic work. The empowerment model always assumes that women and other marginal groups are considered as parties who cannot speak up and help themselves (Mohanty 1998; Sardenberg, 2008).

Literature Review

Reproductive Health Problems in Female Garment Laborers

The concept of sexual and reproductive health, which is initiated by the framework of the definition of health according to the World Health Organization (WHO), is a state of complete physical, mental and social well-being – not only free from disease or disability, but reproductive health also discusses the reproductive processes, functions, and systems in all stages of life (Alzete, 2009). Reproductive health also includes the right of men and women to have timely and accurate information and access to their preferred method of contraception and appropriate prenatal, delivery, and postpartum health care services. Reproductive health services include all means, techniques, and services needed in matters relating to reproductive health (Alzete, 2009). Therefore, sexuality and reproduction must be included in the human rights framework to view the individual holistically according to general social work approaches, such as social systems, empowerment, and feminist perspectives. The inclusion of a sexual and reproductive rights agenda is likely to face resistance in many societies where laws and/or cultural norms conflict with such a proposition, especially rights that empower women (Alzete, 2009).

Reproductive rights include several components of human rights that have been recognized in national law, international documents related to human rights, and other United Nations treaties. These rights concentrate on the right to achieve the highest standards of reproductive and sexual health and include making decisions about reproduction without discrimination, pressure, and violence (Zenouzi, 2021). The development of reproductive health and addressing its various aspects at the national and international levels is an essential step towards providing public and family health (focusing on women's health). The breadth of reproductive health services shows the importance of this health service sector. In general, sexual and reproductive health originating from human rights is a significant part of medical ethics. Everyone must practice it, especially women, regardless of age, marital status, ethnicity, political views, race, religion, socioeconomic status, disability, etc. (Zenouzi, 2021).

As previously explained in the introduction, the global garment sector is a significant sector that remains in the realm of the industry that is advancing every year – despite its challenge in this current global crisis. One of the literature findings comes from Bangladesh. The garment sector in Bangladesh is characterized by high-quality production but low labor

costs. As the first large manufacturing sector in the country that employs a predominantly female workforce, the Readymade Garment (RMG) sector is seen as a significant factor in women's autonomy and self-sufficiency, mobility, financial literacy and inclusion, economic and general empowerment (Hossain et al., 2017).

Although work in the garment industry has improved women's financial situation, female factory laborers are still vulnerable to various health problems. Women in Bangladesh generally experience higher rates of anemia and deficiencies of other micronutrients such as vitamin A. Sanitation, access to water, and health taboos and prejudices impact menstrual hygiene and women's reproductive health. Reproductive tract infections are common among female laborers, and many of them miss work during the menstrual cycle due to pain and embarrassment (Hossain et al., 2017).

In a country with gender inequality and high rates of early marriage, the RMG sector provides an alternative route for young women. Factory work also enables young women to be independent through housing, financial autonomy, and self-sufficiency. Most garment laborers are recent migrants to urban areas where factories are located, and most are unmarried when they start working. Many women workers are the primary breadwinners for their birth households, and, like other migrants, most would send remittances to their rural families. Several studies have found that these female laborers are not only breadwinners but also active savers (Hossain et al., 2017).

Besides limited access to Family Planning and Reproductive Health (FP/RH) services and products in the workplace, many women workers lack awareness, or their knowledge is limited by cultural biases or gender-based power structures that influence decision-making. They are often reluctant and uncomfortable asking questions or seeking advice in public about reproductive health and family planning (Hossain et al., 2017).

Other literature reviews also target the reproductive health experienced by female laborers in the garment industry in the Sidoardjo area, Indonesia. Reaping that many female laborers still have to work more than 40 hours per week, it is difficult to get the right to take maternity leave during pregnancy. Female workers have different abilities and physiology from male workers. They are susceptible to several hazards such as noise, heat, dust, and vibration in the workplace environment. Workers with longer working hours are likely to be exposed to hazards, especially female workers (Martina et al., 2019).

Hazards in the work environment can cause various disorders such as menstrual disorders and pregnancy disorders in female workers. It is vital to protect female workers during their pregnancy to avoid the consequences of health risks for both workers and their babies. The concept of reproductive health of female workers that is the focus of this article includes two things, namely menstrual disorders and pregnancy disorders. Menstrual disorders include heavy menstrual bleeding, premenstrual syndrome, irregular menstrual bleeding, dysmenorrhea disorders, and menstrual cycle disorders. In contrast, pregnancy disorders include disorders during and after pregnancy, abortion, or low birth weight babies. These two disorders are a reproductive health risk for many women workers, especially workers in industrial areas who experience many harsh working conditions and risk their health (Martina et al., 2019).

Reproductive Health of Women Workers, in this case, includes several factors that influence; The influence of work shift factors on the reproductive health of women workers; shows the percentage of female workers with shift workers who experience reproductive health problems is 71.4%. Shift work, in this case, especially evening and night shift work, can affect the reproductive health of female workers (Martina et al., 2019).

The influence of work attitude factors on the reproductive health of female workers; Work attitude, in this case, is the position of the worker's body while working, classified into monotonous and non-monotonous types of workers. He is considered "monotonous" if a worker sits or stands for 4 hours. In terms of the female workers with a monotonous work attitude, 64.7% experience reproductive health problems. On the other hand, 58.3% of female workers with non-monotonous work attitudes experienced reproductive health problems during pregnancy (Martina et al., 2019).

The effect of work duration factors on the reproductive health of female workers; illustrates that the longer the duration of work they have, the more workers experience reproductive health problems. It is shown that 71.4% of female workers with more than ten years of service experience reproductive health problems (Martina et al., 2019).

So it can be seen that female workers are very vulnerable to various reproductive disorders. In this case, the work shift factor dramatically influences the incidence of various reproductive health disorders in female workers in the Sidoarjo industrial area. Female workers

with irregular shifts and night shifts have a higher risk of reproductive disorders. Work rotation and shifts can cause stress, menstrual disorders, and pregnancy disorders (Martina et al., 2019).

Efforts to Implement Sexual and Reproductive Health Protection for Female Garment Laborers with a Gender Perspective

The concept of gender sensitivity and gender development programs has undoubtedly become the focus of gender scholars and practitioners. From early attempts to develop analytical frameworks and case studies to newer management and workplace issues approaches. Governments and non-governmental organizations have also experimented with applying gender analysis in family planning services and sexual and reproductive health (SRH) (Alessandra C et al., 2002).

Gender sensitivity is still often seen as an abstract concept in the findings of existing studies, so transforming it into a concrete form at the program level is still a challenge. The desire to operationalize the concept of gender sensitivity or sensitivity in program implementation has become the focus of various governments and other institutions, such as the Western Hemisphere Regional Office of International Planned Parenthood Federation (IPPF/WHR). The involvement of gender sensitivity is closely related to sexual and reproductive health matters, such as family planning services, childbirth, HIV prevention, quality of care, and gender issues, including gender-based violence (Alessandra C et al., 2002).

Several important points are covered concerning the concept of gender in sexual and reproductive health programs. The first is about raising awareness of the importance of dealing with gender relations and power to understand the relationship between sexual and reproductive health, HIV, and gender-based violence, which later become essential points for effective program implementation. Consistent, ongoing support for gender issues in sexual and reproductive health (SRH) is also needed. This is because gender-based violence and other forms of power inequality can be subtle and invisible but significantly impair women's ability to protect themselves from the risks of SRH, such as unwanted pregnancy or HIV, or other sexually transmitted diseases (Alessandra C et al., 2002).

Applying quality of care from a gender perspective is also necessary for program makers to address the need to address gender-based violence and incorporate a gender element in work to prevent sexually transmitted diseases and HIB. Organizations addressing SRH issues can succeed if they integrate gender-aware and gender-aware sensitivities and philosophies into all

aspects of their service and program delivery (Alessandra C et al., 2002). Therefore, the need for protection and empowerment of the sexual and reproductive health of women garment workers can be pursued either by the government as a policymaker, companies or factories as implementers of worker protection, to the formation of various organizations or communities that can provide services, conduct research, lobby, or educate on issues that directly and indirectly affect the exercise of the reproductive rights of women workers.

Findings

Garment Industry issues in Indonesia

Latif Adam (2004) provides an overview of how the garment industry in Indonesia has long had unique characteristics compared to other industrial sectors. The garment industry in Indonesia has extremely low protection, as indicated by the Effective Rate of Protection (ERP) (Basri, 2001). Low barriers to entry also characterize the structure of the garment industry in Indonesia, thus illustrating how Indonesian people enter the realm of work in this industry without any objections (Adam, 2004). Therefore, the Garment Industry can still obtain high economic profits, even when facing a financial crisis (Adam, 2004). For example, when Indonesia experienced a significant crisis from 1997 to 1999, profits from the industrial sector in Indonesia had an average decline of up to 3.5% per year. However, in the same period, the garment industry experienced an increase in profits per year by 13.2% (Adam, 2004).

In its development, the garment industry is still relevant today. Since 2019, the Ministry of Industry has assessed that the Textile and Apparel Industry is the manufacturing sector that recorded the highest growth in the third quarter at 15.08% (Ministry of Industry, 2019). Hence the garment industry has become a manufacturing sector that is always prioritized for development, especially in the 4.0 industry era. When we look at the case of the COVID-19 pandemic crisis, it was observed that the garment industry is indeed experiencing difficult times due to the global crisis we were facing together. Therefore, Cotton Council International (CCI), a non-profit trade association that promotes cotton fiber and manufactured cotton products from the United States (US) under the Cotton USA trademark, held the annual Cotton Day 2020 agenda, which brought together the textile and fashion industry players in Indonesia. In these activities, maximum efforts are actively taken to involve industry players on a national and global scale, discuss various innovations, and encourage the company's business in the transformation era, including after the COVID-19 pandemic. The efforts made are also related

to how the garment industry players in Indonesia can expand their market network to global industry players directly so that they can continue to grow amid the current challenging conditions (Hidayat, 2020).

The garment industry is export-oriented, including companies engaged in garments/clothing, shoes, products based on leather, textiles, embroidery, washing/laundry, and export-oriented embroidery (Better Work Indonesia, 2018). The products that are often produced also tend to be competitive and fast-moving, for example, seasonal clothing, the need to use new or unique production techniques, and business expansion considerations, which can later influence the need to employ more workers (Better Work Indonesia, 2018). Better Work Indonesia (BWI) itself notes that one of the issues that are often faced is the problem of working relations based on a Specific Time Work Agreement (PKWT), which until 2016 itself had a figure of up to 75%. PKWT, in this case, covers the temporary types of work, so the implication is that it dramatically impacts the sustainability of workers in the sector. PKWT itself refers to existing laws in Indonesia, but the implementation of PKWT in this sector still often experiences forms of non-compliance. For instance, many employers do not abide by the maximum number of extensions or renewals set by national law regarding the use of PKWT (Better Work Indonesia, 2018). So this has the potential for non-fulfillment of workers' rights.

The garment industry sector is also closely related to the lack of fulfillment of workers' rights in terms of wages and leaves. I had the opportunity to interview one of the administrators of the labor union in Indonesia, Serikat Gerakan Buruh Nasional (SGBN), Bung Nahari. I asked about several crucial problems that workers in Indonesia often face, especially garment workers. SGBN itself is engaged in the management of two Garment Industries in Indonesia. Bung Nahari recently explained several fundamental issues, including the holiday allowances right (THR), which the company only wanted to pay by 25% during the COVID-19 pandemic (Nahari, 2021).

One of the most significant issues is wage problems. Bung Nahari explained how one of the garment export companies in West Java several years ago had experienced a criminal report about not paying workers' wages. The company leader, a foreign national, was almost named a suspect for nearly ten years. But when the leader was nearly set to be a suspect, he proposed peace and finally gave wages to workers. Bung Nahari saw how the industry still violated the regulations, and there was no firm priority for the workers (Nahari, 2021).

Various other cases also target acts of violence and sexual harassment of garment workers, especially female workers. A report from the Alliance of Indonesian Footwear and Textile Garment Workers/Labourers (APBGATI) revealed that as many as 56.5 percent of the 773 female workers working in 38 garment companies had experienced sexual harassment at the factories. Out of 437 female workers who were victims of sexual harassment, 93.6 percent of them did not report the sexual harassment they experienced (Relis ID, 2021). In this case, Luluk Nur Hamidah, a member of the Legislation Body (Baleg) of the DPR RI, revealed that female workers in factory areas are indeed vulnerable to sexual violence (Relis ID, 2021).

Female Laborers in Indonesia: The Case of Female Garment Laborers in Garment Factory in Setu Area, West Java

This section will provide more empirical data from the voices and experiences of female laborers in the Setu area in dealing with various problems in their daily lives, both in their reproduction function at home and their production activities at their workplace. This story ultimately leads to the fact, as stated in the background section, that female laborers are the ones who dominate the garment industry, especially in the production sector. The garment industry has its apparent access to female production employees, especially female workers from the lower class who need these jobs the most.

I had the opportunity to conduct a forum group discussion (FGD) interview with three female garment laborers who work as permanent workers in the production sector, particularly in the sewing department at a garment factory in the Setu area, West Java. In this case, these female garment laborers illustrate how they face daily life in the workplace as production workers and the lack of various protections imposed by both the company and government on laborers, especially the females.

Mila, fondly called Teh Mila, recounts the various ups and downs she experienced during the eleven years of working at the same garment company. The main problems she faces are long working hours that require her to come home late at night; the minimum working wage (UMK), which is still low and has not increased for the last three years. The other issue is overtime pay which is only calculated at 20 thousand rupiahs per day (Garment Workers Interview, 2021). She stated that she managed to endure it for eleven years out of necessity to fulfill the needs of her family. The other two garment laborers, Susi and Suharti, familiarly called Teh Susi and Teh Suharti, have worked in the same garment company for 16 years. They

told how they had persisted in working in the same place for a dozen years, while many other laborers had resigned because some of them could not stand the work system and treatment from the export company.

> *The reason we stay is because of the needs. Here is the most and number one priority. We put aside our selfishness; we put our family's needs first* (Garment Laborers Interview, 2021).

My interviewees then also recited various acts of injustice that are very close to their daily lives as garment laborers—starting from the unfair cost of labor wages. Laborers who are only counted through a few rupiahs, a minimum of seven hours of continuous work without sufficient breaks, and even exceeding those hours every day. The company enforces an employee bell at 7.15 am, and the time to leave work should be at 4 pm. However, since overtime is held almost daily due to daily high targets, most of them go home at least at 9 pm and only get paid a one-day overtime wage of 20 thousand Rupiahs. Violence is inevitable for them. Although physical violence is rare, not a few female laborers are also vulnerable to verbal violence. Teh Mila revealed that violence often occurs – portrayed by loud voices, insults, or stamping on the laborers' table. Due to the work target, laborers are obliged to sew 2500-3000 pieces of clothes every day on average.

> *So, every 25 minutes, we have to get some clothes* (Mila, 2021).

> *It exceeds the condition of our strength; that's how it works. We must be able to do this and that. Their system needs to be capable of reaching the targets by abusing us if we don't achieve it* (Susi, 2021).

The injustice of the female laborers' rights is related to the existence of women's reproductive health, such as menstrual and maternity leave. They revealed that everything about women's body needs no longer exists at the company, especially during this COVID-19 pandemic. Even before the menstrual policy was abolished, menstrual leave itself was a mere promise written on paper. According to the laborers, they had never experienced any benefits from the menstrual leave policy. Furthermore, they revealed that holiday leave wages were not paid at all, let alone cashed in. In fact, outside the 12-day leave regulation, laborers often experience wage deductions (Garment Workers Interview, 2021).

The self-definition as a female worker became one of the crucial things that I wanted to explore. One of my informants, Teh Mila, who persisted despite experiencing various oppressions, still has her reasonings about the needs of her family for the past dozen years. She herself is the second breadwinner, after her husband, for her two small children.

Workers' health protection guarantee is also one of the issues during the COVID-19 pandemic, and the primer workers' health insurance has not been fulfilled at all.

> *We left the house at 6-10. We left, we got there at 7. We arrived at night, and from here, it was already 10 pm, we arrived at the house, it was half-past 11. The child is already sleeping, I cleaned everything at home, and suddenly it's 12 o'clock. I woke up again at 5 o'clock. (Mila, 2021)*

Teh Susi also shared a deep story, who had to face the condition of her husband, who was sick and became the breadwinner of the family. Until finally, two years ago, her husband died due to a lack of access to adequate health services that should have been obtained from the company's health insurance.

> *Even when my husband died and I was sick, there wasn't much help. They didn't even bring me a single cup of water to calm me, let alone help me. At the very least, I took 300 thousand from the cash at that time, but I also used my own cash. When I arrived at the hospital, I was always getting rejected, I was getting refused everywhere. That's why I tried to take Jamsostek so I could go to the hospital. Why have I deposited BPJS Health for years if my husband died and the hospital refused to treat him? The reason is that we don't have BPJS. So it seems that we don't have any protection at all from the company. (Susi, 2021)*

Discussing government programs and the workers' level of knowledge about the law on worker protection, in particular, the informants did not feel any benefits or understanding of the policies or laws imposed by the government. In other words, the government-run policies protection feels minimal for those workers, especially female laborers who have tremendous deeper complexities.

> *Nothing is guaranteed for the employees' health. No one is ever guaranteed there. It's just that we are required to work there, we have to get a target, that's it. The company*

doesn't even care when the employees are about to die, they just require us to be healthy. They don't care about us at all (Susi, 2021).

The health service problems are also illustrated through health insurance which should be available to workers through BPJS Health. For workers, the existence of BPJS Health itself cannot be accessed, and even when they cut the wages every month, the company does not pay its obligations to BPJS Health. As a result, workers cannot access the health services they pay for every month through deductions from their fixed wages (Garment Workers Interview, 2021).

Discussions

Analysis of the Feminization of Work on the Female Garment Laborers

Government policies related to workers' rights are previously regulated in the Manpower Law, which currently uses the Job Creation Law or Omnibus Law as the main guideline. Unfortunately, there are articles on the Omnibus Law that need to be addressed regarding the dissonance of workers' rights. One of the most vulnerable points towards workers' welfare is the issue of wages and leaves. As stated in the experience of female garment workers in the previous section, the issue of wages and leave has a significant impact on the sustainability of the female garment workers' well-being. The issue of wage regulation by Article 88 of Omnibus Law removes several points, including abolishing wages for work breaks, severance payments, and calculating income taxes (Maharani, 2020). The problem is also related to the issue of leave as regulated in Article 79. This article is considered to be increasingly exploitative for workers.

In this case, the dominance of the dual role of women as workers and homemakers is a complicated occurrence; it indicates how the lack of rest hours discourse has always been an issue faced by female laborers (Latif, 2018). This is worsened by the fact that the government and companies do not pay any attention to the needs of female laborers. This intersects with the experience of my female laborer informant, Teh Mila, as a female garment laborer who also functions as a housewife at her home – revealed that she had difficulty managing time due to long working hours and the absence of proper leave rights. In the end, she revealed that she could only do housework on holidays, for example, washing clothes at home, which she can only be done once a week (Garment Workers Interview, 2021).

The government's negligence of female labor rights can also be proven by how women's reproductive needs, such as menstruation leave, are not removed or changed in the Omnibus Law, which was previously only contained in Article 81 of Manpower Law;

> *"Female Workers/Laborers who feel pain during menstruation and notify employers are not obliged to work on the first and second days of menstruation."*

This article alone does not emphasize the provision of wages if female workers are absent due to illness in the first days of their menstrual period (Karo Karo & Yana, 2020). This relates to how the menstrual leave policy has not been implemented and even abolished altogether in Setu's garment worker's interview. This illustrates how the government gives full authority to companies to regulate things on workers. More specifically, companies also have complete freedom to neglect the needs of female workers' reproduction rights.

The sexual division of labor is also closely related to how the State also generally ignores the rights of women and other marginalized individuals in the realm of labor politics itself. It has been proven how the need for women's reproductive health. For instance, a case of a female laborer who works for an ice cream company, PT Alpen Food Industri (AFI) or Aice, Elitha Tri Noviyanti, will illustrate the negligence of women workers' reproductive rights. Noviyanti was a 25-year-old female worker who, in 2019, had tried to apply for a work division's transfer due to an endometrial disease she had – a disease related to her reproductive organs as a woman. However, the company's response threatened to stop her from working or encounter layoffs unilaterally. In the end, she experienced heavy bleeding due to the excessive weight from her work. She was also forced to perform a curettage operation, resulting in the tissue being removed from her uterus (Krismantari, 2020). In this case, the abolition of the reproduction rights article of Omnibus Law will undoubtedly perpetuate the injustices committed by companies, especially against women workers.

The other related issue is the case of sexual harassment in the workplace. Previous sections show that around 56.5 percent of the 773 female laborers working in 38 garment companies have experienced sexual harassment in factories (Sonny, 2021). We have not yet met the regulations governing this issue. The stipulation for protecting women's rights in the workplace has not yet become a particular concern that should be contained in the law. On the contrary, policies such as Omnibus Law have become a top priority compared to the Draft Law

on the Elimination of Sexual Violence, which Komnas Perempuan has proposed in 2012 (Nur Rachman, 2021).

In this case, the concept of feminization of work is also closely related to the dominance of female laborers in the garment industry, as Duffi (2007) expressed regarding the analysis of the division of labor based on gender and its central role in perpetuating women's subordination. The source of patriarchal power in the labor market is also reflected by how the dominance of the leader or CEO of companies and the fashion business industry is still dominated by men. It stated that women run only 14 percent of big brands of fashion companies; the rest are still dominated by men (Spellings, 2018).

Therefore, the condition of women who are domesticated from the labor division places women's work as a complement to men's work, which makes women tend to be alienated even more from wider social life. It keeps women away from broader knowledge and awareness of their rights as workers, even as citizens (Izzaty, 2019). In my brief interview with the SGBN Labor Union, Bung Nahari revealed that there are still many workers' needs that are not guaranteed because of female workers' negligence about their rights (Nahari, 2021).

This ultimately provides a broader gap for companies and the State to make the term "women's work" something insignificant, as long as everything contributes to economic development. Anis Hidayah (2021) reveals how the implementation of Omnibus Law is committed to solely taking the interests of investors. The Omnibus Law is also considered unconstitutional, in which the decision of the Constitutional Court (MK) opens up spaces for multiple interpretations, which consequently do not have commitment and support for the wider community, especially workers, migrant workers, indigenous peoples, and so on (Hidayah, 2021).

In addition, more specifically, the State also ignores the women's rights which specifically possess their own needs related to their bodies and themselves as women. The State, which favors the owner of capital, also strengthens Iris Young's argument in describing the relationship of gender that accompanies the system of class regulation and class social relations between people (Tong, 2009). Capitalists are also present as patriarchal actors to oppress women while still providing a dependent relationship for lower-class women to the capitalist system itself.

Conclusion & Recommendation

Various spaces allow companies to act more unfairly towards workers, especially female laborers if they do not have a legal basis that protects workers consistently and significantly. The implementation of the Omnibus Law further illustrates the government's negligence regarding the protection of workers, specifically female workers. Community efforts in revising this legal product are still being fought for. Several other things are also related to the rights that should be applied specifically to the needs of women, especially in preventing various acts of violence and sexual harassment toward working women, including in the garment industry. The chairman of the Alliance of Indonesian Footwear and Textile Garment Workers/Laborers (APBGATI) also expressed the pressure specifically imposed on the government and the Indonesian House of Representatives to enact the Elimination of Sexual Bill (RUU PKS) as official law. This can ultimately encourage the company to make regulations that can prevent and handle gender-based violence, including sexual harassment in the workplace. (Sonny, 2021).

Furthermore, sustainable support for gender issues in Sexual and Reproductive Health (SRH) also needs to be regulated by the government in laborers' workplaces, especially considering the presence of these points in workers' rights of Omnibus Law. Gender-based violence and other forms of power inequality can take subtle and invisible forms; therefore, it can significantly impair women's ability to protect themselves from various sexual and reproductive health risks, such as unwanted pregnancies, HIV, or other sexually transmitted diseases (Alessandra C et al., 2002).

Citing the Gender and Development principle developed by the International Labor Organization (ILO) states that women are usually disadvantaged in the workplace compared to men. Therefore, the promotion of gender equality implies attention to the needs and perspectives of women. Thus, gender equality is considered an essential element in achieving decent work for all women and men, influencing social and institutional changes that lead to sustainable development with equity and growth (ILO, 2021). This is the main principle in seeing how the need for gender analysis is still very much needed, especially in implementing government policies that ultimately involve the community from various existing layers—considering the many complicated issues that still occur to certain phenomena that are close to one gender, which often experiences repeated alienation.

The female laborers themselves, the representative of the SGBN labor union, Bung Nahari, also expressed the need for a deeper awareness of the workers themselves regarding their rights, especially women's rights. So that this can lead women workers also to be able to rebel against their rights, and later on, they will be provided with more profound knowledge in the future (Nahari, 2021). Although this will again burden the community, the workers' power is the key driver of democracy, and the voice of the people themselves is the main principle in the country's development.

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Interviews

Interview with Female Garment Laborers (Teh Mila, Teh Susi, and Teh Suharti) in Setu Area, West Java on December of 04th 2021, 19:00 WIB

Interview with Sentral Gerakan Buruh Nasional (SGBN) Labor Union organizer (Bung Nahari) in Setu Area, West Java on December 04th 2021, 16:00 WIB

Addressing Gender-based Violence against Women in Malaysia During the Pandemic

Dr. Haezreena Begum Abdul Hamid[13]

Abstract

COVID-19 has brought to the forefront and exposed longstanding gender tensions and inequalities as the world struggles to contain the spread of the novel Coronavirus. The extensive scale of the virus has caused fear, confusion, and panic throughout the globe spurring states to devise stringent procedures to manage the crisis. In Malaysia, A Movement Control Order (MCO) was implemented on 18 March 2020 as a preventive measure to control the spread of the virus. In light of such restrictive measures, reports on gender-based violence have increased rapidly in homes because women and girls are sheltering-in-place with their abusers. Part of this is due to reduced access to support systems, as lockdown and curfews confine victims to their homes, limit contact with persons outside their household, and postpone court hearings or counselling services on domestic issues. Additionally, women face struggles in detaching themselves from their partners and escaping abuse due to the uncertainty the pandemic brings. These are serious hindrances to the protection of women and girls in Malaysia. Despite such grievances faced by women and girls, the Malaysian government has yet to resolve a concrete policy action to tackle these issues. Although the general attitude towards the protection of women and children is shown by the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), the lack of political will and reinforcement of patriarchal attitudes appears to be an obstacle in enabling the government to formulate a robust state mechanism to address gender-based violence. Therefore, this article argues that more gender-sensitive or gender-responsive policies must be formulated in order to protect the rights of the people equally.

Keywords: gender-based violence, domestic violence, movement control order, transwomen, harms.

Introduction

Since the outbreak of Covid-19, emerging data, and reports from frontliners and NGOs, have shown an increase in all types of violence against women and girls (UN Women, 2020b; Usta, Murr, & El-Jarrah, 2021). The extensive scale of the virus has caused fear, confusion, and panic throughout the globe spurring states to devise stringent procedures to manage the crisis. In

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Malaysia, A Movement Control Order (MCO), which is Malaysia's version of quarantine and lockdown, was implemented on 18 March 2020 as a preventive measure to control the spread of the virus. A Stay-At-Home Order was mandated between March-May 2020, save for essential activities (Teoh, 2021). A mandatory work-from-home (WFH) policy was implemented as part of the MCO in order to curb the Covid-19 infection. Only businesses providing essential services and items, such as manufacturers, suppliers, retailers, and food outlets, were allowed to operate (Prime Minister's Office of Malaysia, 2021). Mass movements and gatherings, including religious services, were prohibited nationwide (Tang, 2020). Services at counters were closed, and most government offices were operating under skeletal staff. The MCO was carried out in four phases, which lasted for almost two years and two months. Certain areas with high numbers of Covid-19 infections were placed under an "Enhanced Movement Control Order" (EMCO) for 14 days, and all roads leading to the area were blocked. The EMCO restrictions in 2020 meant that all residents and visitors within the area were prohibited from leaving their houses. These restrictions were later relaxed in mid-2021 to allow one person per household to run errands, which was normally the male figure of the family.

In light of such restrictive measures, reports on gender-based violence have increased rapidly in homes because women and girls were sheltering-in-place with their abusers. According to Article 3 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic violence, acts of gender-based violence are emphasized as resulting in physical, sexual, psychological, or economic harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes domestic violence, sexual violence, exploitation, sexual harassment, and other forms of abuse of women. Based on the statistics derived from the Royal Malaysian Police, Ministry of Women, Family and Community Development, and NGOs, the number of domestic violence reported was particularly high during the implementation of the MCO (Gani, 2020; Karim, 2021). For instance, the Royal Malaysian Police reports that a total of 73,123 cases of domestic violence against women were recorded, with those aged 26 to 35 being the highest segment of perpetrators (Zulkifli, 2021). These numbers, however, do not reflect the entirety of the cases in Malaysia but only those who have reported their cases to the authorities. Among reasons for not reporting domestic violence, occurrence ranges from feelings of fear, not wanting to destroy the family structure, wanting to preserve the social and economic status, financial dependency, shame, guilt, and social stigmas. Furthermore, traditional male-dominated culture still exists despite the

country's modernization, which may have prevented women from speaking out or exposing their marital problems (Kadir Shahar, Jafri, Mohd Zulkefli, & Ahmad, 2020). This is consistent with the UN Women report, which notes that only one out of 10 women were willing to seek assistance from the police (UN Women, 2020b). But with the unusual circumstances of MCO, some women are also afraid and unsure of how to make a report. This is because the courts itself was operating on minimum hours, and help agencies were either closed or operating with skeletal or minimum staff.

Given the vulnerability of women and children, particularly during the MCO, this article will investigate the main causes of the increase in gender-based violence during the MCO and the policies made by the government or the lack thereof in protecting women and girls. To understand the link between gender-based violence and the MCO, three main factors will be examined. First, the government policies (or lack thereof) limit a person's mobility and keep people safe and informed at home. Second, the services or aid available (or lack thereof) to individuals who intend to seek help and protection from harm, and third, the difficulties and challenges encountered in facing and tracing victims of domestic violence. The article will to a substantial degree, argue that the MCO, which is thought to be an infinite measure of curbing the spread of the pandemic, has resulted in harmful consequences for women and girls and exacerbated risks of violence, exploitation, abuse, or harassment against women.

Methodology

The article reviews the literature on the rise of gender-based violence, particularly domestic violence in the times of Covid-19. The paper also reviews the officially published statistics on websites, newspapers as well as mass media literature focusing on the rise of gender-based violence during the pandemic and the implementation of the MCO. Most of the statistics in this article are taken from local and international newspaper reports, published reports, news, and online articles, academic studies, and information submitted to their official email address, as well as non-governmental institution reports which provide extensive coverage on gender-based violence and domestic violence in Malaysia. Primary and secondary sources such as books, journal articles, legislation, published reports, newspaper and magazine articles, websites of non-governmental organizations (NGOs) websites, and governments including the United Nations websites and its agencies covering the period from 1969 to 2021. Articles included were either cross-sectional, cohort, or case-control studies, which were published between the year 1969 and the present. The most common keywords used for this analysis are

terms and phrases which include: ‘gender-based violence’, ‘domestic violence’, ‘women’, ‘trans women’, ‘transgender’, ‘LGBTQI+’, ‘movement control order’, ‘harms’, ‘domestic abuse’, ‘protection’, ‘work-from-home’, ‘stay-at-home’, ‘Covid-19 Malaysia’, ‘pandemic’, and a combination of or two or more of those terms.

Literature Review

Gender-based violence refers to harmful acts directed at an individual based on their gender and has been framed principally with respect to violence against women and girls (Carpenter, 2006). Article 1 of the Declaration on the Elimination of Violence Against Women defines “violence against women” as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” Although the term “gender-based violence” is widely used as a synonym for violence against women, the article acknowledges that gender-based violence also occurs among men, children and transgender communities (O, OB, & OS, 2011; V (formerly Eve Ensler), 2021). However, for the purpose of this article, only women and girls (to a lesser extent), and transwomen will be discussed in this article given the overwhelming data on gender-based violence on these groups.

Gender-based violence is a serious violation of human rights that can result in or is likely to result in devastating effects and life-long trauma to victims (Lorente-Acosta, 2020). It includes a host of harmful behaviors such as wife abuse, intimate partner violence, ‘honor killing’, sexual violence, female genital mutilation, child marriage, exploitation, sexual harassment, online violence, threats, coercion, and manipulation (Stoebenau, Heise, Wamoyi, & Bobrova, 2016). The harms of gender-based violence could affect the physical, reproductive, and mental health of the victim (World Health Organization, 2018). Physical and reproductive health impact includes injuries, untimed/unwanted pregnancy, sexually transmitted infections (STIs) including HIV, pelvic pain, urinary tract infections, fistula, genital injuries, pregnancy complications, and chronic conditions (Ibid). Mental health impacts include post-traumatic stress disorder (PTSD), depression, anxiety, substance misuse, self-harm and suicidal behavior, and sleep disturbances (Ibid). In addition, victims may also face stigma and rejection from their community and family and feel guilty if she takes any action to salvage themselves (Ibid). Gender-based violence also seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men (Manivannan, 2015).

According to several research conducted by NGOs and academics, domestic violence remains to be the most prevalent form of gender-based violence, impacting one in every three women around the globe (Reed, Raj, Miller, & Silverman, 2010; UN Women, 2020b). This has been further exacerbated by the pandemic and curfew measures imposed by states. Domestic violence is a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner (United Nations, 2021). It shows an imbalance of power that is maintained by a pattern of coercive tactics of control carried out by actual or threatened physical, sexual, psychological, economic, or verbal abuse, which places an individual with whom there is a past or present intimate relationship, in fear (Randawar & Jayabalan, 2018). This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound a person (Ibid). Domestic abuse can happen to anyone of any race, age, sexual orientation, religion, or gender. It can occur within a range of relationships, including couples who are married, living together, or dating. Domestic violence also affects people of all socio-economic backgrounds and education levels. Domestic violence is often known by a variety of names, such as intimate partner abuse, family violence, domestic abuse, wife-beating, battering, marital abuse, and partner abuse (Hornor, 2005). Domestic violence also places children at risk physically, emotionally, and developmentally (Hornor, 2005).

In Malaysia, domestic violence is reported to be the leading form of gender-based violence (Karim, 2021) and the main reason for divorce (Sisters in Islam, 2021). Many women experienced various types of violence or abuse at home during the pandemic and were unable to seek help or leave their homes because of the Stay-At-Home Orders imposed by the government. As a result, women become stuck in abusive relationships and continue to be subjugated by their male partners. According to Walby and Towers (2017), the lack of services, help, aid, and protection for women could lead to an increased level of violence against women and girls. In this regard, women experience violence on two different levels: first, at the intimate personal level through their abuser, and second, at a structural level through the state failing to provide adequate protection for women (Sanders-McDonagh, Neville, & Nolas, 2016). Therefore, this article argues that the imposition of the MCO and the lack of services for women involved in, or exiting, an abusive relationship can amount to state-sanctioned violence.

Previous research has firmly established that gender-based violence is deeply rooted in gender inequality, the abuse of power, and harmful norms (Wanjiru, 2021). These three

elements are mainly defined by the historical context surrounding gender-based violence and the normalization of violence that transcended over time and usurped women's rights. These pre-existing factors have accentuated the risks of harm with longer-term consequences during the pandemic and lockdown measures. While scholars have set forth various factors contributing to gender-based violence, this article will highlight only two main components. They are the structural component and the goal of control (Lorente-Acosta, 2020). In both components, isolation or attempt to isolate women have become the main variable to suppress and control women. Therefore, the article argues that the existence of the MCO facilitates gender-based violence and allows the abuser to continue abusing the victim with impunity. Thus, the government should take immediate steps to ensure that women have access to protection even during the most stringent phases of lockdowns and quarantines.

Structural Component

The structural component of gender-based violence stems from the classic works of Johan Galtung on 'structural violence' (Galtung, 1969). According to Galtung's definition, structural violence arises as a result of elements in culture and social organizations that are used to prevent the satisfaction of needs (Ibid). Cultural violence is defined here as any aspect of a culture that can be used to legitimize violence in its direct or structural form (Galtung, 1990). In this instance, violence is built into structures that legitimize acts of oppression, racism, and inequality (Ibid). This is marked by unequal access to the determinants of health such as housing, good quality health care, unemployment, and education, which then creates conditions where interpersonal violence can occur and shape gendered forms of violence that place women in vulnerable positions (Montesanti, 2015). Within this context, gender is inescapably embedded in social systems and institutions. Thus, gender-based violence is embedded within this structural violence because it takes place under the construction of gender roles and sexual stereotypes. Such circumstances are clearly visible in Malaysia, where gender-based violence is largely rooted in individual attitudes that condone violence within the family, the community, and the State (Perrie, 2020).

In addition, structures, policies, and practices aimed at promoting violence and/or not providing adequate sanctions for those who commit violent acts against women are often normalized and masked under the name of religion. For example, section 60 of the Islamic Family Law (State of Selangor) Enactment 2003 proclaims that a wife shall not be entitled to maintenance when she is *nushuz* (disobedient wife) or unreasonably refuses the lawful wishes

or commands of her husband. This would include her refusal to be intimate or associated with her husband, leaving her marital home against her husband's will, or refusing to move with her husband to a new home or place without any valid reason, according to Hukum Sharak (Islamic precepts). Such forms of control amount to discrimination, which has directly or indirectly resulted in women's oppression in Malaysia. Some scholars argue that the husband is entitled to beat his wife if she does not obey to his wishes (Thohir, 2019). This stems from the Al-Quran's verse of an-Nisa '(4): 34 that says:

> *Men are the protectors and maintainers of women because Allah had made one of them to excel the other, and because they spend (to support them) from their means. Therefore, the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband's absence what Allah orders them to guard (e.g., their chastity, their husband's property). As to those women on whose part you see ill-conduct, admonish them (first), refuse to share their beds (next), (and last) beat them (lightly, if it is useful); but if they obey you, seek not against them means (of annoyance)* (Translation of the meanings of the noble Qur'an in the English language, 1984).

This verse suggests that an action can be taken to give lessons to a wife but not to hurt or even to act violently. However, the beating of a spouse falls under the category of domestic violence and is punishable under the Malaysian Domestic Violence Act 1994. While the existence of such a clause may seem to act as a shield to protect women from harm, there appear to be challenges in prosecuting husbands for domestic violence. Police investigations for domestic violence cases depend on the witness statement of the complainant (victim), which means that the entire case stands on the willingness and ability of the complainant to cooperate with the police and testify in court. This is in contrast to countries such as the United Kingdom, which can pursue an investigation and run a victimless prosecution if they believe that there is a serious risk to the public and the propensity of the accused to repeat his violent acts (Zulkifli, 2021).

As it stands in Malaysia today, it is often the wife who will need to provide details of the injuries and past injuries, incidents, dates, times, weapons, medical reports, and witnesses to the police. If the complainant (wife) withdraws a report, the police will categorize the case as NFA — No Further Action, which means no further investigations will be carried out. Such a situation may occur if a wife continues to live with her husband despite the beatings,

harassment, or insults she is forced to endure. According to some research, some wives choose to stay with their violent husband because they feel coerced or trapped in the relationship or is financially dependent on their husband (Awang & Hariharan, 2011; Wilcox, 2006). They may also be fearful of further violence that may be inflicted upon them or their children, family members, or pets. There are also instances where a wife is willing to give another chance to the husband because she loves him and is emotionally dependent on him. In this situation, women will learn to cope with the daily victimization and learn to normalize violence at some point.

Consequently, women become exposed to 'everyday violence' and develop a sense of inferiority, which can be later internalized (Stanko, 1990). 'Everyday violence', according to Stanko (1990), relates to how women manage their danger on a daily basis and experience violence as a common occurrence. As a result, women do not realize that they have been abused or harmed because they have become tolerant of the abuse they face (Kandiyoti, 1988). By internalizing 'everyday violence', women do not always regard themselves as victims, even though they have been objectively harmed (Hoijer, 2004). This stems from traditional and religious beliefs (such as Islam and Christianity) that the husband is the ruler of the family and is regarded as the formal authority with whom the wife and children must respond and comply with (Sakalli, 2001) as exemplified in the interpretation of verse An-Nisa, 4:34 as earlier cited.

As Muslims were taught to believe in a just God and a just Islam, it is difficult for women to believe that God could sanction injustice, oppression, and violence toward them (Sisters in Islam, n.d). For these reasons, women often police and discipline their own bodies and behaviors and police other women too.

Media's role and government policies. The MCO, which is aimed to reduce and restrict the spread of Covid-19, has also highlighted several issues – one of which has been the increase in sexist language over social media. Among the message that has ignited anger among women's groups and activists is the set of recommendations given created by the Ministry of Women, Family and Community Development on how women should behave at home during the lockdown. The 2021 poster entitled *'How to Keep Calm and Peace in the House?'* depicts images of an 'ideal' wife or mother who does not nag their husbands, dress up, and wear make-up as a way to maintain discipline and routine while working from home (Solhi, 2020). The 'ideal' wife or mother should also refrain from being "sarcastic" when asking for her husband's help with the household chores. There were also suggestions that women use the voice of the

cartoon character Doraemon when trying to defuse a misunderstanding with their male partner (Ibid). Such advice has drawn widespread criticism from women's organizations and Malaysians around the globe, causing the Ministry to withdraw the poster and apologize to the public.

While this message has suffered the public backlash, the image of an 'ideal' wife or mother is still deeply alive within the Malaysian community. For instance, a 2008 nationwide study among 1000 Malay women on perceptions of women's roles and progress demonstrated that women were perceived to have primary roles towards the family by supporting the husband or nurturing the children (Kadir Shahar et al., 2020). Also, women are expected to maintain their femininity, be subservient to their husbands, and willing to make sacrifices when necessary. For the Malay-Muslim community, there is a pervasive need to project the image of a 'proper Muslim woman' to avoid negative perceptions on the part of others, such as the extended family, neighbors, work colleagues, etc. (Sisters in Islam, 2019). The need for this projected image seems to apply almost exclusively to Muslim women and not men (Sisters in Islam, 2019). These patriarchal values, which are still firmly rooted in the Muslim-majority society, may influence the reactions of women when faced with marital disputes or disharmony.

In view of assisting families in coping with the hardship and difficulties during the MCO, the Malaysian government introduced the first economic stimulus package called 'PRIHATIN'. The PRIHATIN package provides that cash transfers are given. However, they are handed to the head of households, who are predominantly men in Malaysia, as research has shown that 80% of households in Malaysia are headed by men while only 20% are headed by women (UNICEF, 2020). In this situation, women become financially dependent on their abusive partners and are trapped in a web of harm without any resources or support. This suggests that the PRIHATIN economic stimulus package lacks the ability to empower women, who are most likely the victims of domestic abuse.

Another method of reinforcing the patriarchal practices is through the launching of the 100-day *"Keluarga Malaysia"* program, which aims to help alleviate the cost of living of low-income consumers affected by the Covid-19 pandemic and the flood disaster in the country. Although, on the surface, the aims may sound rather economical and welfarist, the term *"Keluarga Malaysia"* which means the Malaysian family seeks to reinforce gender roles and uplifts the patriarchal role in the family. In a generic Malaysian family, the father (or eldest son) is usually the patriarch or at the top of the hierarchy. At the same time, his wife supervises

the daughters in the household, forming a well-accepted power structure dominated by males. This hierarchy is sugar-coated mainly by giving them a justification through religious beliefs, either through Islam, Confucianism, Hinduism, or Christianity. This adds up to a single person (mostly the father/provider) being the "leader" of the family, who gets to enjoy a veto power for any and all decisions that the members of the family. This pre-existing hierarchy puts enormous pressure on women and girls to police and regulates themselves as patriarchy commands that women behave and stay obedient (Kandiyoti, 1988). This socially accepted patriarchal behavior creates a vicious cycle where women become less dominant than men and are not fully in charge of choosing their career or occupation(s) and are not able to make their own decisions. It creates and facilitates dependency on male figures. Such tactics illustrate how terminologies and policies, however subtle, can reinforce structural control on households and perpetuate patriarchal practices.

The Goal of Control

According to Lorente-Acosta (2020), the main aim of gender-based violence is to control and subject women to the dictates and references imposed by the aggressor based on structural elements of society and culture. Women are sometimes prohibited from leaving the house and threatened that they would contract Covid-19 and infect their husband/abuser if they leave the house (Sisters in Islam, 2021). Such threats are further exacerbated by the daily reports on coronavirus infections and deaths in the country and around the globe, causing fear, anxiety, and stress to individuals worldwide (Ahorsu et al., 2020). For Muslim women, their responsibilities revolve around obedience and conforming to expected roles and duties (Sisters in Islam, 2019). This duty to obey one's husband has led to many situations where wives have not taken into consideration harm or injustices that may be committed unto them, such as in domestic violence (Ibid). Due to this unfaltering belief in obedience, women are sometimes reluctant to reach out for help, and for those who do, help may not be forthcoming given the stringent procedures imposed during the MCO. It would also be difficult for women to talk on the phone or call for support in the presence of the abuser, especially for those who live in small houses or flats. In these circumstances, women are being subjugated through the infliction of harm and control of behavior.

In normal circumstances, women or children, with the help of NGOs such as the Women's Aid Organisation (WAO), could seek an Emergency Protection Order (EPO) from the social welfare department (JKM). The EPO can be obtained almost immediately or within

two hours after application and is valid for seven (7) days. This period of time allows women to lodge a police report and apply for an Interim Protection Order (IPO) from the court. However, given the outbreak of coronavirus, the closure or reduced operations of service providers and courts following the work-from-home orders to contain the spread of coronavirus has made it difficult for women to access help (Hamid, 2021). Although women's groups such as Women's Aid Organisation (WAO), Women's Centre for Change (WCC), Sisters in Islam (SIS), or the All-Women Action Society (AWAM) provide telephone counseling services, they cannot aggressively reach out to known victims. Still, they can only publicly state that they can offer advice to those who need help (Sisters in Islam, 2021).

As a result, women are forced to stay at home with the abuser, which makes it hard for them to seek help or report domestic abuse (Godin 2020). Such form of control and scare tactics has directly or indirectly resulted in women's oppression in Malaysia. It also has degraded women and reduced their capacity as persons with the agency (Covington & Bloom, 2006). However, women's oppression is often concealed, rendered 'private', and powerfully normalized through patriarchal ideologies which are embedded in culture, religion, and social structures (Forbes, 1995). The traditional tendency to consider women as subordinate to men has led to the perception of justification of traditional violent practices and gender-based violence as a form of control or 'protection' of women, which is visible in the above examples.

For women in rural areas, the emergence of coronavirus has heightened the violence to a higher degree than the normal situation. According to The Sabah Women's Action Resource Group (Sawo), President Winnie Yee, married women in rural areas such as in the states of Sabah and Sarawak in East Malaysia faces a higher frequency and severity of physical and mental torture inflicted by their husbands, husbands' relatives, and family members compared to urban women (Kwan, 2021). However, domestic abuse cases in these areas are often undetected, given that most of the government's plans are centered around the peninsula states (Ibid). Although the Ministry of Women, Family, and Community Development is working on setting up social support centers, there are still minimal resources and help provide for people living deep inside rural areas, given the lack of transportation and difficulties in accessing these areas (Ibid). In addition to this, there are no visible guidelines or assistance rendered to women living in rural areas.

Findings

According to a United Nations Population Fund (UNFPA) research, domestic violence increased by around 20% during the pandemic among the Member Nations of the United Nations, including Malaysia (The Guardian, 2020; United Nations Population Fund, 2020). However, most data available in Malaysia are based on studies conducted on women in cities and urban areas, while studies on women in rural areas are hardly accessible online or accurate. With the pandemic at large, data on violence against women in rural areas have become even scarce and difficult to find on the internet and on government websites. Researchers could not conduct face-to-face interviews with women due to the multiple restrictions and mobility imposed by the MCO. Attempts to conduct interviews online may be hampered by the poor network coverage and unstable internet lines in rural areas.

There has been, however, sporadic research carried out by researchers on women in rural areas just prior to the wake of the pandemic. One of them is a survey conducted between 2018 and 2019 by Sisters in Islam and IPSOS on 675 Muslim women residing in cities, urban, and semi-urban areas. The objective of the research was to discover the experiences and realities that Muslim women face in their day-to-day roles as a daughter, wives, mothers, and career women. Of the 675 women interviewed, 43% were from rural areas, while the remaining resided in the cities, urban and semi-urban areas throughout Malaysia. The questions designed in this survey were aimed at identifying Muslim women's understanding of equality and how religious beliefs might intersect or influence them in understanding the meaning of equality. Women were asked about their understanding of obedience, responsibilities, and fulfillment of duties towards their husbands. 97% of the 675 respondents were of the view that obedience to their husband and motherhood defines a woman as a 'good wife'. Thus, many of them felt that reporting any act of domestic violence, including marital rape, would amount to betrayal and disobedience to the husband.

21% of respondents believed that a husband has a right to beat his wife based on the concept of *nushuz*. 88% of respondents understood *nushuz* to include the refusal of a wife to leave the house without her husband's consent, refusal to move with her husband (54%), refusal to have sexual intercourse with her husband (52%), refusal to open the door for her husband (50%) or refusal to answer to the husband's calling (46%). Under these circumstances, these respondents believe that a husband is justified to beat his wife as it constitutes disobedience. As a result, the percentage of women who experienced domestic violence is relatively high in

all localities. Of the 675 women in the study, between 63% - 91% of women have experienced some form of domestic violence. Of the 293 women who lived in the rural areas, 82% had experienced some form of physical and/or emotional abuse, and 83% of the women had to do all house chores without the help of their husbands.

Given the pre-existing statistics obtained from the above study, we can only infer that the restrictions caused by the MCO during the pandemic have only exacerbated the figures in all localities. According to the Ministry of Women, Family, and Community Development, 9,015 cases of domestic violence were made through Telekasih, their helpline, from March 2020 to August 2021 following the implementation of the MCO (Karim, 2021). This is a 57% increase from the normal cases they usually receive (Gani, 2020). The Royal Malaysian Police have also reported a surge in numbers of domestic violence cases, with 4,905 cases in a period of eight months compared to 5,260 for the whole of 2020 (Karim, 2021). According to the statistics and research, domestic violence is more common among Malay-Muslims (Ghani, Ahmad, & Mohamad, 2016). This is because the Malays form the largest ethnic group in Malaysia and tend to rely on the support of the government in most cases. Hence the overwhelming reports received from Malay women and girls. However, the pattern is slightly different with the NGOs as they usually do not publicize their data based on ethnicity. As a result, it becomes difficult for different ethnic groups to address domestic violence problems within their communities since there is no precise data available.

While there may be a surge in the numbers of domestic violence reports given by the authorities, helplines operated by NGOs have a slightly different projection on their statistics. Several NGOs, such as the Women's Aid Organization (WAO), have reported an increase in the number of reports, while Sisters in Islam have reported a drop in help calls. WAO recorded a staggering four-fold increase in the number of calls received from February to March 2020 compared to the number before the MCO was imposed (WAO, 2020). WAO also subsequently saw a greater spike in the first half of April, where they received a total of 264 calls and WhatsApp inquiries, which is a 111.2 percent increase compared to 125 calls and WhatsApp inquiries over a 14-day period in February (Ibid). However, Telenisa, a legal helpline operated by Sisters in Islam (SIS), observed a drop in the number of calls received from the middle of March until the middle of April 2020 following the implementation of the first MCO (Sisters in Islam, 2021). This was due to the lack of privacy caused by cramped living conditions in homes, making it difficult for individuals to make calls to their helpline. Following such

difficulties, Telenisa had improvised its method of communication to allow the voice to text complaints to be made via their WhatsApp number instead of just calling their ordinary landline.

According to Telenisa's Statistics Reports published by Sisters in Islam, a total of 422 clients were identified in 2020, a decrease from 610 clients in 2019 (Sisters in Islam, 2021). Out of the 422 clients, 373 were women (88%), 31 were men (7%), and 18 (5%) were not identified (Sisters in Islam, 2021). As with other studies that pay significant attention to domestic violence in metropolitan regions, there has also been a lack of data on the number of victims of domestic violence in rural areas, particularly during the pandemic. The data recorded by Sisters in Islam shows that most of their clients were concentrated in Klang Valley, with a total of 276 people (66%). This figure is further broken down into states and territories of Selangor with 161 clients, followed by Kuala Lumpur with 110 clients and Putrajaya with five clients. The remaining 34% of their clients resided in other states with no specific details if they were in urban or rural areas.

Complaints made were mainly on the dispute on child custody and visitation rights, delayed court hearings, domestic violence, and requests for financial and food aid. Telenisa also reports that throughout 2020, a number of 352 clients (83%) preferred to communicate with them through telephone, which included text messaging via WhatsApp. This was followed by email (13%), Facebook (3%), and personal meet-ups (1%). Most of the clients were concentrated in the densely populated area of Klang Valley (Kuala Lumpur, some parts of Selangor, and Putrajaya), with a total of 276 people (66%) (Sisters in Islam, 2021). Telenisa further reported that the number of domestic violence cases had surged from 15% in 2019 to 23% from May to June 2020 – during the first MCO. Physical abuse was reported to be the leading form of abuse (37%), followed by psychological abuse (31%), social abuse (11%), financial abuse (16%), and sexual abuse (5%) (Sisters in Islam, 2021). These figures indicate the different tactics used by the abuser to inculcate feelings of fear and establish power and control over women.

Trans Women

The higher rates of domestic violence in the LGBTQIA+ community combined with Covid-19 stressors have heavily impacted the LGBTQIA+ community, especially Trans women (Osborn, 2022). According to Gyamerah et al. (2021), trans women experience high rates of gender-

based violence (GBV) — a risk factor for adverse health outcomes. However, members of the LGBTQIA+ populations often experience difficulties accessing support services and report inadequate, discriminatory, or stigmatizing treatment from providers, and the Covid-19 pandemic has compounded existing access barriers (Osborn, 2022). Similarly, in Malaysia, the emergence of restrictions around Covid-19 has heavily impacted the LGBTQIA+ community since previous research has shown that trans women, in particular, experience domestic violence at a higher rate which leaves them particularly vulnerable (Ibid). Some of the reasoning behind why this community might experience higher rates of domestic violence is because the power and control differ more than in cisgender or straight relationships (Eve, 2021).

Further, trans women are usually more financially reliant on a live-in partner, and, consequently, the financial stressors of Covid-19 have led to more problems for them (Ibid). Financial abuse may have increased during the MCO, and it might be harder for trans women to leave their homes. Additionally, they might have a more challenging time finding help. Apart from financial constraints, trans women also face difficulties in getting medical treatment. This is because transgender-friendly healthcare services in Malaysia are nearly non-existent (Salva, 2019). Healthcare workers continue to treat gender incongruence with the sex assigned at birth as a psychological deviation or consider it a mental illness (Zi, 2021). As it is, trans people in Malaysia have a much harder time finding stable housing and steady work, and Covid-19 has amplified their already existing barriers. Furthermore, trans people are seen as "deviants" who live against the norms of society (Salva, 2019). This is because government officials and religious leaders have consistently fuelled transphobia and homophobia for years. As a result, most organizations that work together with the trans community, such as SEED, work discreetly for fear of being harassed or attacked by the public.

Such pre-existing problems that plague the Malaysian trans community have worsened due to the Covid-19 pandemic. Many have lost their jobs due to the MCO but are unable to return to their families for fear of being oppressed and stigmatized by the immediate communities (Zi, 2021). Although many of the transgender people in Malaysia belong to the B40 group (which means individuals who earn less than RM4,850 per month), many of them find themselves not eligible to receive government aid due to their appearance. The lack of government support for transgender people during the Covid-19 pandemic means the community has to look out for themselves to survive. Although such situations indicate that

this group of women is in dire need of assistance, they seem to be forgotten and overlooked and are at greater risk of experiencing domestic violence, exploitation, and harassment.

Recommendations

While the MCO may provide ongoing advisory on social distancing and safety measures on Covid-19, there are no specific guidelines that cater to women and girls, let alone for trans women and non-gender binaries individuals to seek help in cases of domestic violence. In the absence of concrete socio-economic measures, it might not be possible to prevent gender-based violence in a comprehensive way. Thus, the government must ensure equitable and meaningful representation of women and transgender individuals in designing interventions and policymaking. The government can capitalize on this opportunity to address the population's basic needs such as food security, livelihood, and health issues during public health emergencies such as Covid-19. Evidence generated from studies can inform policymakers and administrators to take appropriate actions to bridge policy gaps and improve the implementation of social protection schemes and healthcare services.

Although the general attitude toward the protection of women and children is shown by the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) in 1995, the lack of political will and the limited resources funneled towards the protection of women appears to be an obstacle in enabling the government to formulate a robust state mechanism to address gender-based violence. Therefore, the UN Women (UN Women, 2020a) has made several recommendations to states in order to address gender-based violence during the pandemic.

First, to allocate additional resources, including evidence-based measures, and address violence against women and girls in their Covid-19 national response plans. This can be carried out in Malaysia using a bottom-up approach by including representatives from B40, women's groups, children's rights groups, SEED, and other vulnerable groups who are severely impacted by the MCO in the ideation and brainstorming process. Second, to strengthen services for women who have experienced violence during Covid-19 (UN Women, 2020a). This can be carried out by calling out for more advocates to assist women, NGOs, and help agencies at all levels. Third, to build the capacity of key services to improve the quality of response (UN Women, 2020a). This can be spearheaded by the Ministry of Women and Family Community Development by collaborating with NGOs, workplaces, universities, and schools. Fourth, to

put women at the center of policy change, solutions, and recovery (UN Women, 2020a). This is to ensure sex-disaggregated, and locality disaggregated data are collected to understand the impact of Covid-19 on violence against women and girls across Malaysia.

By implementing the strategies listed above, the state would be able to provide emergency and essential services to women who are in desperate need of help. It is also imperative to ensure that shelters, crisis hotlines, and psychosocial support continue to function during times of emergency and that resources are not diverted away from the critical response to women in need of help. The need for an emergency response plan for domestic violence should also be integrated into the country's national disaster management plans to enable state actors to be prepared for future crises (Kwan, 2021).

Conclusion

The spread of the novel Coronavirus has created a myriad of problems for the people to grapple with. Although the MCO was implemented to curb and contain the spread of the virus, it has resulted in a paradox of social distancing, which includes issues such as economic instability, mental health problems, and isolation (Mittal & Singh, 2020). This has not only led to an increase in the cases of gender-based violence but has disconnected women and girls from their support networks. To reduce the prevalence of the issue, it is crucial to acknowledge the extent of gender-based violence, reimagine government policies and support networks to make it easier for the women and girls to access them, and, lastly, to create awareness about the issue as well as the resources available to tackle it.

Civil society has a major role to play, building strong advocacy and awareness of gender-based violence in Malaysian society. Advocacy work should include bringing all stakeholders together, sensitizing and engaging the private sector on ways to identify and respond to gender-based violence, addressing gender inequality; partnership with media and faith-based leaders to challenge gender stereotypes and toxic masculinity; engaging with law enforcement to ensure safety for women, girls (Dlamini, 2021) and transgender people. The messaging should be inclusive in terms of language and accessible in terms of media channels in order to reach all vulnerable populations.

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Violence Against Women in ASEAN: Governance Conditions for Policy Reform

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Abstract

This research project studies the governance conditions under which policy reforms aimed at eliminating gender-based violence against women (VAW) have been implemented in selected ASEAN Member States (AMS). The AMS have ratified two Regional Declarations (2004, 2013) and an Action Plan on VAW (2016). This paper explores the extent to which AMS have progressed on these commitments, and the underlying factors that have supported or constrained progress. While the AMS have made high-level commitments to VAW policy reform, progress is uneven across countries and policy instruments. This is due to the complex multi-sectoral nature of the problem, compounded by institutional factors which are informed by culturally embedded gendered norms and expected decision-making patterns. This research is situated within the field of Feminist Comparative Policy Studies, which explores the political and social factors associated with gender equality policy change. Central to this analysis is an understanding of the gendered nature of the institutions responsible for policy reform, and the informal and invisible gendered rules and norms that drive policy actors' decisions. The theoretical premise of this research is Gender Regime Theory and Feminist Institutionalism, and the key influencing factors can be clustered as follows: actors, rules and norms, and institutions. While these are treated as distinct analytical categories, they cannot be understood in isolation and are closely related: actors develop and enforce rules, based on norms, in the context of institutions which are themselves a function of a set of rules and norms, which can be either formal or informal. The institutions of interest here are national women's machineries (NWM) and, more specifically their structure, status, and subsequent capacity to leverage change across government.

Keywords: *Violence against women, policy reform, ASEAN, national women's machineries, feminist institutionalism*

Introduction

Gender-based violence against women (VAW) is currently the most prevalent human rights violation in the world (Juaristi, 2018). According to the World Health Organization (WHO, 2018), VAW is a global "epidemic with major … consequences" affecting an average of one-

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third of all women. The 1993 United Nations Declaration on the Elimination of Violence Against Women (UN, 1993) states that VAW is a "manifestation of historically unequal power relations between men and women." While VAW is fundamentally a function of unequal gender relations, patriarchal social norms, and the subordination of women, policy matters: Yount et al. (2020) found that countries with no comprehensive VAW legislation had the highest rate of domestic violence. However, they also found that comprehensive VAW legislation was not strongly correlated with comprehensive prevention and response programming. Policies related to institutionalizing the prevention and response to VAW challenge the status quo upheld by patriarchal cultural norms and are among the most difficult to successfully implement (Htun and Jensenius, 2020).

Purpose of this Study

This research project studies the conditions under which policies aimed at eliminating VAW have been adopted and operationalized across the ASEAN member states (AMS). Most South East Asian countries have made considerable progress in reducing gender gaps in education, health and labor force participation and, according to a 2018 global WHO study, South East Asia has among the lowest rates of intimate partner violence (IPV) in the world (21 percent, compared to the global average of 27 percent[15]) (WHO, 2018, p. 24). AMS have twice ratified ASEAN Declarations on Violence Against Women (DVAW), first in 2004, and then expanded it to include Violence Against Children in 2013 (ASEAN, 2013), as well as the 2016-2025 ASEAN Regional Plan of Action on Violence Against Women (RPA) (ASEAN, 2015). This research explores the extent to which member states have progressed on the commitments which were initially made 18 years ago, and the underlying governance factors that have supported or constrained progress.

This study will focus specifically on policy outputs (i.e., government actions in terms of provision of VAW services) and will not cover policy outcomes (such as reduction of VAW prevalence) as VAW prevalence surveys are difficult to compare across countries and over time, due to differences in methodology and coverage (Montoya, 2013), thus for the purposes of this research, we will look at the adoption and implementation of the policy instruments in the DVAW and the RPA. Evidence of the adoption and implementation of these policy

[15] VAW estimates need to be interpreted with caution as they are subject to under-reporting, and countries have different data collection methods and timelines, thus VAW estimates cannot be compared across countries or over time (WHO, 2018).

instruments by the ten AMS has been collected and recorded in the ASEAN Mid Term Review (MTR) of the RPA (ASEAN, 2021). The MTR maps progress on each of the policy actions mandated in the RPA and Declaration and shows uneven progress across countries and across the policy actions. What is less understood are the governance conditions and institutional factors underpinning these divergent outcomes, which is the focus of this study. This paper argues that the status and structure of governance mechanisms such as national women's machineries (NWM) have a significant impact on VAW policy reform at the country level, based on an analysis of each AMS NWM and the status of their respective VAW policy reform processes.

Methodological Approach

The methodological approach to this study is small-n explanatory qualitative analysis to map progress on the ASEAN DVAW and RPA across all ten AMS, and the specific policy actions. These findings will be set against the backdrop of an analysis of selected countries according to their prevailing governance factors. A sub-group of countries with similar VAW policy outcomes have been identified, which will allow for an analysis of factors specific to this sub-group, which consists of Cambodia, Lao PDR, the Philippines, and Vietnam. From this, preliminary conclusions can be drawn regarding governance conditions and factors necessary for VAW policy reform, namely the presence of robust stand-alone women's policy agencies with extensive cross-ministerial gender focal point networks.

Secondary data was collected from academic, peer-reviewed journal articles, books, as well as reports from UN agencies, donors, and NGOs working in VAW. Global databases such as the Women, Peace and Security Index, the Social Institutions and Gender Index, the World Bank Women, Business and the Law Report, and others were also reviewed for cross-country comparisons. Over 25 interviews were held with key informants from government, development partners, NGOs, UN agencies, and the ASEAN Secretariat.

Theoretical Framework

This paper is part of a larger forthcoming doctoral dissertation research project on the same topic, which will include country case studies focusing on Cambodia and Lao PDR. In the dissertation, the theoretical framework is grounded in Feminist Comparative Policy Analysis, and based on a combination of Gender Regime Theory (Connell, 2006; Hearn, Strid, Humbert, Balkmar, & Delaunay, 2020; Moghadam, 2020; Walby, 2020) and Feminist Institutionalism

(FI) (Krook & Mackay, 2011, p. 11; Mackay, Kenny, & Chappell, 2010, p. 576; Waylen, 2014, p. 212) for the factor analysis. Gender Regime analysis includes a number of country-specific national-level governance metrics, including the degree of democracy and civil society engagement, women's representation in the polity, the degree of connection between the State and religion, the existence of discriminatory family laws, the use of customary law, to name a few. Gender regimes are a useful concept to contextualize the intersection between gender norms and relations, manifestations of gender inequality, and governance structures at various levels (Connell, 2006; Hearn et al., 2020; Moghadam, 2020; Walby, 2020).

Drawing from FI Theory, factors associated with VAW policy reform are analyzed, including formal and informal institutions, gendered social norms, and critical actors such as the national women's machineries (NWM), civil society women's movements, transnational advocacy networks, and international donors. This paper will apply selected aspects of these analytical concepts.

FI seeks to understand the gendered conditions under which institutional change occurs (Gains & Lowndes, 2018, p. 685). These conditions can be broadly clustered under key FI analytical concepts, namely formal/informal institutions (Helmke & Levitsky, 2004; Waylen, 2014, p. 217), power (Kenny, 2007, p. 96; Palmieri, 2019, p. 176), norms (Chappell, 2006; Childs & Krook, 2009), and critical agents/actors (Childs & Krook, 2009; Htun & Weldon, 2012; Thomson, 2018). The analytical boundaries between these categories are often blurred. Thus, for example power and norms are closely linked to informal institutions.

Vaw Policy Context

ASEAN Commitments on VAW

In 2013 ASEAN Member States reiterated their initial 2004 DVAW commitments and expanded them to eliminate violence against children. The 2016 Regional Plan of Action - originated by the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and the ASEAN Committee on Women (ACW) - was designed to guide implementation of the DVAW at the national and regional levels, and demonstrated the commitment as a region to implement the DVAW in order to address VAW through "effective prevention and protection services supported by national elimination of violence against women legal framework and institutional mechanisms" (ASEAN, 2016). The RPA MTR provides a snapshot of how the various AMS have progressed in terms of

operationalizing the DVAW. The RPA notes that the level of VAW policy reform has been uneven, for example, two of the AMS do not have specific laws on VAW, and marital rape has not been criminalized by several member states (Alami, 2017). This research project aims to further investigate these regional dynamics by comparing and analyzing the different levels of responsiveness of each of the ten AMS to the commitments outlined in the DVAW and RPA. For analytical purposes, we treat the ASEAN DVAW as the regional policy which has been adopted by all ten AMS, and the findings of the RPA MTR as the evidence of the level of policy implementation.

Global and regional normative frameworks on VAW

The significance of the ASEAN DVAW needs to be understood in the context of global and other regional normative frameworks. CEDAW came into force in 1981, the UN Declaration on Violence Against Women was passed in 1993, and in 1995 a Special Rapporteur was appointed to monitor progress. However, as a declaration, it is not legally binding. The 1999 CEDAW Optional Protocol (OP) provides for a complaint's mechanism, however as it is optional some countries that choose not to ratify the OP are negating the 1995 Beijing Platform for Action commitments to "areas of concern" including VAW. Currently, there is no global legally binding instrument that directly legislates against VAW (Davies, 2016).

Latin America, Africa and Europe all have ratified legally binding regional conventions on VAW, that include enforcement mechanisms. These include: the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of VAW ('Belém do Pará Convention '); the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ('Maputo Protocol'); and the Council of Europe's Convention on preventing and combating VAW and domestic violence ('Istanbul Convention'). These have proven to be powerful instruments because they provide normative guidance and incentivize state action regarding addressing VAW (True, 2016).

Unlike the above regional conventions on VAW, the ASEAN DVAWs are not legally binding, and lack enforcement mechanisms, making Asia the only region without a legally binding convention on VAW. Feminist scholars are of the view that the response to VAW from countries in Asia have been compromised by a lack of accountability and political will, and gender discrimination (Chinkin, 2016). This study seeks to examine this perspective with an assessment of the implementation of the ASEAN DVAWs and RPA to date.

ASEAN VAW Policy Instruments

The national-level policy instruments included in the ASEAN DVAW and the RPA are as follows:

- National Action Plan on Violence Against Women (NAPVAW) developed and implemented.
- National and sub-national multi-sectoral and interagency coordination mechanism established.
- VAW prevalence data collected in line with international standards.
- Gender responsive legal frameworks to penalize all forms of VAW in full compliance with CEDAW.
- Preventive interventions that address the root causes of VAW including gender stereotypes and harmful and traditional religious practices; and
- National guidelines for standard operating procedures (SOP) on performance standards for service providers on gender-sensitive handling of VAW cases, including guidelines for support services for victims/survivors and the administration of justice (ASEAN, 2021).

These instruments are consistent with the United Nations Global Database on Violence against Women's (UN, 2022) categorization of VAW policy instruments which includes legislation; regulations, protocols, and guidelines; and national action plans. Legal reform is considered the first and most important step in addressing VAW but needs to be accompanied by mechanisms and resources for enforcement (Montoya, 2013). Legal reform tends to be the initial response from governments, and while a necessary pre-requisite, it is not sufficient to fully address VAW. It needs to be complemented with procedural guidelines to ensure that service providers follow proper protocols, as well as with a comprehensive national plan that guides state action on developing the structures and capacity to operationalize VAW laws, guidelines, and prevention programs. National plans – a more recent addition that is often introduced by donors - are important to push state actors beyond the adoption of laws and policies on paper and support holistic efforts to address VAW (Montoya, 2013).

L*iterature on VAW policy adoption and implementation*

This section briefly summarizes the literature on VAW policy adoption and implementation and provides an initial insight into the key factors of interest.

A number of VAW policies that have been adopted remain on the books but have not been implemented due to a lack of political will, capacity, or resources (Engeli & Mazur, 2018, p. 113). Legal reform alone is not sufficient as it may have limited coverage and weak enforcement (Nazneen, Hickey, & Sifaki, 2019). While many states have adopted VAW legislation and policies, they have yet to follow through with implementation due to prevailing social attitudes and weak allocation of resources. Analyzing policy implementation is critical to understanding the actual impact of policy reforms and involves "examining the inner workings of state institutions" (DeLaet, 2013; Waylen, 2019, p. 531).

Policy implementation is necessary to close the "gap between law and behavior" and is one of the biggest challenges for gender equality advocates (Htun, 2014). Mazur (2017, p. 65) notes that the pre-adoption stage of policy reform is relatively less politically challenging than the post-adoption stage: governments may be willing to engage in symbolic measures such as formal policy statements, and yet resist moving forward to actual implementation.

The literature suggests that the overall governance conditions necessary to promote gender equality policies (GEP) - within which VAW is a significant and contentious issue - include a vibrant and engaged civil society women's movement, procedural and substantive democracy that allows for the expression of gender concerns, and state commitment to social equity and accountability to constituents (Goetz, 2018).

A common observation is that institutions and actors responsible for implementing GEPs (usually connected to national women's machineries) tend to have a lower professional status, with limited access to the necessary resources and support, as GEPs are not prioritized relative to other policies (Nava San Miguel, 2018). Their lower status is relative to actors responsible for non-GEP specific policy and for actors responsible for policy adoption in general.

How women's and gender issues are framed in a given context informs the status and structure of women's machineries and the state's approach to gender policy reform, including on VAW. The framing of VAW as a private family issue in the Asian context, where women

are mainly perceived as actors considered meaningful only within the context of the "harmonious family" and "caring societies", feeds the narrative of these highly valued objectives of Asian public policy. While in theory, these concepts represent an ideal outcome, in practice, they distort incentives and guide responses of VAW service providers such as the police and the court system away from criminalizing VAW and taking it seriously. This often results in protecting the rights of the perpetrators over the rights of survivors, and discourages reporting and escalation, in favor of mediation and reconciliation in order to keep the family unit intact (Mohamad & Wieringa, 2013), thus preserving "family and social harmony." As demonstrated below, in a number of countries NWM are embedded within larger government ministries associated with social, family and children's affairs, which illustrates how women and gender policy issues are framed by the State.

Davies (2016, p. 118) notes that ASEAN – and the deeply conservative "ASEAN elites" (by which she is referring to high level policymakers and leaders in AMS governments) - have historically viewed the advancement of women as a means to an end: economic growth and social cohesion and stability, rather than an end in itself. She concludes that, based on theory derived from "discursive institutionalist analysis," these historical concepts and rationales endure over time and carry over to the present policy practice, resulting in the de-politicization of women's policy issues. This de-politicization creates a disconnect between the ambitious goals of the more recent ASEAN DVAWs and Strategies on Gender Mainstreaming and the framing and understanding of the AMS government elites who ultimately are responsible for assuring the implementation of these frameworks.

Progress On Policy Reform

RPA MTR Results by Policy Instrument

Analysis the results of the MTR in terms of the extent to which policy instruments have been implemented, finds that collection of VAW prevalence data is the policy instrument most countries have completed, with the exception of Brunei which has not yet started and Malaysia which is in process. NAPVAWs have only been completed by Cambodia, Lao PDR, Philippines, and Vietnam, is in process in Thailand, and not yet started by the rest. All countries except Brunei, Indonesia, Malaysia, and Myanmar are in the process of activating national multi-sectoral and inter-agency coordination mechanisms, and sub-national mechanisms with adequate resources. VAW legal reform is in process in all countries except Brunei and

Malaysia, where it is still under development/consideration. Lastly, preventive measures and SOP guidelines are being processed in all ten AMS.

This pattern is somewhat different from the sequencing that Montoya (2013) outlines which suggests that legal reform is the first step, followed by measures intended to facilitate implementation, such as guidelines and protocols (such as SOPs). The MTR summary results show that the only policy instruments that have been completed by some countries are NAPVAWs and VAW data collection, and those that are in the process include prevention and SOPs. Those with the least progress across all countries include VAW legal reform and multi-sectoral coordination at national and sub-national levels.

A possible explanation for this pattern could be that NAPVAWs and VAW data collection are usually a product of support from international organizations and donors, who have a strong presence in Cambodia, Lao, Myanmar, the Philippines, Thailand, and Vietnam. Legal reform and multi-sectoral coordination mechanisms require government ownership and political will. SOPs and guidelines have also recently been introduced by international donors as part of the VAW reform package. Finally, prevention programs are in principle required to be implemented on an ongoing basis and thus are unlikely to be considered "completed." Table 1 below provides a summary of these outcomes.

Table 1: Summary of Progress on VAW Policy Reform and Implementation in ASEAN

National Progress	Brunei Darussalam	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
National Action Plan VAW										

Prevention	SOP guidelines	VAW legal reform	Data collection	Multi-sectoral coordination mechanism

Color Key	Not started	Partially implemented or under consideration	In process: Implementation underway	Completed

Source: (ASEAN, 2021)

One possible reason why legal reform is still considered incomplete across all countries is that even in countries where there are laws against certain forms of VAW, such as domestic violence, in place, the legal framework does not include all forms of VAW as outlined in the RPA, e.g., physical, sexual, and psychological violence occurring within the family and the general community and perpetrated or condoned by the state and/or non-state entities. It also includes very specific forms of VAW such as marital rape, sexual harassment, early and forced marriage, online violence, and abuse (ASEAN, 2015, p. 7). The inadequacy of legal frameworks is a demonstration of formal rules (laws) being informed by informal rules (gender norms and bias).

For example, while all AMS except Brunei and Myanmar have specific laws against domestic violence, only six countries (Indonesia, Lao PDR, Philippines, Singapore, Thailand, and Vietnam) recognize marital rape as a crime, and in Cambodia, only "partially" (ASEAN, 2015). VAW advocates have been struggling to get marital rape seen as a form of sexual domestic violence and included in the law (Htun & Jensenius, 2020); marital rape is considered legally and morally a grey area due to the patriarchal entitlement that men believe they have over their wives' bodies. Sexual harassment is criminalized in all countries except Indonesia and Myanmar (ASEAN, 2015; World Bank, 2022a). While most countries mainly refer to sexual harassment in the workplace, the Philippines' legal framework also covers sexual harassment in public spaces.

Harmful traditional practices such as female genital mutilation (FGM) and child marriage are also included in the RPA definition of VAW. Laws on FGM are only relevant in countries where it is practiced. Female circumcision in ASEAN is commonly practiced by the Muslim community in Indonesia, Malaysia, Singapore, Brunei, and Southern Thailand, where it is considered a religious obligation (Nortajuddin, 2020). FGM is legally permitted in Brunei (ASEAN, 2021), Singapore (Nortajuddin, 2020), and Malaysia (where it is mandated by Fatwa) (Choo, 2021). In Indonesia, where CEDAW Concluding Observations qualified FGM as a concern, FGM is not criminalized, although medical practitioners are prohibited from

practicing it, effectively pushing the practice underground (ASEAN, 2021). FGM is performed in southern Thailand as no law prohibits it (Paluch, 2015). Child marriage - defined by UNICEF as the formal or informal union of a child under the age of 18 (Yee, 2021) - ranges from 35% in Lao to 11% in Vietnam. While the legal age of marriage in the Southeast Asia region ranges between 18 to 21 (with the exception of Brunei, where it is 14), customary and religious laws still facilitate child, early, and forced marriages which are allowed with parental consent or under "special circumstances" (Yee, 2021).

RPA MTR results by country

Based on a summary of the progress according to the MTR, the ten AMS can be divided into three broad categories: those who have made the most progress, those who have made the least progress, and those in the middle. For the purposes of this article, we will focus on the most progressive countries to understand and learn from their positive experience by analyzing their governance characteristics.

The countries with the most advanced progress are Cambodia, Lao PDR, the Philippines and Vietnam. These countries show similar results: they have all completed NAPVAWs, collected VAW prevalence data in line with international standards, they are in the process of establishing national and sub-national multi-sectoral and inter-agency coordination mechanisms, gender-responsive legal frameworks to penalize all forms of VAW, preventive measures, and SOPs and guidelines. Interestingly all of these interventions – with the exception of SOPs - had already been in place with the same implementation status in 2016 at the start of the second RPA (ASEAN, 2021). This is not to suggest that these four countries did not take any action over the five-year period that the MTR covered, as these are very broad categories covering a wide range of sub-actions. What it does suggest is that the causal analysis should also focus on the systems in place prior to 2016, when the key initial policy decisions were being made.

The middle tier includes Indonesia, Singapore, and Thailand, with different results. Only Thailand is in the process of developing a NAPVAW while Indonesia and Singapore have not started. Singapore and Thailand are in the process of establishing national multi-sectoral and inter-agency coordination mechanisms, and sub-national mechanisms with adequate resources, while Indonesia has not started. All three countries have collected VAW prevalence data and

are in the process of developing and adopting gender-responsive legal frameworks to penalize all forms of VAW, preventive measures, and SOPs (ASEAN, 2021).

The countries that still have the most reforms remaining to complete include Brunei, Malaysia, and Myanmar. None have started developing a NAPVAW, national multi-sectoral and inter-agency coordination mechanisms, and sub-national mechanisms with adequate resources. Only Myanmar has collected VAW prevalence data, Malaysia is in the process, and Brunei has not started. In terms of developing and adopting gender-responsive legal frameworks to penalize all forms of VAW, in Brunei and Myanmar this is still under development/consideration, and in Malaysia this is in process. In all three countries, preventive measures and SOPs are in process (ASEAN, 2021).

Country Governance Characteristics

The four countries which have made the most progress - Cambodia, Lao PDR, Philippines, and Vietnam (CLPV) - on the VAW policy actions share some common governance characteristics, which feed into the country-level gender regime, and that theoretically have impacts on reform efforts, which will be elaborated on below.

Macro-economic and governance context

In terms of macro-economic indicators, CLPV have among the lowest GDPs per capita, and (with the exception of Vietnam) some of the highest poverty rates in the region, following Myanmar (World Bank, 2022b). Cambodia and Lao PDR have the highest rates of ODA per capita; Philippines and Vietnam are in the mid-range for the region (World Bank, 2022b). This finding contradicts the perception that lower-income countries have fewer resources to invest in eliminating VAW, and that there will be competing demands on the use of these resources. However, it is important to note that these four countries receive extensive financial and technical donor support for VAW programming which could also partially explain their progress.

In terms of governance indicators, CLV (not the Philippines) rank low in terms of democratic freedom on the Democracy Index (Freedom House, 2020). CLPV rank medium in terms of government effectiveness (World Bank, 2020) and rank low on the Political Transformation Index (Bertelsmann Stiftung, 2022). CLV (not the Philippines) rank very low on the World Bank Voice and Accountability Indicator (World Bank, 2020) and the freedom

of association and expression of Civil Society index (Bertelsmann Stiftung, 2022). This finding is interesting as it contradicts the literature which suggests that democracy, and engagement of civil society women's movements are essential governance conditions for effective gender-responsive policy reform (Weldon & Htun, 2010).

In terms of women's representation in politics, all ten countries in ASEAN rank low in the World Economic Forum Global Gender Gap Index sub-indicator on political participation (World Economic Forum, 2021), while the Philippines (at 36%) and Vietnam (at 30%) have the highest rate of women parliamentarians in the region, followed by Cambodia and Lao PDR (at 22%) (Inter-Parliamentary Union, 2022). Having more women in parliament - a formal institution - is associated with faster adoption of VAW legislation, as it indicates a higher level of acceptance for women in decision making and politics, which is a function of more equitable gender norms (Nazneen et al., 2019). This is an example of gendered informal institutions (gender norms) informing formal institutions (composition of the parliament). That said, Htun and Weldon (2012, p. 553) observe that the mere presence of women in the legislature is not a sufficient condition for addressing VAW effectively: pressure from feminists and "women-focused organizations" and increasingly national women's machineries, is paramount. This phenomenon will be looked at below in the context of feminist institutionalism.

Legal and Regulatory Framework

VAW policy reform needs to be understood in the context of the broader legal and regulatory framework. The World Bank publishes the annual Women Business and the Law (WBL) report, which measures the gender responsiveness of laws and ranks countries in terms of their regulations that affect women's economic opportunity, related to mobility, workplace, pay, marriage, parenthood, entrepreneurship, assets, and pension. While the focus is on women's economic empowerment, the WBL includes indicators relevant to VAW, such as laws related to marriage and family, domestic violence and sexual harassment. The breadth of the laws covered ensures that this composite index provides an accurate indication of the level of gender equality enshrined in a country's legal and regulatory system. Lao PDR and Vietnam have amongst the highest WBL rankings for the region, and Cambodia and the Philippines are in the mid-range (World Bank, 2021).

The OECD Social Institutions and Gender Index (SIGI) is another composite index which measures discriminatory laws, gender norms and practices, including around VAW, and

provides an overall picture of how inclusive a county's society and institutions are, thus combining metrics for formal and informal institutions. The 2021 SIGI report for Southeast Asia shows that CLV have some of the highest (best) SIGI rankings, while the Philippines is the lowest in the region (OECD, 2021).

CLPV have stand-alone laws specifically criminalizing VAW (as opposed to addressing VAW through the penal code), while four other AMS have integrated or no VAW laws (ASEAN Secretariat, 2016) and CLPV criminalize marital rape, while four other AMS have either no or unclear laws on marital rape (WomenStats, 2022) and sexual harassment, while three other AMS do not (World Bank, 2022a). This is an indication of a more robust VAW legal framework in CLPV, which demonstrates an overall commitment to addressing VAW.

Globally, CEDAW ratification is strongly correlated with VAW legal reform, and states with CEDAW reservations are significantly less likely to adopt comprehensive VAW laws (Richards & Haglund, 2015), conversely states that withdraw reservations are more likely to adopt VAW policies (Htun & Weldon, 2012, p. 557). CLP are the only three AMS to have ratified CEDAW with no reservations, while Vietnam has a reservation on paragraph 1, Article 29 (related to the International Court). Brunei, Malaysia, and Singapore all have reservations stating that religious beliefs, practices and laws take precedence over the CEDAW principles (United Nations, 2022).

This last point is relevant because the co-existence of customary or religious laws often reduces the effectiveness of VAW legal reform (Klugman, 2017). Contexts where the official religion has influence over state decisions are the most challenging for women's rights (Goetz, 2019, p. 227). Htun and Weldon (2015) demonstrate statistically that the level of gender inequality enshrined in family law is directly related to the degree of institutionalization of the connection between the state and religion. Hudson, Bowen, and Nielsen (2012, p. 478) find there is a correlation between inequity in family laws and higher prevalence levels of VAW. Htun and Jensenius (2020, p. 156) assert that in order to reduce VAW it is also necessary to reform discriminatory family laws. CLPV do not follow customary, or Sharia law (ASEAN Secretariat, 2016; World Bank, 2022c), and of the four, only the Philippines ranks mid-range in terms of institutionalized state-religion relations. Five of the other remaining AMS follow institutionalized state-religion relations, four use customary law, and three apply Sharia law (Bertelsmann Stiftung, 2022; Fox, 2008). This is another example of informal institutions (religious beliefs influencing gender norms about gender equality) informing formal

institutions (e.g., discriminatory family law, reservations on CEDAW, institutionalized state-religion relations, use of customary or Sharia law) and could explain slow progress on VAW policy in those particular countries.

National Women's Machineries

The one of the key variables of interest for this study is national women's machineries (NWM), so this section will look at this characteristic in more detail, through a feminist institutionalist lens. The responsibility for VAW policy reform tends to fall under the remit of NWMs, which are the main government structures responsible for women and gender-related policy issues. Thus, the success and progress of VAW policy reform is largely a function of the effectiveness of these structures.

The effectiveness of NWMs is in turn a function of a number of structural factors. Most important is their status and "location" in terms of their proximity, access and relationship to high-level decision-makers in government, otherwise known as their political capital. This determines their ability to influence policymaking (Goetz, 2018; Rai, 2018).

Globally, NWMs generally are relatively weaker than the rest of the government agencies in terms of political influence and status, as well as human and financial resources (Kardam & Acuner, 2018) and the ASEAN region is no different. Given the important role that NWMs play in VAW policy reform, it is useful to analyze the defining features of NWMs in CLPV to extract some lessons about the optimal institutional architecture for VAW policy reform. NWM institutional architecture can comprise a combination of a number of components, including a central policy agency, cross-sectoral or cross-ministerial committees or commissions, and horizontal and/or vertical gender focal point networks.

The next section looks at how the 10 AMS employ each of these components in turn. To analyze the effects of the structural features of the central policy agency component, this study uses two broad models: one is the stand-alone agency with the mandate to advocate for and advise on addressing gender equality at the policy level across all key sectors; the other is the desk or department embedded within another agency (Scheidegger, 2013) that covers social, welfare or cultural issues, these tend to be marginalized from the "mainstream" sectors.

Stand-alone structural model

Some NWMs in ASEAN can take the form of stand-alone ministries with ministerial representation in the Cabinet (such as Cambodia's Ministry for Women's Affairs) with a clear mandate related to promoting women's empowerment and gender equality across government. Until recently the Philippines Commission for Women stood out as unique in that it served as the gender-related policy-making body in government and until October 2018 it was strategically situated directly under the Office of the President which gave it direct access to high-level decision-making forums.[16]

Socialist states such as Lao PDR and Vietnam have a unique and highly effective architecture associated with their NWMs: the National Women's Unions, which are considered State-run Women's Organizations (Scheidegger, 2013), and National Committees for the Advancement of Women. The unions are national women's organizations responsible for promoting women's legal rights across government and consist of an extensive network of women union cadres which are represented across all sectoral government agencies, as well as from central to sub-national levels. The unions are constitutionally entitled to promote laws and policies related to women and gender equality, and the heads of the Vietnam and Lao Women's Union have ministerial status. The national committees include representation from all government agencies and administrative levels. This combination of entities provides a very powerful presence, both horizontally as well as vertically to represent women's policy issues across government[17].

Indonesia also presents a hybrid model which combines women and children's issues under a single ministry (Ministry of Women's Empowerment and Child Protection), while Myanmar only has a cross-sectoral National Committee for Women's Affairs.

Embedded structural model

The second model in ASEAN takes the form of gender desks, offices, or departments found embedded within other line ministries which themselves cover a larger remit, such as in Brunei

[16] It was reassigned to the Department of Interior and Local Governance by the Presidential Executive Order No. 67, dated 31 October 2018, however for the purposes of the RPA MTR the PCW was under the Office of the President for the bulk of the reporting period.

[17] Vietnam is a hybrid case in that in addition to the Women's Union and the National Committee, their central policy agency, the Department for Gender Equality, is under the Ministry of Labor, War Invalids, and Social Affairs, as explained below.

(Special Committee on Family Institution and Women, which reports to the ministerial-level National Council on Social Issues), Malaysia (Department for Women's Development within the Ministry of Women, Family and Community), the Philippines from 2019 onwards (National Commission for Women under the Department of Interior and Local Governance), Singapore (Office for Women's Development in the Ministry of Social and Family Development), Thailand (Office of Women's Affairs and Family Development under the Ministry of Social Development and Human Security), and Vietnam (Department of Gender Equality, under the Ministry of Labour, War Invalids and Social Affairs, and the Family Department within the Ministry of Culture Sport and Tourism MOCST which is responsible for NAPVAW).

These embedded entities represent weaker elements of the NWM (Scheidegger, 2013), they tend to have less visibility and voice and are dependent on the higher level leaders in charge of a broader portfolio for representation, who may not be as committed to the gender policy agenda as a leader of a stand-alone agency. It is also notable that these women's departments (with the exception of the Philippines) are often subsumed under government agencies covering social and family issues, rather than more senior strategic ministries, which is an indication of how women's roles and policy issues are perceived and framed. This is another example of informal institutions (framing of women and gender policy issues) informing formal institutions (the structure and status of NWMs.)

Finally, the allocation of resources – both financial and human – depends on which structural model is used. A stand-alone women's ministry is likely to have more dedicated resources to invest in gender equality policies and programs than an embedded unit. Committees or commissions tend to work at the policy-making level and will rely on other agencies for resources. That said, relative to other government agencies, NWMs tend to be discriminated against in terms of resource allocation and receive significantly less state budget than the rest of the government.

Some NWM combine both a women's ministry and/or department with appointed cross-sectoral commissions or committees with high level representation from across government ministries (such as Cambodia, Singapore, Thailand, Vietnam, and Lao PDR). These cross-sectoral bodies tend to be responsible for monitoring, implementing, and coordinating gender equality laws and policies across different government sectors. This combination can be quite

powerful as it further establishes the policy significance of women's issues and VAW across government.

NWM Networks

Another important feature of NWM infrastructure is synergy among multiple mechanisms, both horizontal (across sectoral line ministries or agencies) and vertical (from national to sub-national level). This reach is often through the presence of gender focal points, working groups or committees within sectoral line ministries, as well as at sub-national administrative levels. These representatives are the main transmission mechanisms to carry out the gender equality mandate in their respective domains. This type of architectural infrastructure exists in various forms and degrees in Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Thailand, and Vietnam. The level of visibility and effectiveness of these networks varies dramatically across these countries, and is a function of several variables: their mandate, level of seniority within their agencies, whether they are a singular focal person, or a working group made up of representatives from across the agency, the level of resources they are allocated for gender work, and the level of support and coordination provided by the NWM central policy agency. These networks are particularly robust in Cambodia, Lao PDR, Philippines, and Vietnam, and include specific coordination mechanisms to address the requirements of their respective NAPVAWs.

Table 2 below summarizes the components of each AMS's NWM, and describes the official structure, as mandated by the governments. It does not reflect the structure's effectiveness which varies considerably across the AMS. Further research is needed to investigate the effectiveness of each of these elements in addressing gender in public policy in general, VAW in particular, and engaging with agencies across government to facilitate systemic change.

Annex: Table 2 **Characteristics of National Women's Machineries across ASEAN**

(compiled by the author based on data retrieved from various sources)

National Women's Machinery	Standalone Women's Ministry or Agency	Blended agency	Unit embedded in broader agency
Brunei Darussalam			Special Committee on Family Institution & Women, under National
Cambodia	MOWA		
Indonesia		Ministry of Women's Empowerment & Child	
Lao PDR	LWU		
Malaysia		Department for Women's Development in the	
Myanmar			
Philippines			In 2019, The Philippine Commission for Women moved under the Dept of Interior and Local Governance.
Singapore			Office for Women's Development in the Ministry of Social, Family Development
Thailand			Office of Women's Affairs and Family Development under the Ministry of Social Development and
Vietnam	VWU		Department of Gender Equality, under the Ministry of Labour, War Invalids and Social Affairs

Color code	Multi-sectoral coordination on VAW	Cross-ministerial committee	Gender focal point network
No presence		Special Committee on Family Institution and Women	
	TWG-G-GBV	CNCW TWG-Gender	
	National Commission on Violence against		
	NCAWMC	NCAWMC	
		National Women and Family Development Committee Meeting	
Presence	TWG VAW	National Committee for Women's Affairs	
	Inter-Agency Council on Violence against Women and their	Up to October 2018, the Philippine	
	Family Violence Dialogue Group	Inter-Ministry Committee on CEDAW	
	subcommittee to formulate NAPVAW	Committee to promote gender equality	
	NCFAW	National Committee For the Advancement of Women	

VAW Coordination Mechanisms

The establishment of multi-sectoral VAW co-ordination mechanisms is one of the key policy reform actions in the RPA, as it is considered one of the most impactful transmission

mechanisms for the implementation of VAW policy across government. The four high performing countries have all put in place such mechanisms, as described below.

Cambodia established the Technical Working Group on Gender, with a sub-group on GBV (TWG-G-GBV). This sub-group is chaired by the Ministry of Women's Affairs (MOWA) and includes representatives from line ministries which have responsibilities for VAW, covering sectors such as health, social, justice, security, education, information, labor, economy and finance and the sub-national structures. This is further bolstered at the highest level by the Cambodian National Council on Women (CNCW), headed by the Queen, with the Prime Minister as Honorary Chair, and high-level representation from all Line Ministries. CNCW is tasked with advising the government on addressing all forms of discrimination and violence against women, and reporting on international commitments such as CEDAW directly to the Prime Minister annually. With support from donors and NGOs the government has established sub-national multi-sectoral Coordination Response Mechanisms (CRM) in eight provinces (out of 24, with the intention to eventually expand to national coverage) which include representation from relevant government departments covering police, health, legal and social service providers, and local authorities. In Cambodia, because of a quota for women in sub-national leadership, one of the two Provincial Deputy Governors is a woman, with portfolios that includes issues related to women and children. The female Deputy Governors chairs the CRMs and provide high level leadership and visibility.

In Lao PDR, the inter-ministerial National Commission for the Advancement of Women, Mothers and Children (NCAWMC) is led by the Deputy Prime Minister as Chair and the Minister to the Prime Minister's Office, as Vice-Chair. Each Line Ministry has its own sub-CAW, which is tasked with ensuring the implementation of the relevant sections of the NAPVAW within their Ministry. The Lao Women's Union (LWU) oversees gender equality policy formulation and implementation and has representation across all government agencies and at all levels of the administration. It plays a significant role in overseeing the implementation the NAPVAW across these sectors and levels.

The Philippines Inter-Agency Council on Violence against Women and their Children (IACVAWC) is an inter-ministerial mechanism, with representation from 12 different government agencies including justice, health, social welfare, employment, education, and investigation. It is tasked with ensuring that the VAW law and national action plan are properly implemented, and that the member agencies allocate the necessary capacity and resources to

VAW (GOVPH, 2022). It is considered the most effective inter-agency mechanism in the Philippines.

Vietnam's National Committee for the Advancement of Women (NCFAW) oversees the implementation and monitoring of all national strategies and plans related to women and gender and includes representation from 12 sectoral government agencies. At the sub-national level, the Vietnam Women's Union (VWU) and the local authorities under the leadership of the Provincial People's Committees, are mandated to establish steering committees for inter-sectoral coordination to address VAW (ASEAN, 2021).

Conclusion

This study was designed to better understand the institutional factors and governance conditions underpinning the significant range of policy reform outcomes reached by each of the AMS, over the past 16 years since the first Declaration on VAW was ratified in 2004. By comparing countries across a range of governance indicators with a focus on NWMs, the study finds that while all AMS differ in their configuration of NWMs, those with a particular combination of characteristics tend to be more progressive in VAW policy reform. These characteristics include stand-alone centrally located agencies dedicated to women's policy issues, combined with high-level cross-sectoral coordination mechanisms and a comprehensive and extensive network of gender focal points or units across government both vertically as well as horizontally. This combination is effective in terms of ensuring the full commitment of a dedicated high-level governance facility, which can advise and guide the network across sectoral agencies in promoting VAW policies and programs within their own agencies. Within this structure, the formation of multi-sectoral coordination mechanisms for VAW policy execution is key to move from policy adoption to the level of implementation. These critically bring together representatives from the various relevant agencies to ensure a common understanding and approach to the reform agenda. They also serve as common monitoring and accountability platforms. This is paired with a gender-responsive legal framework in general and for VAW in particular.

The application of Feminist Institutional theory would suggest that at a macro level, states that include robust visible stand-alone NWMs and a network of gender focals are more likely to favor gender-responsive policy reform, including around VAW, than states that do not. This is due to informal institutional factors such as gender norms which inform how states

conceptualize, frame and place primacy on women's policy issues, and thus how they choose to structure and support NWMs.

The study has also found that the ASEAN RPA MTR results broadly challenge the literature on the VAW policy reform which suggests that important environmental factors include democratic governance, and a high level of engagement with women's movements and civil society. Most of the top performing AMS also have the lowest levels of democracy and civil society political space. They have some of the lowest GDP p.c., among the highest levels of poverty and donor support, some of which targets VAW programming. This suggests a risky level of donor dependency to maintain a minimum level of VAW financing and policy momentum, in the absence of a sufficient national budget allocation to VAW. Some countries such as the Philippines and Cambodia are moving toward establishing systems for national cross-sectoral planning and budget allocation for gender equality and VAW programming, which will be essential for ensuring sustainable operationalization of VAW policy reforms through the implementation of the NAPVAWs. The next level of reforms should be aimed at rolling out such initiatives across ASEAN through regional guidelines and capacity building activities to complement the gains the ASEAN secretariat is planning through other regional VAW initiatives such as Guidelines for Data Collection and Standard Operating Procedures.

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Why Class and Gender Identity Matter: Learning from Successful Advocacy of the Former of women migrant workers Alliance in Tracap Village, Wonosobo District

An'ngam Khafifi[18]

Abstract

This study discusses the grassroots movement of a group of former women migrant workers called Migrant Workers Village (KBM), which was initiated by MS to advocate for themselves in Tracap Village, Wonosobo District. This movement is an effort to protect vulnerable groups, including former migrant workers, caused by unequal structural relations—this inequality is related to social class and gender-based identity. Although migrant worker groups can be said to be successful in advocating themself, they are a small example of the involvement of vulnerable groups such as former migrant workers in policy formulation. Based on research in the last five years, the participation of women in policy is still low. Therefore, their involvement is interesting. Through qualitative life history research, MS as a key informant, said that the success of KBM in conducting advocacy could not be separated from their awareness of their identity in the existing social structure. The awareness can be seen from; first, as part of the lower class, the organization focused on strengthening social safety nets. Second, enhancing the knowledge and courage to be active in the public sphere are the essential goal of empowerment rather than upgrading skills. This then enables them to become agents of change in Tracap Village, which can be seen from their ability to influence various policies made at the village level.

Keywords*: Gender, Social Class, Former Women Migrant Workers, Grassroot Movement, Advocacy*

Introduction

Research Background

This study discusses the grassroots movement of a group of former women migrant workers in Tracap Village, Wonosobo District, initiated by MS to be able to exert influence in the public sphere, including the policy-making process at the village level. MS, together with former

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women migrant workers who are members of the group, have implemented several policies related to the protection and empowerment of former migrant workers and their families in their village. Some of them were efforts to empower economically and socially, to protect migrant workers who depart through illegal routes as the main problem of human trafficking, efforts to reduce cases of violence against migrant workers while abroad and increase protection for families left behind (Silvia & Rahayu, 2017).

Tracap Village is one of the bases for sending migrant workers in the Wonosobo District. Based on Tracap Village's records, currently, there are 46 residents who are migrant workers, of which 41 are women. Both those who are still leaving and those who have become former migrant workers, most of them come from families of farmworkers or can be categorized as lower middle-class groups (Ford & Parker, 2008; Fahmi & Aswirna, 2019; Killias et al., 2020; Hierofani, 2021) and go abroad to work in the informal sector.

Through the struggle of groups of migrant workers in Tracap Village, Wonosobo District, it becomes an exciting story about the existence of space for women to be able to cut through the boundaries that have bound them. It is because the involvement of women giving an influence such as in policy formulation and decision making at the village level is still a rare story in Indonesia, especially those from the lower middle class. It can be based on literature findings in the form of articles and journals within the last five years (Rosdiana, 2015; Monica & Fauziah, 2019; Nurhalimah, 2018; Akbar et al., 2020; Dwipayanti et al., 2019; Cunningham et al., 2019; Rumble et al., 2018; Pangaribowo & Tsegai, 2019; Laksono & Wulandari, 2020; Muthaleb, 2019).

The lack of participation and influence of lower-class women's public sphere, such as in policy formulation at the village level, arises because of layered inequalities in women's relations with their social structure. There are two most common aspects. The first is the status of the lower class in the social structure, which arises from the issue of resource ownership (Warouw, 2014).

First, women from the lower class in the social structure are a group that does not have many resources or capital. The Village Law should involve every element of society, yet in fact still dominated by actors who have the greatest resources or capital (Pardiyanto, 2017). The second is the identity as a woman herself, which is considered lower than men in the social

structure. The identity arises from the existence of patriarchal cultural relations, unequal positions in the family structure, and women's lifestyles (Sugiana & Putri, 2018).

Former women migrant workers who work in the informal sector as representatives of lower-class women (Ford & Parker, 2008; Fahmi & Aswirna, 2019; Killias et al., 2020; Hierofani, 2021) deeply feel how inequality occurs to the point that they are marginalized. Not only are they discriminated against because of the unequal relationship with their social structure, but they are also vulnerable to being stigmatized by society. Stigma, such as women who cannot take care of children, to stigma as women who leave household responsibilities are often experienced by former migrant workers (Devasahayam & Rahman, 2018).

Inequality in gender relations and social class to women to the stigma that was received in particular by former women migrant workers distanced them from public access. They are vulnerable to being humiliated, experiencing exploitation, harassment, discrimination, and a low bargaining position (Widayati, 2015). These problems then lead to women being marginalized in political decision-making (Partini, 2012). The marginalization of women in various public accesses, one of which is public policy decision-making, made them only passive parties in policy implementation (Midgley, Surender, & Alfers, 2019).

Therefore, the difficult journey for women ex-migrant workers as representatives of lower-class women's groups to gain a voice in the formulation of public policies is a topic that will be discussed in this paper. Based on this background, the formulation of questions that will be used to understand the story are how are the processes of becoming women migrant workers? And what is the turning point for them in which they can influence the public sphere and specifically be involved in public policy decisions at the village level?

Literature Review

In the studies that have been conducted, the involvement of women in public affairs is still low, especially among women who come from the lower classes. Literature-based research on women's participation in policy formulation in village development conducted by Andriyanto (2021) shows that women's participation, especially those from the lower class, is still lacking. This also happened in other studies, even before Andriyanto, Sarwono (2017) also explained how it was difficult for lower-class women to voice their aspirations in public spaces, as well as research conducted by Robinson (2018).

As a result, they face vulnerabilities caused by the void of participation from lower-class women, such as former migrant workers. Furthermore, they are used as objects in various policy implementations, which do not solve their problems comprehensively. This can refer to the research conducted by Juddi et al. (2021) on the program for empowering women migrant workers. It does not touch on the critical aspect, namely advocacy for these groups. Even more than objectification, they are also considered a social pathology (Ingram, 2020). Therefore, this research can be an alternative to answering the problems faced by women whose participation in public decisions is still lacking.

Research Methods

This study uses qualitative research with a life history approach. The life history approach helps research to explore the historical experiences of certain individuals or groups as research subjects on a micro level within a macro-historical framework (Hagemaster, 1992). Or, in other terms, tells the experience of a series of subject events with the social construction that surrounds them.

The life history approach does not only tell the experience of the dynamics of the subject's events chronologically. However, this approach provides an opportunity for the subject of research to reflect on their lives and record the dynamics they go through as crucial turning points that are explained and interpreted by the researcher (Singh, 2022; Sosulski et al., 2010).

This is why the life history approach is used to understand the grassroots movement that occurs in groups of migrant workers in Tracap Village. The life history approach helps analyze the experiences of former women migrant workers with the social realities or social contexts they face from time to time until in the situation that they need to advocate for themself.

In addition, the use of life history is also related to former migrant workers who were previously participants in their social reality, trying to become agents of change. This is related to the use of life history in sociological understanding, where exploration efforts on the dynamics of the subject cannot be separated from him as an agent and or as a participant in social life. (Plummer, 2001; Sosulski et al., 2010).

In the life history approach, three data collection methods are most commonly used, namely, interviews, observations, and artifacts. In this study, the group's founder is the key person or the main subject to be interviewed in in-depth interviews. Subsequently, the snowball model was used to obtain other required information. In conducting interviews, I positioned myself as an outsider. Although I and the subject came from the same area, there are gender differences and maybe, in some cases, also differences in social class, where these differences will bring a different story between me and the subject. Meanwhile, life history research is essential to show 'the subjectivity' of the research subject (Roberts, 2002; Merrill & West, 2009; Given, 2008). Therefore, my position is a learner who is learning from them to avoid research bias.

Observations were made through my involvement with this group activity, for which I had obtained permission from the main subjects. Artifacts is a secondary data that relate to the issues of the research. Several artifacts that were added in this research are previous studies related to this research and village data. From the results of interviews with informants, observations, and artifacts in the field, then I selected the data for coding based on research needs. Furthermore, the data obtained are sorted based on the formulation of the problem and the existing abstractions and interpreted accordingly to research needs.

Discussion

There are five main discussion points to explain how the history of the movement of the former women migrant worker group went so that their influence in the public sphere and also the aspirations for policy formulation at the village level could be voiced. First, the discussion begins by showing the context of migrant workers in Indonesia in general, starting from the end of the New Order, or around 1996-1998. This discussion is presented because Tracap Village, as one of the bases for sending migrant workers, cannot be separated from the larger context, in this case, the state. Although the urge to become a migrant worker at that time was relatively high because it was considered to be able to solve the problem of poverty, various micro studies showed the opposite. This will then be explained in the second point.

Second, it starts by telling the experiences of former migrant workers related to their background, which on the one hand, made them experience many structural-related issues, and on the other hand, is able to become the basis of social movements—in the third part, continuing from the first point, where their background is able to become a social movement.

This section will also be deepened sociologically. Meanwhile, the last point is the output that emerges from the movement of groups of former women migrant workers towards existing policies in the village. And, more broadly, having influence in the wider public sphere.

Brief Stories of the Dynamic of Migrant Workers in Indonesia

In Indonesia, becoming a migrant worker is an effort to solve the problem of poverty and or as an alternative for job seekers to be absorbed into the world of work. This can be seen clearly when Indonesia experienced the monetary crisis in 1997/1998, where industries that absorbed a lot of labor at that time made the government massively encourage workers to migrate to become migrant workers (Maharani, 2010).

From that time, women from the lower classes really felt the impact of this problem. Since the crisis that occurred in Indonesia, existing companies and industries have increasingly tightened the process of recruiting workers, where age and education level restrictions made it difficult for women from the lower classes to be able to work (Maharani, 2010). Meanwhile, to become a migrant worker, the requirements were not as strict as the requirements for working in companies and industries (Maharani, 2010). This simplified policy has made labor distributors, namely the Indonesian Employment Service Company (*Perusahaan Jasa Tenaga Kerja Indonesia* (PJTKI)) massively spread and develop to various areas, both rural areas, to attract migrant workers, including Tracap Village as the location of this research.

However, in various micro studies conducted in Indonesia, becoming a migrant worker does not entirely solve poverty. On the contrary, the migration that occurs has, in fact, reproduced poverty because those who migrate experience various exploitations. An example of exploitation that appears is exploitative working conditions (Killias et al., 2020), and there are various parties who benefit from remittances, not only households of migrant workers but also other parties such as brokers (*calo*) who ask for compensation for their efforts to send workers abroad (Killias et al., 2020).

This exploitation was also reinforced by the finding in my research when observing and interviewing the subject research in Tracap Village. The exploitation that occurs was the result of an unequal structural relationship, and it was the reason why former women migrant workers in Tracap Village tried to advocate for themself. To understand deeply, the next section will explain further how these unequal structural relations work based on the stories of women migrant workers.

Becoming Migrant Workers

This section describes the journey of former women migrant workers starting from the background and the process of their departure until they return to their hometown. Their experiences are important because, in the study of life history, their experiences become the basis of a social movement. In-depth interviews in this study were focused on MS. She is a key informant who initiates a group of former women migrant workers in Tracap Village. Furthermore, the stories of several other informants who were also former women migrant workers were added to illustrate how the dynamics experienced by MS were also experienced by other women who decided to become migrant workers.

The Stories from Research Subjects

MS was a former women migrant worker from Tracap Village, Wonosobo. Her family background and also the neighborhood where she lived were farm laborers. She went to South Korea from 97 to 99. After returning from South Korea, she went back abroad from 2001 to 2006 with the destination country of Taiwan. At that time, MS worked as a housekeeper. The reason that made MS, a migrant worker was the lack of access for women to develop themselves. Access to resources, public services, occupations, and education at that time did not accommodate women to develop optimally, especially for women from the lower middle class.

This can be seen when MS was young and had just finished junior high school. At that time, MS had to hold back on his dream of continuing to a higher school level. MS, who is also still young, because there is not enough money, MS must be like his friends in his environment, namely becoming a migrant worker.

Apart from MS, other former women migrant workers in Tracap Village also feel the same way. They choose to go abroad because of the lack of opportunities for access to develop themselves. In the existing literature, women in Indonesia, especially those from the lower middle class, still experience problems related to various opportunities to gain public access (Bangun, 2022; Sugiharti et al., 2022; Ricardo et al., 2022; Jin et al., 2022).

Besides that, when she was 16 years old, she was already married. MS's decision to marry at a young age was to lighten the burden on her parents, especially those related to the

material. In this marriage, MS was blessed with one child, and when the child was born, she left for work in South Korea. In this marriage, MS was blessed with one child, and when the child was born, she went to work in South Korea.

MS's departure to South Korea was assisted by village elites' brokers, such as village officials. The brokers helped MS prepare various necessary documents, including falsifying documents. At that time, MS was not yet old enough to work as a migrant. In addition, brokers also provide loans to prospective migrant workers who are less well off financially at that time, including MS.

> *". . . The first time I went abroad in 97, when I went to South Korea, I was not old enough at that time, my age and address were faked"* (Interview with MS, 2022).

However, the loans and interest charges were quite a burden on MS. She said that when she became a migrant worker, the salary she should have received turned out to be challenging to pay during the monetary crisis in 1998. Meanwhile, the debt she used to send him abroad had to be paid immediately. Therefore, she was eventually deported and returned to his hometown with less than expected results.

> *". . .Then I was transferred and wanted to be sent back to Indonesia. Because I went to work abroad at the expense of debt, I don't have any money at all. At that time, I ran away, became a runaway migrant worker in Korea. But only two months away. Well, when I just started working and didn't get a salary, I was even caught by the police. Finally, the imprisoned continue to be deported."* (Interview with MS, 2022).

This story explains how structural-related issues made the reproduction of poverty for migrant workers happen. This unequal position made MS and former migrant workers who use the services of brokers vulnerable to exploitation. In other words, there are differences in social class in this relationship (Azmy, 2012).

The burden that MS received became more and more felt when it turned out that the remittance that she had sent so far was mostly used for her husband's personal interests at that time. MS hopes that the remittances are used for their household needs, such as investment and caring for their children. It made MS disappointed. In 1999 MS decided to divorce her husband and tried to care for her son.

At that time, MS, who considered to be a victim, yet the fact was the otherwise. She was supposed to have failed to take care of her husband, so she was considered a failure in maintaining domestic harmony because she decided to work abroad. This made MS ostracized in her neighborhood.

Not only MS who felt it, but several informants where one of them was SM, also experienced the same thing. SM was a former women migrant worker who worked in Singapore in 2008. While working abroad, remittances that should have been used for the benefit of her family were actually used for her husband's personal benefit. And as happened to MS, SM also experiences stigma as a woman who is unable to maintain household harmony.

> *". . .it also happened to me, when sending it was supposed to be for a lot of needs, but instead my husband used it to buy a motorbike at that time, and it caused a lot of problems in my family. . ."* (Interview with SM, 2022).

The problems that occur from the stories of MS, SM, and also from other former women workers in Tracap Village arise because of a culture that makes women's position in the social strata below men. This can be seen from the Javanese terminology, namely *konco wingking*, where women are placed behind or in the domestic sphere in charge of maintaining household harmony.

> *"In Java, there is the term konco wingking, which means the woman in the back or, like before, the number two woman. It is the woman's job to take care of household affairs, to maintain household harmony. That's why if there is a problem in the household, the woman is to blame."* (Interview with MS, 2022).

Back to MS's story that the situation made it more difficult for MS to be able to access the rights he should have had. First, because she is a woman who should be enough to take care of and take care of the kitchen affairs (*konco wingking*), and secondly, after she divorced, she became a single mom, which made her have more burdens.

Because MS felt that she had no other choice, she decided to go abroad again. In 2001, MS went abroad, intending to go to Taiwan. There, she worked in the informal sector as a maid, a job taken mainly by woman migrant workers in Tracap Village. In Taiwan, the job was not in accordance with the work contract. For the first three months, she worked in an office without receiving a salary and being exploited.

". . .In my first employer was tortured. I start work from half past 4 in the morning until 1 in the evening. I'm not even allowed to pray. . ." (Interview with MS, 2022).

MS eventually moved to another employer. When MS was happy because her employer was generous to her, MS had to be sent home because his contract with his first employer was calculated for three years, while MS had only worked for three months. When picked up by the agency that brought her, MS received sexually assaulted.

"While in the car alone with one of the agency employees, he suddenly touched me, threw the cell phone that my second employer gave me, and was rude to me."

This situation made MS decide to run away and rent an apartment. MS realized that what she went through was also experienced by many other women migrant workers. Many women face unequal relational issues that make them be exploited. The apartment was later used as a shelter for troubled women migrant workers and became the turning point for MS, who started as a victim in the unequal structure to be an agent of change.

Doing a Movement

This section will discuss the movement carried out by a group of former women migrant workers in Tracap Village. The problems faced by former women migrant workers cannot be separated from structural contexts. Most of the policymakers in the village are men and elite actors in the village. Even at that time, ironically, most of them sent migrant workers and some justified illegal routes. Of course, the policies taken by the policymakers are biased. Or the implementation of the policies made will not be separated from the discourse of men from the elite, which has resulted in unequal relations. Therefore, from MS's perspective, efforts are needed to involve in the affairs of policymaking in the village.

However, MS was aware that being involved in policymaking would be difficult if the group lacked power and support. Therefore, before she and other former women migrant workers are involved in the realms of policy formulation, MS, as well as other former women migrant workers, must first strengthen their group. In this section, I will tell the stories of how MS and other former women migrant workers unite and reinforce their groups so that they can have the power to have a voice in society, including being involved in policy formulation, which is mainly controlled by men from the local elite. The strategies of the movement carried out by MS are explored theoretically.

Class and Identity as a Movement Basis

In the apartment that MS rented, he felt that efforts were needed to advocate themself for justice. At that time, she worked illegally to earn income while socializing the rights of migrant workers to various places where migrant workers work. Unfortunately, while conducting socialization at a Catholic church in Taiwan, he was arrested by the authorities for working illegally. She was jailed and deported to Indonesia, her home country.

MS was aware that advocacy needs to start from its roots or the place of origin. According to her, the violence she received during her time as a migrant worker could not be separated from the lack of support and strong advocacy from where she lived. In addition, the stigma that she got when she returned to her hometown also shows how support and advocacy for women migrant workers are still lacking. Therefore, the initial goal of the movement initiated by MS was to build awareness among former migrant workers in her hometown.

When she returned to her hometown, MS was even more convinced to fight for the rights of the migrant worker. Under the auspices of the Indonesian Migrant Workers Union (*Serikat Buruh Migran Indonesia* (SBMI)), in 2011, MS established a migrant worker village (*Kampung Buruh Migran* (KBM)) as an alliance that aimed to mobilize women, especially former women migrant workers and their families in Tracap Village to protect, empower, and advocate themself.

MS carried out the strategy by mobilizing women, especially former women migrant workers at the time, bringing up the reflection on their backgrounds. The reason was to raise mutual awareness that there are problems they faced because of their backgrounds, namely as women with lower family backgrounds. Furthermore, reflection is also part of an effort to find the fundamental issues they face because of their background.

As subjects who come from the lower classes, they have resources that are sometimes lacking in meeting their basic needs (education, a decent house, and decent food). In the previous section, it has even been explained that the process of becoming a migrant worker must be in debt and trapped by the tricks of brokers, which causes the reproduction of poverty. Then, as women, the discourse in the village, which is dominantly influenced by men, makes women's efforts to develop themselves experience obstacles. In addition, another problem that arises is that their voices are often not considered in public spaces, especially concerning policy formulation.

The Movement Strategies

MS and other members within the KBM then develop strategies to overcome the problems caused by their background. Based on the interviews conducted, there are three main strategies carried out, namely, organizing, and empowering. After the two have run, the third strategy is carried out, namely advocating, where advocacy itself has two divisions, firstly advocacy toward migrant workers' issues, and secondly policy advocacy.

Organizing, is an effort to bring together former migrant workers in Tracap Village. Organizing is a program carried out to strengthen relationships and efforts to build solidarity. The activities carried out are holding regular meetings once a month. In these activities, the members tell each other about their worries and problems. In addition, they also conducted funding (*arisan*) as one of the social safety nets. Moreover, the establishment of cooperatives is also part of the organizational form for their social safety net. Cooperatives are driven together, establishing several businesses, such as shops for basic necessities and businesses in the fields of agriculture and animal husbandry.

There are two main issues in the empowerment carried out by KBM, namely strengthening social and economic, and improving education. Strengthening the joint economy is an effort to enhance their welfare together. This is related to their background as a woman from a lower class, where economic factors are the main issue. In addition, empowerment also aims to address the stigma that women cannot participate actively in public spaces, which are actually discriminatory but are considered normal. Therefore, the empowerment of socio-economic strengthening not only carries out various skills training but also strengthens knowledge about how women can be actively involved in public affairs.

Education is one of the important issues in empowerment for former migrant workers. This is because many former migrant workers do not have access to good education. Lack of education and knowledge is also one of the factors why many migrant workers are trapped in the practice of human trafficking (Borualogo, 2018; Pratamawaty et al., 2021; Susanti et al., 2020). Through educational empowerment, KBM seeks to prevent it. Education is not only shown to former migrant workers but to families and especially children who are left behind when they go abroad. This can be shown by the establishment of Early Childhood Education.

According to MS, efforts to make changes will be difficult when their primary needs are not met, especially when it comes to advocacy. Through organizing and empowering, it is

hoped that it can help the basic needs of its members so that when talking about other issues such as advocacy efforts, it will be easier.

> *"When my friends and I set up schools for children whose families left behind when they worked abroad, then trainings, and the creation of cooperatives, we hope this can help friends to be able to speak more in the wider community".* (Interview with MS, 2022).

After organizing and empowering, the next movement is advocacy. In this section, advocacy will focus on migrant workers' issues who are still working, while policy advocacy, it will be explained in a separate discussion point. The experience of being a victim of human trafficking is a trigger for KBM to protect those who are currently still working. Moreover, advocacy for those who are still working is still rarely seen by government and local elites. It can be said that it is part of self-advocacy.

According to MS, advocating for former migrant workers is an issue that is rarely discussed. Even former migrant workers must demonstrate against the government to pay more attention to the problems faced them. Furthermore, they also conduct socialization about the risks faced by those who will be migrant workers. They make a guidebook that contains the rights received for migrant workers who are still working and the service number when problems occur during work.

KBM also provides a hotline service for brokers who dispatch prospective migrant workers illegally. These services are socialized in various corners of the village to facilitate the dissemination of information. The goal is to prevent human trafficking. This is an alternative to the handling carried out by policymakers who are still considered unresponsive (Rosalina & Setyawanta, 2020).

What MS and former migrant workers have done, according to the prior literature, is called intersectionality. Intersectionality itself is the relationship between various forms of identity and hierarchy and the interconnections between social divisions (Al-Faham, Davis, & Ernst, 2019).

The goal of intersectionality is to reconstruct the social structure that discriminates and excludes certain identities (Winker & Degele, 2011). Therefore, an inclusive environment will emerge (Labelle, 2019). KBM brings the issue of intersectionality where the movement is trying to raise two main issues from the specific context that are gender and social class.

Public Policies Involvement of Former Women Migrant Workers Alliance in Tracap village

The involvement of former women migrant workers through KBM in policy formulation is an essential moment in their efforts to make changes to the unequal structural relations. Before the establishment former of the women migrant workers alliance, the policies implemented had discriminatory tendencies.

> *". . . at village meetings for public decision (musyawarah perencanaan pembangunan (musrenbang) desa), the decisions are made by men, and from families who were respected (local elite). They enjoyed their food here, while the women like us (refer to former of women migrant workers) taking care of consumption and taking care of the kitchen."* (Interview with MS, 2022).

Understanding from the point of view of agency-structure relations dynamic, policy design cannot be separated from the existing social constructions (Bauer et al., 2021). Policy implementation is a form of objective institutionalization of the externalization and internalization process (Berger, 1991). Discriminatory policies are objective institutionalization and legitimacy that have been externalized by local elites and internalized by the people of Tracap Village.

The former women migrant workers through KBM furthermore became an agency that carried out the externalization process. Organizing, empowering, advocating, and also being involved in policy formulation are the objective institutionalization processes of the externalization. This process subsequently can be said to create internalization in the Tracap village community successfully. It can be seen in the policy implementation as objective institutionalization; such are the village government participates by providing services and information to become migrant workers from legal channels, participating in socializing the rights received by migrant workers, and preparing village budgets to help empower former migrant workers and their families. Moreover, members of this group are also part of the village apparatus, which has been primarily controlled by the local elite.

However, the current achievements are not the end of the struggles carried out by these former women migrant workers. Precisely objective legitimacy of equality and justice based on class and gender still needs to be maintained and disseminated. MS is also aware of this,

where she said at one of the seminars organized by one of the banking companies in Indonesia, "women must have ambitions to be achieved, but to achieve these ambitions, all elements of society must also show concern to help realize these ambitions."

Conclusion

The results of this study show that advocacy from the grassroots movement by a group of former women migrant workers in Tracap Village, namely *Kampung Buruh Migran* (KBM), which was initiated by MS, can be said to be successful. Their success can be demonstrated by their involvement in speaking out in public spaces and also influencing the formulation of policies in Tracap Village which were previously dominated by men with local elite backgrounds.

Their success cannot be separated from their ability to reflect on their inherent identity, which focuses on class and gender in this study. It can be seen from MS stories, where when she inevitably buried her dream of continuing higher education and has to work abroad at an insufficient age, and she also has to go into debt due to limited funds to go overseas, which in the end made her trapped in debt and instead of improving economically and socially of the family, what actually happened was the reproduction of poverty. Subsequently, her identity as a woman is not only tricky for speaking out in public spaces but also being vulnerable to discriminatory treatment and exploitation, which has given rise to essential movement strategies.

The dynamics of structural relations faced by MS and other former women migrant workers have given rise to essential strategies in their advocacy efforts. For example, because members of this group come from the lower classes, the main focus of the organization is to create a social safety net to maintain the sustainability of the group. Moreover, empowerment is also not just providing skills training but also strengthening knowledge and courage to be actively involved in public affairs as an effort to address the stigma that women have been considered less capable of doing these things.

This is what makes KBM able to do advocacy in Tracap Village. They are able to become agents of change, where women from social classes who often experience exploitation and discrimination can ultimately give their voices in public affairs, including in the formulation of policies in the village.

Limitations of this Study

This research was conducted to find out how the process of groups of former women migrant workers to carry out advocacy. Reflection on their experiences as migrant workers has given birth to essential strategies for advocacy.

However, the scope of the research only focused on a village and focused on individual experiences. The results of the research presented will be challenging to implement in other areas because it is possible to have different stories and experiences. However, what can be considered in conducting advocacy is to provide the subject with targeted opportunity and reflect on its social structure.

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Challenges to the Implementation of Laws and Policies on Gender Equality and the Rights to Food in Cambodia

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Abstract

Women in Cambodia have faced embedded structural violence and discrimination within various spheres of economic, social, and political life. Particularly, food insecurity and malnutrition facing women have been a persistent problem resulting from gender-based discrimination and violence, which hinder women's socio-economic engagement. This paper aims to critically analyze the challenges of implementing Cambodian laws and policies on gender equality and the right to food to tackle malnutrition and promote food security for rural women in Cambodia. To that end, this paper highlights the significance of gender equality and the right to food in the context of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), Sustainable Development Goals, and Cambodian legal framework.

The author believes that the implementation of Cambodian laws and policies on gender equality and the right to food remains insufficient to promote equal enjoyment of food security for rural women due to various challenges involving systematic and structural problems. These include the existence of traditional norm – Chbab Srey, that influences the characteristic of rural women to consider themselves more inferior to men, the lack of women representation in public sectors at all levels, as well as inadequate technical knowledge and capacities in implementing gender-sensitive food policies in Cambodia. While critically analyzing and suggesting changes to those challenges, this paper also highlights the roles of non-governmental organizations (NGOs) in contributing to the effective implementation of laws and policies guaranteeing the gender-equal right to food.

Keywords: *Gender Equality, Gender Mainstreaming, Right to Food, Food Security, Government Policies, Cambodia.*

Introduction

Women in the world, as well as in Cambodia, have faced embedded structural violence and discrimination within various spheres of economic, social, and political life. Particularly, food insecurity and malnutrition facing women have been persistent problems resulting from gender-based discrimination and violence, which hinder women's socio-economic

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engagement. In response, international human rights mechanisms and institutions are increasingly insisting on the need to explicitly link gender equality guarantees with the right to food and to develop laws, policies, budgets, and programs to ensure that everyone has sustainable access to adequate food.

International laws and policies on the right to food highlight the need to ensure that everyone equally enjoys the availability and physical and economic accessibility of food at all times (UN, 1999, para. 6). The core elements of the right to food have been elaborated in the General Comment No. 12 of the UN Committee on Economic, Social and Cultural Rights to include food availability, accessibility, adequacy, and sustainability. The interpretation of all the elements of this right should entail the general principles of human dignity, equality, and non-discrimination (UN, 1999, para. 18). The link between gender equality and the right to food has been made clear also in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While the implementation of this right rests upon States, non-State actors also have an obligation to ensure that their business activities do not cause harm to the equal enjoyment of the right to food of the local population (UN, 1999, para. 20).

The Cambodian Constitution recognizes women's rights and rights connected to the right to food, such as guarantees of an adequate standard of living and social security (Cambodian Constitution, 1993, Art. 36). However, the language of food security is preferred within policy documents and legislation.

Even with such provisions guaranteeing gender equality and the right to food, reports show that there remain challenges for women in Cambodia in realizing their right to food. Mainly, women are more vulnerable compared to men as they are often subject to limited access to resources, smaller plots of land, and a lack of representation.

This paper seeks to add additional insights to the study on Cambodia, which focuses on the implementation of gender equality in food security concerning agriculture as one specific policy sector. The analysis of food security and agriculture in this paper focuses on the predominant rice and crop production while also reflecting on the relevance of livestock and farming. This paper aims to analyze the potential challenges to the implementation of gender equality and the right to food in Cambodia, as well as to address the solutions corresponding to those challenges. In this paper, the most critical challenges include the negative impacts of

the traditional norm – *Chbab Srey* in shaping the characteristic of rural women in the family and Cambodian society, the lack of women representatives participating in public sectors, and limited technical knowledge and capacities in institutions responsible for gender mainstreaming work. The paper also highlights the crucial roles of non-governmental organizations (NGOs) in supporting the government in implementing relevant laws and policies to uphold gender-equal right to food in Cambodia.

The analysis of this paper uses international human rights law and, in particular, the interpretations and recommendations made by the United Nations (UN) human rights mechanisms, including CEDAW, International Covenant on Economic, Social and Cultural Rights (ICESCR), and Sustainable Development Goals in relation to gender equality and the right to food as an analytical framework.

National policies and legal literature have been used to study, discuss and explain the right to food and gender equality. Cambodian policies and practices have been compared to the international legal provisions to analyze the implementation of gender equality and the right to food in Cambodia and identify the challenges in implementing such rights.

In addition to desk research, the analysis also draws on ten semi-structured interviews with gender experts engaged in governmental agencies related to agriculture and food security and with civil society-based gender experts that have closely worked with or advised the government on policymaking relating to agriculture. The interviews focus on exploring the interviewees' perceptions, stories, and experiences related to gender issues in food and agriculture both in their personal and professional lives. Those interviews were conducted from April to July 2020 and were transcribed from Khmer into English.

Framework on Gender Equality and Gender Mainstreaming

While complete protection of all aspects of women's rights is provided under the CEDAW, gender mainstreaming has been widely recognized as a tool for achieving gender equality under the Beijing Platform for Action for the Promotion of the Status of Women in 1995. It is a "process of assessing the implications for women and men in any planned action, including legislation, policies or programs, in any area and at all levels" (ECOSOC, 1997).

Feminist scholars offer three models of gender equality. One focuses on sameness where equal opportunities or equal treatment are provided for an inclusive society (Rees, 1998;

Squires, 1999, 2005; Walby, 2005, pp. 325-26). Other focuses on the differences between men and women by offering exceptional programs, gender-specific activities, and affirmative action to lift or reverse the disadvantageous position of men and women in a particular situation (Rees, 1998; Squires, 1999, 2005; Walby, 2005, pp. 325-26). As such, the differences between women and men are not essential obstacles to equality. These two models have been under debate within feminist theory. Particularly, scholars raise the question of the effectiveness of "traditional equal opportunity policies" given its inherent limitation (Guerrina, 2002; Rossilli, 1997; Walby, 2005, pp. 326-27) and of how differences are recognized (Ferree and Gamson, 2003; Fraser, 1997). The last model focuses on the transformation of gendered structures by supporting the adaption and integration of gender considerations in all aspects of national policies, strategies, programs, and plans (Rees, 1998; Squires, 1999, 2005; Rees, 2005, p. 55; Prügl, 2009, p. 175). This involves the development of something new, which offers a positive form of melding (Rees, 1998; Walby, 2005, p. 323). The possible outcomes include agenda-setting or integration (Jahan, 1995; Squires, 2005), which ultimately promote equality between women and men.

Gender mainstreaming surpasses a mere equal treatment approach. Still, it entails a transformation in which gender consideration is mainstreamed through policies, training, guidelines, programs, evaluation and practices of governance and development plans (Prügl, 2009, p. 175; Rees, 2005, p. 557). It is argued that gender-neutral policies and programs often do not yield favorable effects on women since policies and programs created by men tend to privilege men over women, which consequently lead to unintended discrimination and injustice in social and economic development efforts (Prügl, 2011, p. 81; Guerrina, 2002; Rossilli, 1997).

Since becoming a State Party to various UN human rights instruments promoting women's rights and gender equality, Cambodia has adopted its legislation and national policies that reflect the importance of gender mainstreaming in achieving sustainable growth and a just society. Furthermore, Cambodia has also been committed to achieving the Sustainable Development Goals (SDGs), specifically SDG 2 on ending hunger, achieving food security, and improving nutrition, and SDG 5 on achieving gender equality.

Brief Overview of Laws and Policies on Gender Equality and the Right to Food in Cambodia

As a state party to the CEDAW, ICESCR, and other core international human rights treaties (UN, 2022), Cambodia recognizes its obligations to promote gender equality and has shown its commitment to improving the enjoyment of the right to food by tackling hunger, food insecurity and malnutrition (Maffi, 2016). Noticeably, in 2010, Cambodia made a significant move by ratifying the Optional Protocol to the CEDAW to accept the individual complaints procedures and inquiry procedure of the Committee on the Elimination of All Forms of Discrimination against Women.

Pertaining to the guarantee of the right to food, one cannot find the explicit wording of the right to food in the Constitution of Cambodia. However, there are some other related guarantees in the Cambodian Constitution, include those on social security, non-discrimination against women, and an adequate standard of living (Cambodian Constitution, 1993, Arts. 36, 45, 46 & 52). Additionally, Article 31 of the Constitution guarantees that "every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status."

Nonetheless, it is undeniable that Cambodia is under human rights obligations to ensure that the right to food is enjoyed by everyone equally as Article 31 of its Constitution provides that provisions enshrined under international human rights treaties that it ratified, especially on women and children's rights, are applicable and considered as sources of law in the courts of Cambodia (Constitutional Council of Cambodia, 2017). Those human rights provisions under the Constitution require state organs such as "the King and the judiciary to directly or indirectly responsible for promoting the human rights norms in international law" (Hor, Kong & Menzel, 2016, p. 78). As such, one can rely on the international standards regarding the right to food and that of women particularly, as provided under the ICESCR, CEDAW, General Recommendation 34 on the rights of rural women by the CEDAW Committee, and SDGs Goals 2, 5 and 10,[20] to understand as to what extent women are entitled to the right to food and how women can better enjoy food security in Cambodia.

[20] SDG 2 on ending hunger, achieving food security and improving nutrition; SDG 5 on achieving gender equality; SDG 10 on reduced inequality.

The right to food is often understood in Cambodia as food security and nutrition, which is said to comprise four main pillars, namely "1. Physical availability of food, 2. Economic and physical access to food, 3. Utilization of food, and 4. Stability of the above three pillars over time" (UNESCO, 2011). These standards are, in principle, compatible with the definition provided under the General Comment 12 of the Committee on Economic, Social and Cultural Right (UN, 1999).[21]

Recognizing the importance of promoting gender equality to ensure the right to food effectively, Cambodia has developed relevant legal and policy documents on gender equality and the right to food. These include the Cambodian Government's Rectangular Strategy for Growth, Employment, Equity and Efficiency, National Strategic Development Plan (NSDP 2014-2018), National Protection Policies (2011), and National Strategic for Food Security and Nutrition (NSFSN 2019-2023) by Council for Agricultural and Rural Development (CARD), 5th National Strategic Plan for Gender Equality and Women's Empowerment (Neary Rattanak V, 2019-2023) by Ministry of Women's Affairs, and Gender Mainstreaming Policy and Strategic Framework (2016-2020) developed by Gender and Children Working Group established within the Ministry of Agriculture, Forestry and Fishery (MAFF).

More importantly, Cambodia has identified gender equality as a top priority to achieve agricultural and economic development and to fight against food insecurity in Cambodia as identified in its National Medium-Term Priority Framework since 2010 (MAFF & FAO, 2010). Among those policy documents, the Gender Mainstreaming Policy and Strategic Framework (2016-2020) was the first effort of the Cambodian Government to systematically link gender mainstreaming and food security to promote the rights of rural women. Based on MAFF Gender Mainstreaming Policy and Strategic Framework in Agriculture (2016-2020), there are three objectives to be achieved by 2020: "1. To promote women's economic empowerment through women's access to goods and services for agricultural development and markets; 2. To strengthen capacities, resources, and commitment within MAFF to ensure effective mainstreaming of gender perspectives into the agriculture sector, and 3. To increase women's and men's equal representation and participation in agriculture sector".

[21] General Comment 12 (CESCR): The right to adequate food is realized when every man, woman and child, alone or in community with others, has the physical and economic access at all times to adequate food or means for its procurement.

The decentralized administrative form of governance introduced in 2002 led to the creation of Commune Councils, which allows the Ministry of Women's Affairs (MoWA) to organize Women and Children Consultative Committees at the subnational level, ranging from the provincial, district, and commune levels. Despite this decentralized structure, the roles of the Committees remain limited in implementing their mandates in gender mainstreaming (Maffi, 2016).

Contexts in Analysing Women's Right to Food in Cambodia

1. Politics

Cambodia is a liberal multiparty democracy under a constitutional monarchy (Cambodian Constitution, 1993, Arts. 1 & 51). Based on the principle of division of powers and the check and balance, Cambodia consists of three main branches, namely the executive, the legislature, and the judiciary (Cambodian Constitution, 1993, Arts. 1 & 51). More specifically, the executive branch is exercised by the government, while the legislative branch is represented by the Senate and the National Assembly (Cambodian Constitution, 1993, Art. 51). The judiciary is an independent body separate from the other branches (Cambodian Constitution, 1993, Art. 51). Influenced by its colonial power and the United Nations Transitional Authority in Cambodia (UNTAC), as well as foreign assistance on judicial and legal reforms, Cambodia adopts and follows civil law system, while common law and customary law have been incorporated gradually within its legal system (Hor, Kong & Menzel, 2012, pp. 7-8). In 2017, before the redistribution of seats belonging to the Cambodia National Rescue Party, which is now dissolved, seats held by women in Cambodian national parliaments, though they remained low, consisted of around 20% (UN, 2017). After the redistribution of seats, only 15% of the 123 seats in the parliament are women representatives (Leonie, 2017). This significantly low number of women representatives in the government could lead to the lack of voice and participation by women and for women within the policy processes and thus a lack of gender-sensitive development policies, plans, and programs (Mattes, Ngouv & Kum, 2020, p. 5; Maffi, 2016, pp. 16-17).

2. Socio Economy

Several main sectors contribute to the progress of the national economy of Cambodia, including the garment industry, tourism, construction, and agriculture (UN, 2022). Among them, the agricultural sector has offered the most job opportunities to the majority of the Cambodian population and thus serves as their primary source of income (Strangio, 2014, pp. 140-141; UN, 2022). At least 42% of Cambodians relied on agriculture for employment in 2017; though the percentage decreased to 32% in 2020, employment in agriculture remains essential and high (UN, 2022). Approximately 13.5% of the total population lives below the poverty line with an income of less than $1.20 per day (World Bank, 2018). About 80% - 90% of Cambodians live in the countryside, and 65% of them rely on agriculture, fisheries, and forestry for livelihoods (World Bank, 2018; USAID, 2021). Despite a stable economic growth rate of 7.6% over the last decade, Cambodia remains one of the poorest countries in the region because of endemic corruption, limited human resources, high illiteracy, and great income inequality (World Bank, 2018). The recovery of these conditions has been worsened and slowed down due to the Covid-19 outbreak (World Bank, 2021).

Though Cambodia gained a lower middle-income status in 2015, the majority of families were able to escape the poverty line with just a slight gap, making them remain highly vulnerable to falling back to poverty (World Bank, 2018; World Bank, 2021). Furthermore, approximately 2.3 million Cambodians are considered facing severe food insecurity where households spend at least 70% of their income on food, and the dietary quality remains poor (USAID, 2018, p. 2). This condition has not been greatly improved as one-fifth of Cambodians remain food-deprived as they eat less than the minimum daily requirement of calories recommended (USAID, 2021).

Notably, households led by women are considered more vulnerable to economic shock compared to men for various gender-sensitive reasons, including women's more limited access to resources, smaller plots of land, lower-income, difficult work conditions and lack of representation (Maffi, 2016; ADB, 2014). It is reported that in 2016, 27% of Cambodian households were women-led households, and they are more likely to be poor (Maffi, 2016, p. ix). When facing a food crisis, the World Food Programme (WFP) 's report shows that women bear heavier burdens in feeding their families members as they, more likely than not, sacrifice their food to secure the nutrition and well-being of their children, husbands, and other male

head in the family (WFP, 2009; Bernabe, Maria & Estrella, 2009). With this global gender inequality phenomenon, food security is also a matter of gender issue in Cambodia.

It is thus important that Cambodia incorporate gender-equal aspects into its laws and policy documents on the right to food in order to promote economic empowerment and social welfare based on the human rights approach of an inclusive society and gender equality.

Analyses of the Challenges and Recommendations

Despite all these commitments and the existence of laws and policies on food and gender equality, challenges remain facing women in Cambodia to enjoy their right to food compared to men equally. This owes to the strong traditional norm – *Chbab Srey*, that influences the characteristic of rural women to consider themselves more inferior to men where men are entitled to more decision-making power in controlling properties, including land and resources, and the lack of women representation in public sectors at all levels, as well as inadequate technical knowledge and capacities in implementing gender-sensitive food policies in Cambodia. This part of the paper will analyze those challenges and propose changes and recommendations for the effective implementation of laws and policies on gender equality and the right to food.

1. Negative impacts of the traditional norm – Chbab Srey in shaping the characteristic of rural women in the family and Cambodian society

Chbab Srey is a set of traditional norms or codes of conduct for women that have influenced Cambodian women's characteristics, roles, and behavior in behaving with their husbands and family. It appeared from the 14th to 19th centuries in the form of a poem that detailed wives' attitudes toward husbands and described how a woman should behave in the household and in society to be a "perfect" woman (Anderson & Grace, 2018, p. 216). Parts of *Chbab Srey* were taught as part of the secondary school curriculum in Khmer Literature until 2007, when MoWA and the Ministry of Education, Youth and Sport (MoEYS) decided to remove most parts of *Chbab Srey* from the school curriculum due to the concern on its adverse effects on gender equity and gender mainstreaming work (Anderson & Grace, 2018, pp. 215-216). This concern was also raised by the CEDAW Committee in its Concluding Observations on the periodic reports of Cambodia in 2006, 2013, and 2019 that *Chbab Srey*, that "is deeply rooted in Cambodian culture and continues to define everyday life on the basis of stereotypical roles of

women and men in the family and in society", needs to be fully modified or eliminated through an effective and comprehensive strategy (UN, 2006, 2013 & 2019).

The gender stereotype has undermined the implementation of gender equality-related legal provisions and policies. Particularly, the laws provide that all properties earned by a spouse are considered joint properties of the husband and wife upon a legal marriage (Cambodian Civil Code, 2007, Arts. 972-973; Cambodia's Marriage and Family Law, 1989, Section IV). A husband and wife share equal rights in owning, using, managing, and benefiting from the interests of the joint properties (Cambodian Civil Code, 2007, Arts. 972-973; Cambodia's Marriage and Family Law, 1989, Art. 32). The law also guarantees a fair legal basis for joint marital properties, and joint marital properties are protected against any unilateral acts of one spouse in disposing of the joint properties (Cambodian Civil Code, 2007, Arts. 972-973, 976). Unfortunately, there have been gender implications from the practical implementation of these provisions, which undermined the effectiveness of legal protection for women in marriage and divorce (Dorine, 2014). In other words, the gender-equal legal standards could hardly be applied in practice for a large number of women, especially rural women, whose power and rights in the family, community, and society are constrained by traditional mindset and social norms. This could result in the lack of access to land and collateral, a significant means of productive resources for the realization of the right to food.

Women's roles in food production and management of productive resources such as land have not received great attention from relevant institutions and women themselves as deserved yet. While women are described and portrayed as caretakers and mothers who look after elders and young children and serve the males in the family, their roles in relation to food mainly rest upon the discussion of food preparation and food processing (personal communication, 11 February 2020; personal communication, 19 May 2020 & personal communication, 22 May 2020). In particular, they see the important roles of women in ensuring that the foods made in the households are nutritious and cooked properly. Rural women believe that they contribute to food security in the family as food providers and not as food producers. Even if some women think that they do produce foods, they believe that their contribution is for home-grown food procurement and, at the micro level – foods grown around the house for household consumption only, while their husbands produce foods on larger scales and contribute much more to food security of the families (personal communication, 11 February 2020; personal communication, 19 May 2020; personal communication, 20 May 2020a & personal

communication, 22 May 2020). They cannot make the decision on their own and need to rely on their husbands in the household and farming (personal communication, 20 May 2020a).

Therefore, we can see that women's skills and capacity in economic activities are overlooked and undervalued as their access to information and opportunities to resources for production, finances, and technology are limited compared to men. Consequently, men are still entitled to more decision-making power in the control of property and resources, including land ownership, while women's active roles in land use, food production, and food distribution are overlooked (Maffi, 2016; Center for Women's Global Leadership, 2011, pp. 6-7). It is crucial to change such status quo to ensure the full realization of sustainable food security for women and overcome poverty in Cambodia.

Eliminating gender -stereotype through comprehensive strategy – Neary Rattanak.

An effective and comprehensive strategy needs to be in place to tackle the mindset influenced by such patriarchal traditional and social norms (UN, 2006, 2013 & 2019). National Strategic Plan for Gender Equality and Women's Empowerment - the *Neary Rattanak*, under the leadership of MoWA, has served as the guiding policy plan and strategy to empower women and uphold gender equality. As of today, the *Neary Rattanak* Plan has reached its phase V, which covers the period from 2019 to 2023.

The Neary Rattanak V focuses on mainstreaming gender-based transformative and inclusive approaches. It sets out a number of priority areas in order to promote gender equality and women's empowerment. Among them, the priority areas that link to the right to food for women are related to women's economic empowerment, as well as the health of women and girls. In particular, the plan promotes favorable conditions for increasing women's access to employment, productive resources, social protection, decision-making in the economic sector and political sector, and access to education through active participation, better awareness, and favorable conditions (Neary Rattanak V, 2019-2023).

Since rural women are vulnerable due to both their lack of legal rights and customary rights in controlling land and resources, resulting from the embedded traditional norms and values that privilege men, it is therefore important that Cambodia ensures the effective implementation of national policies that promote gender equality aiming at changing the traditional mindset of women and men, as well as facilitating women's enjoyment of the right to food.

Moreover, as the traditional mindset on women's roles was derived from *Chbab Srey*, relevant state institutions and stakeholders may also offer alternative interpretations to those controversial parts of *Chbab Srey* for the purpose of promoting and empowering women's roles in peacemaking, reconciliation, and generosity and raise awareness of the public accordingly.

Securing land tenure and access to productive resources for women.

Gender issues in agriculture in Cambodia are often linked to access to land and water (personal communication, 20 May 2020b). Indeed, Cambodian laws and policies may stipulate gender equality in the matter of land tenure and agriculture; yet that does not necessarily mean those provisions are implemented effectively and mainstream gender (personal communication, 20 May, 2020b). The existing policy framework is not clear and comprehensive enough on the measures to be taken to promote women's rights in agriculture, including access to land tenure, water, and technical skills and knowledge (personal communication, 20 May 2020b).

We could see the link between the implication of traditional social values on Cambodian women's roles and the unequal access to land tenure of women in agriculture. Thus, while having the traditional mindsets tackled, women's right to land tenure and other productive resources shall be effectively ensured since it serves as a necessary means of sustainable food production (Olivier De Schutter, n.d.). With the right to land secured, women will be able to enjoy their right to food fully. This will tremendously contribute to food security for women and thus poverty eradication in Cambodia.

Making the roles of women in agriculture and food security more visible.

Women's roles in agriculture and food security are not as visible as they should be both in the framework of the MoWA and MAFF. In particular, our interviewee provided that:

> *"Neary Rattanak of MoWA, even though it focuses on many sectors, it does not entirely cover all issues such as women in agriculture. This policy does not precisely split the information of women in this sector; it only cited from the National Institute of Statistics (NIS) of Cambodia"* (personal communication, 22 April 2020).

Furthermore, the Council for Agricultural and Rural Development (CARD), which is tasked with developing agriculture, including ending food insecurity, is not part of the Gender

Mainstreaming Action Group (GMAG) of MoWA. Though MAFF submitted its Gender Mainstreaming Action Plan (GMAP) to the Gender Equality Department of MoWA, information concerning gender equality in agriculture and food security was not noted (personal communication, 22 May 2020). Moreover, the Gender Equality Department of MoWA refers the work on gender and food security to the Health Department of MoWA, where gender and food security are concerned only about the utilization of food by women and food distribution at home. Women's physical and economic access to adequate food or means for its procurement is not of particular attention to the relevant institutions and ministries. For these reasons, women remain unable to fully enjoy all aspects of the right to food as guaranteed under international human rights standards.

Therefore, for effective implementation of existing laws and policies on gender equality and the right to food, it is important that the nexus and roles of women in agriculture and food security are made visible in the policy frameworks of all relevant state institutions such as CARD, MoWA, and MAFF. The Gender Equality Department of MoWA should also incorporate CARD into its GMAG, which gives them a great opportunity to mainstream gender into the work of rural agricultural development.

2. Lack of Women Representatives Participating in Public Sectors

While there is some progress, the percentage of women representatives participating in public sectors at all levels remains low. Particularly, women's representation in the national parliament, senate, and commune councils remains significantly low as women comprise only 20% of the National Assembly, 15% of the Senate, and 18% of the Commune Councils) (Aurel, 2016, pp. 26-27). In 2017, before the redistribution of seats belonging to the Cambodia National Rescue Party, which is now dissolved, seats held by women in Cambodian national parliaments, though they remained low, consisted of around 20% (UN, 2017). After the redistribution of seats, only around 15% of the 123 seats in the parliament are women representatives (Kijewski, 2017). This can lead to a lack of participation by women within policy processes and thus a lack of gender-equitable food security policies and gender-sensitive development policies.

Specifically, as reported by FAO in 2016, women were under-represented in grassroots or community-based organizations, which consequently disabled them from contributing meaningfully to the gender mainstreaming agendas, priorities setting, and decisions (Maffi,

2016, pp. 16-17). According to the MoWA newsletter for March 2018, the statistics of women civil servants working in ministries and public institutions show that women are under-represented at the national and subnational level in almost all ministries, where just to mention some, women comprising of 24% in the Council of Ministers, 24% in Ministry of Rural Development, 28% in Ministry of Economy, 17% in Ministry of Land Management, Urbanization and Construction, and 23% in Ministry of Agriculture, Forestry and Fishery (MoWA, 2018, pp. 42-43). Moreover, the number of women in the justice sector shows that as of 2017, in the Cambodian justice sector, there were only 38 female judges, 23 female prosecutors, 165 female clerks, 2 female bailiffs, and 206 female lawyers (MoWA, 2018, p. 44). With such a status quo, women lack a voice, influence, and participation in the legal and policy framework on food security and agriculture.

Increasing the number of women in leadership roles and public institutions.

It is crucial to ensure that women working in public institutions increase not only in number but also in rank, opportunities, and responsibilities (Mattes, Ngouv & Kum, 2020, p. 5). Various training and national campaigns on women in leadership have been held by the National Assembly to raise awareness on the issue and call for more women in decision-making positions in public institutions or political posts. Besides awareness-raising through training and campaigns, quota-setting is one of the measures to practically achieve the goal of having more women in leadership roles in state institutions. However, there is a quota set for women serving positions at the sub-national level and technical positions. In contrast, higher positions and at the lawmaker level provide no quota to women candidates. As one of the interviewees provided:

> *"The Ministry of Women's Affairs also supported NGO's suggestions that if we want more women in leadership, we need to provide quota to women. However, the lawmakers viewed that if we provide quota, it seemed that women lacks viable quality to compete with male lawmaker candidates. Therefore, they will not set quota for political posts, but only for the sub-national level and technical positions. The National Assembly also runs a number of campaigns to promote women in politics, dissemination on food security at the provinces, although it did not directly focus on women issues"* (personal communication, 22 April 2020).

The Government of Cambodia has pledged to have 20% to 50% of women working in public services. The quota setting has proven effective as statistic shows that more female civil servants were recruited each year. As of April 2020, the number of female officers has reached 90% of the target. Despite this development, it is important to note that most women occupied over lower positions in the ministries and public institutions. As the *interviewee stressed that:*

> *"If we see the women in each position, for instance, the position of deputy head of the office, director, director general, it's rather very limited. In general, we observe that the percentage of women in the government official has reached 80%, but we look into each position is still rather low. The position that women can contribute mostly deputy head of office at approximately 30%, but the higher the rank, the percentage of women decreased. At ministerial level, women only 10%"* (personal communication, 22 April 2020).

Thus, it is crucial to enhance the quota measure further to ensure that women are encouraged to work in public sectors and ministries. More training, campaigns, and education for women shall be continuously improved and provided to equip women with the qualifications necessary for applying for higher-level positions in the public sector. In a society where gender stereotypes and patriarchal values persist, it is tremendously important to have more women representations in all public sectors with a focus on quantity, rank, responsibilities, decision-making power, and opportunities.

3. Limited Technical Knowledge and Financial Capacities

MoWA has expressed its concern regarding the lack of human resources in working at the Ministry. This brings about difficulties for MoWA in the development of methodologies for working across a number of different disciplines. The lack of human and technical resources caused hiccups in the work of MoWA, particularly in the policy drafting process, as there have been prolonged delays from the ministry side in reviewing the consulted draft policies such as Neary Rattanak V, National Action Plan on Violence against Women (NAPVAW) II and National Policy on Gender Equality. Such delays could be due to the Covid-19 pandemic as well as the lack of proactive staff in contributing to the drafting of the policies (personal communication, 22 May 2020).

Moreover, it is hard to ensure that gender equality is appropriately implemented when those working in related areas portray gender as the way they have been raised in a patriarchal and male-dominant society, like in Cambodia. Particularly, interviewees from MoWA, MAFF, and an NGO described how promoting gender equality in general and in agriculture has been a challenge in her work. Most technical staffs or lower-level staffs are female, and those superiors who have the power to make a decision on gender equality related activities, initiatives, and budgeting are dominantly male and rarely attend technical training related to gender equality offered by the partners (personal communication, 11 February 2020; personal communication, 30 March 2020; personal communication, 21 May 2020 & personal communication, 22 May 2020).

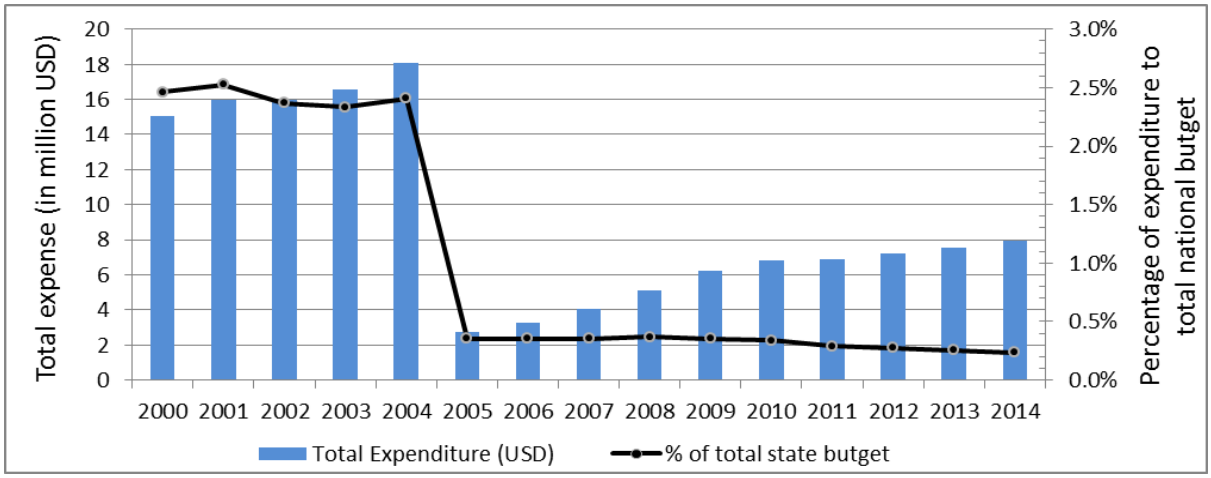
As such, gender expertise remains one of the main concerns for properly implementing gender equality in Cambodia. The fact that some women working in the area still adopt and uphold the patriarchal value is another main challenge that was identified (personal communication, 11 February 2020; personal communication, 30 March 2020; personal communication, 21 May 2020; personal communication, 22 May 2020 & personal communication, 12 June 2020). Without a common understanding of gender equality, it is hard to mainstream gender at both national and local levels. As a top-down approach, the local population will not be able to understand the core principle of gender equality and gender mainstreaming as what the international standards pursue.

Furthermore, the lack of adequate and sustainable financial resources has been a problem in making the gender mainstreaming work effective in addressing the right to food. In 2000, MoWA's annual expenditure was 2.5% of the total national budget of Cambodia or 15 million USD. This amount increased gradually to 18 million USD by 2004, but the share of the total national budget only increased in 2001. In 2005, the budget for the Ministry was dramatically reduced to only 0.35% and continued to decrease to 0.23% by 2014. The percentage budget allocated to MoWA recently has remained relatively stable at 8.82, 11.25, and 12.68 million USD, accounting for 0.23%, 0.26%, and 0.25% of the total national budget, respectively (Suon, Chay & Simon, 2018). In 2019, the government allocated 3% of the total national budget for activities to promote gender equality in all ministries (UN, 2019).

Though the government pledged to increase the percentage budget allocated to each ministry annually, that of MoWA and of all ministries for the implementation of various

policies and action plans to promote gender equality remain relatively low and inadequate (UN, 2019).

Figure from MoWA's budget from 2000 to 2014



Mainstreaming gender among dominant male staff and setting up Gender Responsive Budget Package.

To ensure a comprehensive implementation of gender equality in the food security sector, it is imperative that men are involved and participate in training and activities related to gender equality and gender mainstreaming at the ministries such as MoWA, Women, and Children Working Group (WCWG) at MAFF and many others, as men remain a key factor in designing, drafting, and deciding on gender mainstreaming and gender equality related work, policies, budgets, and plans.

The national budget allocated for MoWA and for all ministries to promote gender equality shall be increased with a gender-responsive budget (UN, 2019). As an interviewee stated:

> *"On the budgeting, in order to achieve this (gender equality) activity, the Ministry (MoWA) should reserve a separate budgeting package for gender activity beside the existing line department to work on gender, it's so-called Gender Responsive Budget Package and the national budget for gender, leadership, gender-based violence and economic… all ministries shall reserve this Gender Responsive Budget Package. If only WoMA has the budget, it will not achieve any bigger result,*

as gender is a cross-cutting issue in all sectors" (personal communication, 21 May 2020).

As such, to achieve effective implementation of laws and policies promoting gender equality in the food security sector, it is essential to ensure that state institutions working on mainstreaming gender in agriculture, including MoWA, MAFF, and CARD, are armed with qualified staff and provided with sufficient financial capacity which is proportionate to the amount of their work and mission.

Roles of NGOs in Supporting the Government in Implementation of Laws and Policies on Gender Equality and the Right to Food

NGOs play a crucial role in upholding key international human rights treaties through local empowerment, advocacy, and monitoring of the government's implementation of those treaties (International Women's Rights Action Watch, 2008). Since the 1960s, the UN, through the Economic and Social Council, officially granted consultative status to NGOs due to the rise of the significant roles of NGOs in providing information concerning human rights violations across the world (Stamatopoulou, 1998, p. 690). Furthermore, NGOs mobilize social movements against governments and for democracy and human rights (Stamatopoulou, 1998, p. 691). For the past few decades since the adoption of CEDAW, NGOs working on women's rights have built good practices and strategies for both regional and national levels, which assists in developing international norms and mechanisms such as CEDAW and other treaty bodies (Bazilli, 2012, p. 10).

In 2014, there were approximately 300 international NGOs and 3,000 local NGOs in Cambodia (Maffi, 2016, p. 31). Under the support and impacts of international donors and civil society networks, those NGOs have undergone evolution, changes, and restructure to broaden their mandates to cover the work of supporting community participation in development agendas (Maffi, 2016, p. 31). NGOs are working on promoting women's participation and representation in decision-making bodies and the national and sub-national levels. Other NGOs work on advocating for rights to land and resources, as for NGOs that mainstream gender and the right to food, FAO mentioned two community-based organizations that stand out, including Banteay Srei and ActionAid Cambodia (Maffi, 2016, p. 34).

Generally, governments reach society at the macro level, while NGOs reach it at the micro-level (Frantz, 1987, p. 123). It indicates that governments prepare national policies and measures for society as a whole, whereas NGOs represent the specific needs and interests of specific groups of civil society. In this regard, governments are highly susceptible to ineffectiveness, inefficiency, and subjectivity in addressing particular issues of certain social groups (Frantz, 1987, p. 123). On the other hand, NGOs are in a better position to interact closely with local communities, especially in remote areas, and understand the heart of their problems. As a consequence, NGOs are able to access more objective information at the local level by using participatory methods; thereby, they carry out projects in a more effective and efficient manner compared to governmental agencies (Frantz, 1987, p. 123). That being said, the realization of women's rights relies heavily on the functional relationship between the government, including the subnational level as the primary duty bearer, and NGOs as cooperation partners. The government's negative perception easily breaks such relationship of the roles and works of NGOs, allegedly representing the donors' agenda (Marcussen, 1996, pp. 415-416).

Despite the shrinking space of civil society organizations (CSOs) and NGOs in Cambodia, we can see that well-established NGOs working on women's rights, gender equality, as well as economic and social rights issues remain a welcoming partner to the state institutions who specifically work on gender equality. Notably, drawing from the interviews, the roles of NGOs have been recognized by the government actors, especially during the processes of policy making. Those involved in the drafting of policies on gender equality from the MoWA, MAFF, Gender and Development for Cambodia (GADC), and NGO-Forum shared common views on the constructive relationship between ministries, civil society, and development partners in the policy drafting processes. For instance, the draft National Policy on Gender Equality involves consultative meetings with various actors from both the relevant ministries, NGOs, and development partners. Moreover, MoWA specifically mentioned the important roles of NGOs in Cambodia in contributing to the work of MoWA in promoting gender equality, gender mainstreaming, Universal Periodic Review and reporting to the UN Working Groups, as well as the drafting of policies related to gender equality (personal communication, 11 February 2020; personal communication, 22 May 2020).

Similarly, MoWA is mentioned explicitly by GADC, NGO-Forum, Centre d'Etude et de Développement Agricole Cambodgien (CEDAC), and Plan International as a ministry that is

very responsive and open to cooperation, engagement, and the feedbacks with its partners in promoting gender equality work. NGO-Forum and GADC are satisfied with MoWA in adopting their comments to the draft National Policy on Gender Equality and NAPVAW II and other policies related to women's rights and gender equality.

These prove that the roles of NGOs working on gender equality and the food security sector cannot be overlooked. NGOs have played crucial roles in ensuring that laws and policies on gender equality and the right to food are properly implemented through local empowerment, advocacy and monitoring of the government's implementation of those provisions. With the involvement of the grassroots organizations, it is believed that legal provisions and policies that mainstream gender in the food security sector will be able to apply at local level, and this will contribute to the implementation of laws and policies on gender equality and the right to food in Cambodia.

Conclusion

Having ratified relevant international human rights legal instruments and having women's rights protected under its national Constitution, legislation, national development strategies, and policies, Cambodia has proven that it recognizes its obligations to respect and promote gender equality and the right to food. Notably, Cambodia has put a systematic effort to connect gender equality guarantees with the right to food in laws and policies at national and sub-national levels. This is also reflected in the limited engagement by CSOs and NGOs around equal rights to land and other natural resources as a gender issue. Nonetheless, concerns persist with the enforcement and implementation of the existing legislation and policies that guarantee women's equal access to food and other resources necessary for the production of food in Cambodia.

In order to ensure gender-equal right to food for everyone, there is a pressing need to further mainstream gender equality among the general public in order to tackle the traditional mindsets of rural Cambodians that are considered harmful to women. To that end, officials who work to implement the relevant policies must be well-trained with appropriate knowledge, skills, and capacity relating to gender mainstreaming. It is also vital that more women representatives participate in the public sector at all levels with high ranking and greater responsibilities and power. This could be done through quota setting for women representatives so that more women will be able to contribute meaningfully to the gender mainstreaming

agendas, decisions, and activities. More importantly, the government shall allocate a sufficient national gender-responsive budget for MoWA and all ministries in making its tasks of gender mainstreaming in agriculture effective.

With the growing commitment from the government to promoting gender equality and the right to food, as well as continuous support from civil societies and NGOs, Cambodia will be able to overcome the current obstacles by fostering the effective implementation of the existing policies which aim at promoting gender equality and the right to food.

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Dual Systems Theory Analysis: The Impact of Patriarchal Culture on Gender Inequality in the Indonesian Workforce

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Abstract

Patriarchal culture remains dominant in many Southeast Asian countries, including Indonesia. It is unavoidable that a strongly patriarchal culture continues to have a negative impact on gender mainstreaming in Indonesia, despite the fact that gender equality is a crucial goal of the SDGs program. Gender equality in the workforce is an important aspect that forms the basis for assessing human development, and it is measured using the UNDP Gender Inequality Index (GII). Even though the fact that Indonesia has implemented a number of policies to reduce gender inequality in the workforce, data show that the country still faces challenges. The authors attempt to demonstrate how patriarchal culture can lead to gender inequality in the workforce in this paper, which will be examined using dual-system theory. Also, how the impact of these conditions will be seen concerning the concept of gender equality in general.

Keywords: patriarchal culture, gender inequality, workforce, Indonesia.

Introduction

This paper attempts to discuss why and how Indonesia's patriarchal culture affects the issue of gender inequality, particularly in the workforce sector. The authors contend that gender inequality in the workplace result from structural violence in Indonesia's still-dominant patriarchal culture. Following that, the authors will examine this debate using the concept of gender equality as the primary foundation for providing arguments and dual-system theory as a tool to understand why patriarchal culture can create inequality. Gender equality is an

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important concept to understand how patriarchal culture can create and perpetuate gender inequality in the workplace.

Patriarchal culture has emerged as the dominant culture in the majority of global cultures, including Southeast Asia, particularly Indonesia. Indonesia, as a country of diverse ethnicities and cultures, is also establishing a solid patriarchal culture. The rise of patriarchal culture has become increasingly common, and it is now widely accepted in people's daily lives. In fact, a region's strong patriarchal culture has contributed to the strengthening of the issue of gender inequality in people's lives.

Patriarchy has a long history and is deeply ingrained in the cultures of the world. Patriarchy can be defined as a pattern of behavior in which men are prioritized over women in specific communities or social groups (Kemendikbud, 2022). In this situation, patriarchal social construction places women in a lower social position than men. As a result, the issue of gender inequality remains a dominant voice that haunts various aspects of life, such as the Indonesian workforce sector (Kemenpppa, 2021). In fact, women play an essential role in the developing and the economy (Kemenko PMK, 2019).

It is undeniable that Indonesia has made numerous efforts to address gender inequality as one of the main goals of human development, as stated in the Sustainable Development Goals (SDGs) (SDGs Indonesia, 2022). However, in reality, Indonesia still has a lot of work to do in order to overcome all issues related to gender inequality, particularly in the Indonesian workforce. According to data from the United Nations Development Program (UNDP) in 2020, Indonesia has the highest Gender Inequality Index (GII) score of 0.480. The score index description then explains that Indonesia is ranked last in the Association of Southeast Asian Nations (ASEAN) in the GII assessment category (UNDP, 2020), with a score that is higher than the global average of 0.436. (Dihni, 2021).

Essentially, the UNDP GII assessment index score seeks to determine how unequal access is between men and women in a country to three important aspects of human development, namely health, empowerment, and workforce market access. UNDP emphasizes that if access to these three aspects is still unequal for men and women in a given area of the country, human development in that area will be hampered (UNDP HDR, 2020). According to the description of the three UNDP assessment criteria for the GII index, Indonesia ranks first in terms of workforce inequality. Whereas the Indonesian male workforce has a score of 82

percent, the female workforce has a score of only 53 percent. In Indonesia, the wage disparity between men and women in the workforce is the highest in the ASEAN region, with a 28 percent gap (UNDP, 2020), and women earn 23 percent less than men (ILO, 2020).

From this situation, the author attempts to understand why and how gender inequality persists in Indonesia, particularly in the workforce sector. The authors contend that Indonesia's strong patriarchal culture is still one of the driving factors behind gender-based inequality in the workforce, despite the fact that the Indonesian government has made numerous efforts to eliminate this condition as the primary goal of the SDGs, CEDAW ratification, Women Protection Law, as well as various related women workforce protection law. This paper is also expected to provide an in-depth examination of the relationship between patriarchal culture and gender inequality in the workplace. The authors hopes that the findings of this study will help relevant parties develop gender mainstreaming policies, particularly in the context of the Indonesian workforce.

Literature Review

The discussion of gender inequality and its implications for human development, as well as strategies for addressing these issues, has evolved into one of today's most pressing issues. The concept of gender is then distinguished from the biological conception of men and women in the historical development of gender. Because, in essence, the problem of gender inequality between men and women is primarily shaped by the differentiation of women's and men's social constructions, rather than by the biological conception of the two (Umar, 2014).

This social construction actually develops and emerges from the patriarchal culture of a still powerful social group. This is due to the patriarchal social construction that places women in a lower social position than men (Kemenpppa, 2021). As a result, this condition frequently leads to gender discrimination in all aspects of life (Bappenas, 2022). A critical aspect of the author's main study in this paper is the workforce market, which is one of the main aspects of assessing the UNDP's GII index. The authors see gender inequality in the Indonesian workforce market sector, both in terms of the number of workers, access to the workforce, and wages that are still unequal and cause significant harm to women, as a result, the authors will attempt to expand on several previous studies related to the author's study, as well as some supporting concepts that will be used in the analysis and discussion.

A Review of the Literature on Gender Inequality in the Workforce

The author is aware that previous studies have discussed the relationship between gender inequality and workforce participation in Indonesia. In this case, the authors use previous research as a guide for conducting research in a different scope. However, the authors also use previous research as a guide to strengthen the foundation of the author's later arguments. As a result, the authors describe several previous studies that are similar to the study chosen by the author.

(Nuraeni & Suryono, 2021) seeks to see how far gender equality has been successfully enforced in the Indonesian workforce in their research on the analysis of gender equality in the workforce in Indonesia. Their study, which focuses on gender inequality in the Indonesian workforce from 2015 to 2017, begins by explaining how the prevailing culture and social norms in Indonesia in general influence the role of women who only work in the domestic sector. This paper attempts to explain why women continue to face numerous barriers to employment when compared to men. In conclusion, this paper demonstrates that, in addition to norms and culture, several factors contribute to gender inequality in the workforce in Indonesia. Another consideration is the right to reach an agreement with the institutions of the employers. As a result, this paper suggests that a more explicit legal umbrella in regulating workforce problems in Indonesia is required to reduce further gender inequality (Nuraeni & Suryono, 2021).

The following intriguing study is from an article (Vibriyanti, 2013) titled gender inequality in economic participation. This paper examines data from the Indonesian national workforce survey (Sakernas) from 1980 to 2013 and their relationship to gender inequality. Furthermore, this paper discusses the evolution of the female workforce in the rapidly changing Indonesian workforce market. In explaining this transformation, this paper emphasizes that women are still confronted with a variety of cultural and structural issues, which have an impact on gender discrimination. The author emphasizes in her study description that unequal wages are still the most severe problem in gender inequality in the Indonesian workforce. This is due to the fact that women's rights have not been protected (Vibriyanti, 2013).

Several previous studies discussing the relationship between gender inequality in the workforce in Indonesia have concluded (Nuraeni & Suryono, 2021) and (Vibriyanti, 2013) that Indonesian women continue to face barriers to gender equality in the workplace. In general, the issues are related to wages and access to the workforce market, which are still lower for

women than for men. According to their research, patriarchal norms and culture are also a driving factor in creating gender inequality in the workforce sector. However, their study does not explain why patriarchal culture can be a driver for the perpetuation of gender inequality in the workforce sector or how the relationship between social structure and gender can shape these conditions in detail on the basis of theory.

As a result, while the issues raised are similar to those raised in previous studies, the author will concentrate on several different focus studies to provide new research. The author will use the most recent data in 2020 to focus on data and problems related to the relationship between patriarchal culture and the issue of gender inequality in the workforce and will approach these issues from a different angle. Furthermore, the author will investigate how patriarchal culture can contribute to gender inequality in the workforce in Indonesia. Essentially, our research will center on a broad discussion of the situation of inequality in the women's workforce in Indonesia, which is caused by the Indonesian patriarchal culture. However, in order to provide a balanced study, we will also provide some supporting data for a number of cases in the regions. To aid the author's study, here are some concepts that will be briefly explained to aid in the elaboration of problems in subsequent discussions.

Indonesian Women Workforce

We will provide clear definitions and boundaries for the articulation of "Workforce" in our research. Our goal in providing a clear definition for "Workforce" is to distinguish it from the concept of "Labor Force." The distinction between workforce and labor force was mentioned in the Law of the Republic of Indonesia No. 13 of 2003. A workforce is defined as a population of working-age people who are employed or have a job. On the other hand, the labor force is defined as residents who are looking for work or are not working. Based on this definition, this study will concentrate on the female workforce (Utami, 2021). In comparison, the study that we conducted seeks to see the inequality experienced by Indonesian women workers in the patriarchal culture that is still prevalent in Indonesia.

Patriarchal Culture

Essentially, patriarchy has a wide range of definitions. However, patriarchy can be broadly defined as a set of social structures and practices in which men tend to dominate women. The term "social structure" is important because it distinguishes patriarchy's definition from biological determination. At its most basic, patriarchy manifests as a set of social relations. On

a more concrete level, patriarchy comprises of six structures: patriarchal modes of production, patriarchal relations in work and wages, patriarchal relations within the state, male violence, patriarchal relations in sexuality, and patriarchal relations in cultural institutions (Walby, 1990).

Even though each level has its own autonomous value, the six structures have a causal effect on each other. Furthermore, Walby's six structures can explain variations in gender relations in society. In the second structure, for example, the patriarchal relationship at work with wages. Because of certain social assumptions, patriarchal culture has a tendency to create conditions in which women enter better types of work (Walby, 1990).

Furthermore, patriarchal culture and ideology are socialized in society because they are legitimized by various aspects of life, including religion and belief, as well as the state. Other patriarchal societies' values have a tendency to place women as "properties" of men. This ownership eventually leads to men's dominance and tendency to control all of the women's affairs and lives. Conditions like this will have an impact on more than just women's access to public spaces. However, it also causes discrimination issues, which eventually lead to gender inequality (BaKTI, 2020).

The social structure that develops in society with a tendency to carry a patriarchal culture like this, which results in gender inequality in various fields, particularly in the workforce sector. In Indonesia, women face gender inequality in terms of lower wages, workforce market access, and a variety of other issues. This condition has actually been exacerbated by the social structure of a patriarchal society, which has pushed women into an abyss of disparity, whether consciously or unconsciously.

Theory of Dual-Systems

As previously stated, the author seeks to understand why and how patriarchal culture can foster conditions that exacerbate gender inequality in women in the context of the Indonesian workforce. Basically, feminism in its evolution has various points of view when it comes to the state of the relationship between class and gender. For example, consider the feminist Marxist viewpoint, which attempts to see the relationship between production and women as a view of women's subordination to capitalism until radical feminists argue that the modern society's production process is entwined with the relationship between capitalism and patriarchy (Jackson & Jones, 2009).

From the various points of view presented, the author contends that the dual systems theory provides the adequate explanation for the problem under consideration. The dual system theory provides a sufficient explanation for why and how patriarchal culture causes women to experience gender inequality in the workplace, which can be seen in various forms of discrimination ranging from access to the workforce market to unequal wages. This theory is able to better explain the relationship between patriarchal culture and capitalism in order to create gender inequality in the workforce in Indonesia through its explanation of the relationship between patriarchy and the capitalism.

Job analysis from a class perspective contributes significantly to our understanding of social relations and work. The analysis, however, is severely limited by their failure to theorize gender relations. Dual-system theory seeks to integrate class analysis with patriarchal theorizing introduced by radical feminism. According to Hartmann, patriarchal relations at work cannot be understood in the context of capitalism because they existed prior to the rise of this system (Walby, 1990).

Gender segregation in the workforce is central to his understanding of gender relations. According to Hartmann, this segregation is essential to men's control over women in all aspects of society. Men can keep women in a disadvantaged position by removing them from higher-paying jobs. Men are able to do so in part because they are more organized than women, such as through trade unions (Walby, 1990).

When men have higher-paying jobs, they can marry women in order to ensure that their wives do the majority of the housework and child care. She claims that women who rely on their husbands for financial support are unable to refuse. Men's access to better jobs leads to them earning what is known as a family wage. Women's domestic work makes it even more difficult for them to obtain better-paying jobs that require training (Walby, 1990).

Hartmann's analysis begins by describing the main elements that are important in drawing gender relations in work with wages, which the author then uses to understand the phenomenon of gender inequality in the workforce in Indonesia. So, how does patriarchy affect the shackles that women face as a second class, with limited access to the workforce market and lower wages. This condition then becomes an interesting study to be discussed in greater depth, as a study that can be used as material for gender mainstreaming consideration.

This study will employ qualitative research methods as well as descriptive analysis. The author will collect data primarily through a literature review, including both primary and secondary data. The author can obtain primary data from related organizations such as the ILO, UNDP, PBB, World Bank, and others via the internet. The author's secondary data sources include books, journals, articles, and online and offline news. The author will use this data to explain how and why patriarchal culture affects gender inequality in the workforce in Indonesia.

Major Trends of Gender Inequality and Constraints on Women in the Workforce Market in Indonesia

As previously explained, gender equality is part of the effort to create equal and sustainable human rights. Awareness of the importance of gender equality and women's empowerment in achieving sustainable development has increasingly been recognized in recent decades as a process to achieve universal human rights. However, women are said to be the ones who continue to experience discrimination and are in a "gendered world", where men and masculinity are valued more highly than women (Goldstein, 2001). This male-centric thinking ultimately perpetuates patriarchy. In the end, national development will not succeed without equal participation between men and women as a result of the patriarchy. In this case, the workforce is one of the important components in the development of a country.

This is also related to the achievement of SDG point 5, which is part of the 17 sustainable development goals that are committed to creating gender equality and providing opportunities for women to participate in development in all aspects. The resolution that needs to be achieved by 2030 focuses on eliminating the root causes of discrimination which until now still restrict women in both private and public spheres (UN Women, 2017). Therefore, comprehensive development in all aspects needs to be considered in order to create greater synergies and changes.

Indonesia is one of the countries with the highest population. The population census conducted by the Central Statistics Agency (BPS) in 2020 showed that the total population in Indonesia was 270.203 million, which included 136.661 million men (50.5%) and 133.542 million women (49.4%). Through population data in Indonesia, it is known that the number of the workforce aged 15 years and over is 128.454 million, which includes 77.755 million men and 50.699 million women (BPS, 2020). This data shows that Indonesia has abundant human

resources. If it can be appropriately managed, it will play a major role in the country's economic development.

In the last ten years, Indonesia's Human Development Index (HDI) value has shown an increasing trend. The overall HDI score ranges from 0 to 100. The range of HDI scores is divided into four value categories: **low category** for HDI values < 60; **medium category** for the range of values 60 ≤ HDI < 70; **high category** for the range of values 70 ≤ HDI < 80; and **very high category** for HDI score ≥ 80. (KPPR Pembangunan, 2020). Previously, in 2010, Indonesia's HDI was only at 66.53 or was in the medium category. In 2020, Indonesia's HDI value continues to increase, resulting in a change in status to a high category of 71.94 (BPS, 2020). This data shows that the Indonesian people can access development outcomes more easily, especially in obtaining income, education, and health. However, even though Indonesia's total HDI score has reached a high level, there is still a gap in HDI scores between men and women. In 2020, the HDI score for men was 75.98, while for women, it was only 69.19. Based on the category level, the HDI of men has reached the high category ever for ten years ago, with the HDI achievement above 70. However, women experience different conditions and continue to be trapped in the medium type. Thus, the HDI value shows that there is still a large gap between women and men.

In addition, although the Indonesian economy has undergone major changes and has provided many opportunities for women to seek better education and find decent jobs, compared to other ASEAN countries, the participation of Indonesian women in the economic sector is still far below or very low compared to other ASEAN countries. In accordance with the data previously described, Indonesia is the country with the highest GII, which is 0.48. GII is an inequality index, where it measures inequality through three important aspects, namely reproductive health, empowerment, and workforce market participation. Thus, the higher the GII value of a country, the greater the gap between women and men and the more losses the country will experience in terms of human development.

Table 1. GII Value

Country	**GII Value**	**World Rank**	**Workforce Participation Rate**		**Gap**
			(% ages 15 % older)		
			Female	Male	

Singapore	0,065	12	62	78,3	16,3
Brunei Darussalam	0,025	60	57,8	71	13,2
Malaysia	0,253	59	50,7	77,1	26,4
Thailand	0,359	80	59,2	76,1	16,9
Indonesia	0,48	121	53,1	81,9	28,8
Filipina	0,43	104	46,1	73,3	27,2
Vietnam	0,296	65	72,7	82,4	9,7
Laos	0,459	113	76,7	80,2	3,5
Cambodia	0,474	117	76,3	88,9	12,6
Myanmar	0,478	118	47,5	77,4	29,9

(Source: United Nations Development Program, 2020)
(The authors have processed the data)

Through the data above, Indonesia is the country with the highest GII in ASEAN with a higher score than the global average of 0.436. Another indicator in examining gender inequality in the workforce is through the labor force participation rate (LPFR). LFPR is an indicator that provides a percentage of the number of workers who are economically active in daily activities and aged 15 years and over. Based on data released by UNDP, the participation of men in the Indonesian workforce in 2020 is 82 percent, while women's participation is only 53 percent. This means that the participation of women in the workforce market is clearly lower than men. One of the main factors that contribute significantly to the low participation of women in the workforce is the existence of a patriarchal culture that requires women to do household chores. There is a construction that women are responsible in the domestic sphere. In the end, this excludes women from working in the public economic sector.

The last indicator that is important to examine the conditions and living standards of workers is through the average wage/salary of workers. Through the table below, it can be seen that the average wage of female workers is always lower than that of male workers in Indonesia. Through a workforce survey released by the ILO, women are said to earn 23 percent less than men. In 2020, the average wage that men receive was around Rp 3,184,084 million, while for women around Rp 2,454,023. Even the level of education cannot close the gender pay gap that occurs in Indonesia. In addition, the employment sector with high wages is still dominated by

men. It is known that women occupy only a quarter of high-paying managerial and supervisory jobs. In fact, with the same work, women are paid less than men.

Table 2. Net Monthly Wage/Salary of Employee by Educational Attainment (Rp)

	Men	Women
Primary School	2,117,361	1,280,826
Junior High School	2,357,497	1,658,672
General High School	3,099,936	2,115,726
Vocational High School	3,059,119	2,288,670
College (D1-D3)	4,414,594	2,930,465
University	5,436,083	3,701,652

(Source: International Labor Organization, February 2020)
(The authors have processed the data)

This situation is getting worse with the COVID-19 pandemic, which affects all aspects of people's lives. In the economic sector, this pandemic had a greater impact on women workers compared to male workers. Women workers tend to be the first to lose their jobs during a pandemic because they are not considered the main breadwinners (ILO, 2020). Another reason is that women workers participate more in the informal sector and have low salaries. Research conducted by UN Women states that the pandemic will leave more women workers trapped in extreme poverty. Along with the decline in economic activity, women are the most vulnerable to layoffs and loss of livelihood (UN Women, 2020).

In Indonesia, COVID-19 has increased domestic work and family care by women by about 19 percent. The existence of policies that impose social restrictions causes the burden of household work to increase. In this case, women bear the heaviest burden, 61 percent of women spend more time on unpaid household work while men, only 48 percent. (UN Women, 2020). Another inequality experienced by women workers during the COVID-19 pandemic is the cutting of working hours. According to the Minister of Finance of Indonesia, Sri Mulyani Indrawati, working hours for female employees have been cut by up to 50 percent. In comparison, men's hours have only been cut by 35 percent. In addition, female workers experienced a 60 percent decrease in wages/income in the first month after the emergence of the coronavirus pandemic.

Table 3. Layoffs and Changes in Income by Work Location after COVID-19 (%)

	Layoffs (%)	Income Change		
		Decrease 50%	**Decrease ≥50%**	**No Income**
Sumatera	21.1	23.8	9.2	18.3
Bali & Nusa Tenggara	39.9	17.5	16.7	42.2
Banten	24.8	39.2	10.1	23.2
DI Yogyakarta	7.6	18.3	1.5	7.6
DKI Jakarta	11.8	30.8	6.8	13.5
Jawa Barat	15.3	41.8	11	10.3
Jawa Tengah	8.5	32.6	12.4	7.7
Jawa Timur	10.4	28.7	8.6	14.2
Kalimantan	12.6	29.1	7.6	13.5
Lainnya	32.3	38.9	3.4	25.7

(Source: Jurnal Kependudukan Indonesia, July 2020)
(The authors have processed the data)

The impact of COVID-19 on workers varies between regions in Indonesia. Still, based on the data in the table above, the areas with the highest number of layoffs occurred in Bali-Nusa Tenggara, which was around 39.9 percent, and Banten, around 24.8 percent. Most of the people living in Bali depend on the tourism sector for their economy. After COVID-19 hit the whole world, the tourism sector was severely affected by government policies such as the Large-Scale Social Restrictions (PSBB). This situation makes many tourism facilities suffer huge losses and affects the reduction of workers' wages and layoffs. As a result of this situation, there have been layoffs for female employees in almost every hotel in Bali. This certainly has a huge impact on women workers in Bali because 59% of women workers in Bali work in the hotel sector (Widiastini, 2021). It can be seen that women will always be the first to be affected by the termination of employment because of the assumption that women are not the primary breadwinners. Even the impact is much more significant during a pandemic.

Generally, the patriarchal system still dominates Indonesian culture, which in turn creates gender inequality. Through the previous gap data, it can be seen that women are still limited

by existing patriarchal norms, so women's jobs are only considered as additional breadwinners (Ford, 2018). So far, women are positioned below men and are considered as "*konco wingking*" which means that women must always be behind their husbands or women cannot surpass men's position (KemenPPPA, 2016). In the end, women are considered not to have to attend high school and do not need to work. Gender norms in Indonesia always associate women with domestic work, such as taking care of the house, and family, and being a mother and wife. Meanwhile, men have special rights over women. Masculinity is rated higher than femininity. Of course, this practice causes various social problems in Indonesia, and one example is the injustice of women workers.

For the authors, patriarchal culture is the main factor that causes gender inequality for women workers. This culture causes various problems for female workers, namely the gap in the level of workforce participation and the wage gap that increases GII in Indonesia. Patriarchy also causes various discriminations experienced by women workers, such as marginalization in work, placing women in a subordinate position, stereotypes, low levels of women's education, and the demands of women's nature from society (*kodrat*). (Susiana, 2017). Marginalization in employment excludes women in certain occupations and tends to place women in low-paid and unskilled jobs. This process ultimately differentiates which jobs are appropriate for women and men and creates a subordinate position for women in society and culture. According to data released by ILO before, even the same level of education does not guarantee that women are paid the same wages as men. Often found, women are only employed in specific sectors or certain types of work because the salaries paid are lower than men (Susiana, 2017).

Furthermore, an essential issue in this regard is the existence of stereotypes against women. The stereotype is a lens that generalizes a group, so that there is a label given to them. The stereotype is a person's view of others, based on the group's perception in which that person can be categorized. For example, women have often been considered physically weak creatures with limited abilities, so they are labeled as incapable of becoming leaders (Farida et al, 2019). This mindset ultimately forms a dichotomy that divides what jobs are appropriate for women and men. Women are considered ideal when taking care of the household, including children and husbands. Meanwhile, the ideal role for men is as breadwinners in the household (Demography Institute FEB UI, 2020).

This perception departs from the idea that masculinity is considered as a strong party, while femininity is gentle and passive. This builds a larger perception that men are the protectors and women are the ones who need to be protected. As a result, women will always be trapped in conditions that are limited in gaining access and only considered ideal for working in the domestic sphere. On the other hand, men as protectors can move freely and have more access to knowledge and connections. In the end, this culture will continue to develop, but women's education levels will continue to be low because access is limited, and women are trapped in domestic work.

In Indonesia, women are expected to stay at home and take care of housework, so that they do not earn their own income. This injustice is still closely entrenched in Indonesia, so it can be seen from previous data that the participation rate of the female workforce in Indonesia is still very much lower than men. In fact, the condition of this gap has not changed in the last ten years due to the dominance of men being much greater than women. Therefore, women workers are more often considered as secondary breadwinners. Even in working conditions, women will always be expected to accommodate family and household tasks that have an impact on the amount of income that women will receive.

Indonesian Policy Regarding Gender Parity in the Employment Sector

In the context of policies related to gender equality, the Indonesian government has tried to promote gender equality by issuing various policies and ratifying several international laws. Gender Mainstreaming (PUG) is a strategy established by the Indonesian government to integrate gender into an integral dimension in the planning, preparation, implementation, monitoring, and evaluation of various existing development policies and programs (KemenPPA, 2020). Through Gender Responsive Planning and Budgeting (GRPB), Indonesia seeks to create policy plans that reflect the aspirations, needs, and problems of women and men or simply use the perspective of gender and equity as performance indicators in all sectors in Indonesia. In this regard, Indonesia has also ratified several international conventions and agreements, one of which is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with the issuance of Law No. 7/1984.

After adopting CEDAW, which seeks to eliminate all forms of discrimination against women in the field of development, in 1995, Indonesia participated in the Beijing Platform for Action (BPFA), which encouraged the application of the PUG strategy. As the implementation

of PUG by all ministries and local governments, the Presidential Instruction (Inpres) of the Republic of Indonesia was issued Number 9 of 2000 concerning the implementation of Gender Mainstreaming in national development. As an evaluation, in 2007, the Indonesian government stated that the PUG strategy had not been fully implemented well in most areas of development. Therefore, to overcome this, a gender perspective is not only integrated into the planning system but also budgeting by establishing a Gender Responsive Budget as part of the GRPB, which is an instrument to address the gap in access, participation, control and benefits between women and men in the implementation of development, to realize a more equitable budget (Kemenpppa, 2020).

Overall, Indonesian Constitution (UUD 1945) itself has actually guaranteed the equality of every citizen through Article 27 that everyone has the right to work and proper protection. In addition, Article 28D Paragraph 2 states that everyone has the right to work and receive fair remuneration and treatment at work. These articles are the basis for the formation of the Manpower Act. Employment policies in Indonesia are regulated in Law No. 13 of 2003 concerning employment. In particular, in Article 5 and Article 6, it is explained that every worker has the same opportunity without discrimination to get a job and get the same treatment without discrimination from the employer. Regarding the guarantee of equal pay between women and men workers, Indonesia previously ratified the ILO Convention No. 100 concerning Equal Wages for Men and Women for Work of Equal Value. This Convention was ratified by Law No. 80 of 1957. In addition, the ILO Convention No. 111 concerning Discrimination in Employment and Occupation which was ratified by Indonesia in Law no. 21 of 1999.

The laws and regulations that have been described previously are a form of policy made to protect the rights of workers in general, both men and women. Meanwhile, the form of legal protection specifically for female workers is contained in Article 76 of the Manpower Law concerning Women which regulates women's working hours, both in general and for pregnant women. This article also regulates health insurance, workplace safety, and shuttle transportation for female workers. Not only that, but there are also other protections for female workers, namely Article 81 concerning the protection of reproductive functions and Article 82 concerning maternity leave, childbirth, and miscarriage.

Legal protection rights and employment opportunities for women workers have been guaranteed by various regulations made by the Indonesian government, as well as international

conventions. However, in reality, there are still many women workers whose rights have not been fulfilled properly. To date, women still face discrimination in the workplace compared to men. Based on the data previously described, it is still clear that female workers still have a low workforce participation rate and lower wages. More women are included in low-skilled jobs due to a patriarchal culture that creates a stereotype of the division of work between women and men. Since then, the situation of women and men in the workforce market has not been neutral.

Gender Inequality: Its Causes and Consequences as a Result of Patriarchal Culture

Whether we like it or not, patriarchal culture is still one of the dominant cultures in the majority of countries around the world, including Indonesia. Patriarchy is a social structure that places women in a subordinate position. It has been explained in the preceding discussion that patriarchal culture has had an impact on the strengthening of gender inequality issues, particularly in the Indonesian workforce. Previous research has provided an explanation for the relationship between patriarchal culture and the strengthening of gender inequality in the workplace. However, these studies do not clearly describe how patriarchal culture then forms a pattern that places woman in an unequal position.

The authors will present data that has already gathered to explain how patriarchal culture can form a pattern that can be said to be repeated, putting women in an unequal position in the Indonesian workforce. The authors will attempt to borrow the dual-system theory, which is a combination of radical feminists and Marxist feminists, to understand the phenomenon of gender inequality in the workforce in Indonesia.

Before we go any further, what exactly does the phenomenon of gender inequality in the workforce mean? What causes these inequalities, and why do they occur? Gender inequality in the workforce is a phenomenon in which women have an unequal position in the workforce market as men, both in terms of wages and access to the workforce market, as well as the difficulty of women achieving higher positions in their work (Stamarski & Hing). Women eventually have very limited access to aspects of gender-based human development as a result of conditions like this.

According to UNDP data, Indonesia has the highest GII value, with a value of 0.480, which is greater than the ASEAN average of 0.331. This figure places Indonesia 121st out of 162 countries worldwide. According to this index, Indonesia has the highest level of gender

inequality among ASEAN countries. This metric assesses gender inequality in three critical areas of human development: health, empowerment, and the economy. The data measured in the economic aspect is workforce participation, which is measured by the workforce participation rate of the population of women and men aged 15 and over (UNDP, 2021).

According to UNDP data for 2020, the female workforce participation rate in Indonesia is only 53%, far below the male workforce participation rate of 82 percent. The gender wage disparity in Indonesia is the highest among ASEAN countries, at 28.8 percent (UNDP, 2021). This condition then becomes the focus of attention, as to how Indonesian women achieve high welfare in terms of human development, even if one aspect of the assessment remains lame. Human development as a whole will not be maximized if inequality in one aspect, namely the workforce, persists. The discussion in this sub-chapter will center on why gender inequality in the workforce persists and appears to be a latent problem in Indonesia. This search is critical in order to see and identify the real issue, which is why patriarchal culture is one of the factors causing gender inequality in the Indonesian workforce to persist.

Job analysis from a class perspective contributes significantly to our understanding of social relations and the workforce in Indonesia. These analyses, however, are severely limited by a lack of theorizing gender relations. Dual-system theory seeks to integrate class analysis with patriarchal theorizing introduced by radical feminism. This theory consists primarily of two systems, patriarchy and capitalism, both of which are analytically important for understanding gender relations. This is due to the fact that the patriarchal relationship to work cannot be understood within the context of capitalism (Walby, 1990).

According to this theory, gender relations eventually result in inequalities that can be formed through access to certain types of work. This is due to the fact that there are still many gender stereotypes of certain types of work. Understanding this is necessary in order to comprehend gender relations. According to this point of view, understanding segregation is critical in explaining men's control over women in all aspects of society. Men appear to be able to "hold" women in a disadvantaged position by removing them from higher-paying jobs (Walby, 1990). According to the ILO, job segregation still exists in Indonesia, where the majority of women work in sectors that are considered capable of being carried out by women (VOA Indonesia, 2021), or jobs that require "soft" skills, such as labor, health, clerks, education, and social services (ADB, 2016).

The types of work by gender can be seen in the table below, which is based on 2021 workforce data. If you pay attention, you will notice that there are several types of work that have a number that is several times that of a specific gender. It's fascinating to realize that different types of work appear to have segregated themselves. According to the data, the majority of women only work in sectors that are considered suitable for women. For example, women outnumber men in the education, health care, and social services sectors. Aside from these two industries, the number of female workers is significantly lower than the number of male workers (Ministry of Manpower, 2021).

Table 3. Types of jobs by gender

Business Field	Gender		Total
	Male	Female	
A. Agriculture, Forestry, and Fisheries	24.590.288	14.187.312	38.777.600
B. Mining and Quarrying	1.256.167	92.05	1.348.217
C. Processing and Quarrying Industry	10.138.054	7.685.514	17.823.568
D. Electricity and Gas Procurement	233.468	41.154	274.622
E. Water Supply, Waste Management, and Recycling	387.301	111.234	498.535
F. Construction	7.830.677	98.974	7.929.651
G. Wholesale and Retail Trade, Car Repair and Maintenance	12.626.344	12.535.269	25.161.613
H. Transportation and Warehousing	5.058.953	248.696	5.307.649
I. Provision of Accommodation and Meals	3.630.153	5.537.389	9.167.542

J. Information and Communication	703.363	380.108	1.083.471
K. Finance and Insurance	954.327	559.249	1.513.576
L. Real Estate	312.063	159.315	471.378
M,N. Company Services	1.396.472	495.187	1.891.659
O. Government Administration, Defense, and Mandatory Social Security	3.271.210	1.386.429	4.657.639
P. Education Services	2.425.920	4.067.259	6.493.179
Q. Health Services and Social Activities	804.69	1.502.978	2.307.668
R,S,T,U. Other Services	2.946.720	3.410.018	6.356.738
Total	78.566.170	52.498.135	131.064.305

(The data is processed from the Indonesian Ministry of Manpower, 2021)

The dual-system theory views this type of segregation as an inequality in gender relations. The dual-system theory explains that this type of segregation is caused by the existence of a patriarchal culture, which in turn gives gender stereotypes to types of work in a specific culture of society. As a result, this condition makes it difficult for women to obtain more diverse jobs. This situation also highlights the fact that women can only be associated with certain types of work and have a limited number of options when it comes to choosing certain types of work.

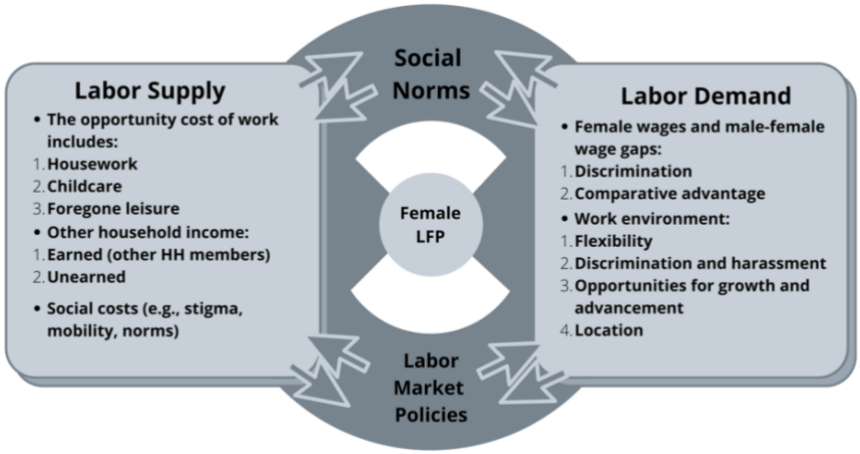
With this condition, women appear to have fewer opportunities than men. Because women have been assigned to specific types of work. The dual-system theory interprets this relationship as a common thread for gender relations, resulting in women earning less than men. According to ILO data, Indonesian women make 23 percent less than men (ILO, 2020). As shown in the previous discussion, Indonesian women earn less than men (Ministry of Manpower, 2021).

Gender inequality in the workforce, as well as occupational segregation, can be found in Indonesia and hampered aspects of human development as a whole. Gender inequality in the workplace can also be seen in the wage disparity between men and women, as previously stated. So, what is the cause of this condition? In light of this issue, patriarchal culture also contributes to the perpetuation of inequality, both in terms of unequal wages and access to different types of work. This type of patriarchal culture fundamentally shapes social values and norms in society, ultimately harming women.

This condition occurs when patriarchal social norms and structures restrict women's access to certain types of jobs that meet community criteria. According to the dual-system theory, this is a situation in which men have better-paying jobs and can force women to do housework and care for children only. Women who rely on their husbands for financial support are unable to refuse. Men's access to better jobs leads to them earning what is known as a "family wage." As a result, we can see a vicious circle in which the lack of women appears to force women out of the best jobs. This condition arises as a result of an unbalanced domestic burden, and it contributes to their limited access to the best jobs (Walby, 1980).

The description of the dual system theorization is made more apparent by the image conception of labor supply and labor demand shown below. In this context, labor supply refers to women's choices regarding the number of workforce market opportunities available to them. When deciding whether or not to work, a woman must weigh her labor against the costs of lost household production in order to be able to work outside the home. In this situation, the stigma and norms that develop in a particular culture have an impact, for example, on women's mobility or what types of work are "decent" for many women in Indonesia, where men's and women's roles in Indonesian households and society are very important and frequently sharply differentiated (ADB, 2016).

Picture 1. A Conceptual Framework for Female Labor Supply



(The data is processed from Asian Development Bank, 2016)

The overall financial situation of households will also have an impact on labor supply. The marginal benefit from income is greater when household income is lower. As a result, women have a strong incentive to work. Meanwhile, as household income rises, there will be less pressure on female workers to balance their responsibilities as housewives at home. Labor demand, in essence, refers to the labor market opportunities available to a woman with a specific set of demographic characteristics. These opportunities may be hampered by a variety of factors, including gender discrimination in hiring or pay, the quality of the work environment, the location of available work and travel costs, and whether the available work allows a woman to balance work and family obligations (ADB, 2016).

Essentially, the intersection of labor supply and labor demand will determine women's labor market behavior. The continuous feedback loop between supply-side and demand-side factors, such as culture, social norms, and labor policies, is also noteworthy (ADB, 2016). Indeed, the concept of patriarchal culture, which then forms social values and norms that affect the Indonesian female workforce today, is influenced by past values and norms. According to (Blackburn, 2004), the Soeharto regime's emphasis on the differences between men and women, in which women are considered to have a role as mothers at the center of the home, has provided rhetoric and has had a strong influence on Indonesian society to this day.

Apart from the previously mentioned factors, the 1974 Marriage Law is one of the patriarchal cultures in Indonesian society that ultimately shapes values and norms for the perpetuation of gender inequality in the workforce. Another aspect of Indonesia's legal

landscape that impedes women's welfare is the 1974 Marriage Law. According to the 1974 Marriage Law, a wife is "responsible" for taking care of the household to the best of her ability (ADB, 2016). This condition, in the end, creates a cultural formation that appears to label women as having only housework as their primary obligation, with no male intervention. These kinds of boundaries appear to be a stigma and enduring in a patriarchal culture.

As a result, we can conclude that Indonesian society's patriarchal culture has had a latent impact on the continued strengthening of gender inequality in the workforce. The patriarchal culture, which then shapes society's values and norms, has created barriers for women to enter the workforce market and earn a decent wage, as well as other conditions that ultimately lead to gender inequality in the female workforce. The dual system theory interprets this condition as a form of discrimination against women caused by gender relations at work.

According to an analysis of female workers in Indonesia (ADB, 2016), the majority of women prefer to pursue informal work after having children. This is done as part of balancing work and household activities, which is considered "obligatory" in Indonesian culture in order to care for the family. The values and norms that emerge in this type of culture eventually compel women to believe that "good mothers stay at home with their children." Conservative forms of this type ultimately deny women the freedom to move and work in a variety of paid jobs (ADB, 2016). This vicious cycle eventually forced women to miss out on their best jobs by subjecting them to an unequal domestic burden, which became a problem for the ongoing issue of gender inequality in the Indonesian workforce (Walby, 1980).

Conclusion

In the last few decades, Indonesia has experienced significant changes in the economic field which should open up a lot of access for everyone to get equal opportunities to obtain their rights as citizens. However, the data in the field proves that there is still a considerable gap between men and women participating in the workforce market. The data also confirms that Indonesia has the most extensive gender inequality index compared to other ASEAN countries. This means that there are still many women in Indonesia who have not been able to enjoy equitable access to development.

This study also reveals that there are still perceptions for women working in Indonesia. The patriarchal culture that continues to this day creates a situation of discrimination and

poverty for women workers. Even at work, women still have to face gender stereotypes and bear the burden of family care. Moreover, taking care of the household does not get paid, so female workers have to spend more effort but less income. The Indonesian government has guaranteed the rights of women workers through several policies, laws, and other regulations. However, in reality, many women workers who face discrimination related to unequal access compared to men. Various obstacles experienced by women in the end put women in a position that was not neutral from the start due to the construction of gender.

Patriarchy actually does not only depend on men. Patriarchy also involves women in finding satisfaction, appreciation, and security in masculinity so that women also have a big influence in strengthening the existing patriarchy in society. Therefore, the commitment of all stakeholders to achieve sustainable development, such as adequate financing, non-discriminatory employment practices, and involving women's organizations in decision making is expected to be able to guarantee all women with various identities they have. In addition to empowering women, involving men in this process is very important to change gender stereotypes and norms at the community level.

It is hoped that these changes will result in more equitable development. Because equitable development will have a significant impact on human development, as envisioned by the SDGs. Gender mainstreaming is now the responsibility of all parties, not just one. With the realization that equality is important, it will bring about change in human development. It doesn't matter how big or small the changes are; small but consistent changes will impact the process and results.

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Gender Identity and Imprisonment: A Case Study of the Pink Prison in Thailand

Wending Zhang[24]

Abstract

Since the end of the last century, the number of sexual minorities in Thailand has been increasing year by year, bringing with it a lot of gender issues related to them. For example, most transgender women face harsh conditions in Thai prisons, as they are constantly on guard against violence from other male prisoners or are forced into prostitution due to poverty. Following calls from human rights organizations, the Thai Department of Penitentiary and Prisons set up a pilot project called "Pink Prison" on the outskirts of Bangkok in 2017, primarily for transgender women in prisons across Thailand to apply. Transgender women were detained in a separate section of the Pink Prison from male prisoners in order to safeguard their fundamental rights. However, there are mixed pros and cons to the establishment of the "Pink Prison" in Thailand, and the actual situation is not as good as what was reported a few years ago. Although prison management in Thailand has improved in recent years, a growing number of transgender women who have been detained in Thai prisons have publicly voiced their dissatisfaction and expressed their desire to be treated as women. Based on these, the Thai government still needs to make further improvements, such as expediting the area of separate detention for transgender women to cover Thai prisons, further understanding the demands of them and making transparent the necessary data and information in prisons, to protect better the rights of transgender women in Thailand's prisons.

Keywords: *Pink Prison, Thailand Prison, Human Rights, Transgender Women.*

Introduction and Context

Why are there so many transgender women in Thailand? Many people would have this question. But according to an article published by *Connect Savannah*, statistics show that the number of transgender people in Thailand is only about 0.3% of the total population, which is comparable to most other countries in the world (Adams, 2015). Then why does it seem that there are still a lot of transgender women in Thailand? If we look beyond the recent improvements in healthcare and the standard of living of the population, the reason is Thailand's tolerance of transgender culture. 95% of Thai people believe in Buddhism, and it believed that "Everyone has karma, karma reincarnation, and the need to practice good deeds to atone for sins. That gender dysphoric people are people born to atone for sins committed in

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previous lives, and they should be treated with compassion rather than disgust." In addition, Thailand has a well-developed sex reassignment surgery industry, and according to *Bloomberg*, a male to female transgender surgery can be performed for as little as US$2,000, so Thai sex reassignment surgery attracts more than 2 million visitors from around the world each year, generating a significant revenue of about 140 billion baht (US$4 billion) for the region (Jason Gale, 2015).

In fact, until now, there were no official statistics on how many transgender women there actually are in Thailand. According to the founder and editor-in-chief of the *Travel Thailand* website, the most reliable figure he believes is 1 million transgender women in Thailand (Catalin Geangos, 2020). And according to the news report on *Taiguo.com*, in 2019, there is an average of 1 transgender woman in 110 Thais (Han Yue, 2020). Regardless of which figure is closer to the actual number of transgender women in Thailand, this is a group that cannot be ignored in Thailand. Surprisingly, this group is neglected in Thailand prisons, resulting in transgender women prisoners often being assaulted by male prisoners. It was not until 2017 that the Thai government ordered a pilot prison project called "Pink Prison" to protect the fundamental rights of sexual minorities, especially transgender women, in prisons.

Research Method and Literature Review

In the face of the controversial Pink Prison Project, which is not well known to most people, the author will discuss the following questions: "Is it necessary to set up the Pink Prison in Thailand?" and "Is the Pink Prison pilot in Thailand really working well?", using a large amount of news and literature collection, and using literature research as the research method, trying to investigate the ideas of setting up the Pink Prison in Thailand and examine the significance of the Pink Prison in Thailand.

Regarding the literature review, three categories of literature were collected in this paper: news reports on Pink Prison in Thailand and research papers on gender issues. The first type of literature, news, primarily deals with the setting and overview of Pink Prison in Thailand. For example, the Washington Post published a report on Pink Prison in Thailand, covering not only a general overview of Pink Prison but also in-depth interviews with transgender women prisoners in the prison pilot (Kronholm, 2017); in addition, there is a review of Pink Prison in Thailand published in the Chinese self-media *Taiguo.com*, in which the author evaluates and analyzes the program from multiple perspectives, including transgender women and Thai

society (Yue, 2021). However, the specific reasons for the setting of Pink Prison and the significance of their setting are rarely mentioned and need to be analyzed by the author himself as a whole. The second type of literature is the research papers and reports on gender issues in Thailand, which have studied the development of sexual minorities in Thailand and their current situation, and some of the data are of great help to the study of this paper. For example, "Legal Gender Recognition in Thailand: A Legal and Policy Review," published by the United Nations Development Programme in 2018, explores a handful of laws, regulations, and policies in Thailand that provide a comprehensive review of the legal gender recognition of transgender people in Thailand; "New Study Explores Stigma and Discrimination Against Trans Women in Thailand," also published in 2020 by the United Nations Development Programme, provides insight into the various forms of stigma experienced by transgender women. But these papers do not address Thailand's Pink Prison.

The third category of literature is the theoretical literature on gender identity and transgenderism[25], which also serves as the theoretical framework for this article. Gender identity is defined as a person's internal self-concept of being male, female, or both - how individuals see themselves and what they call themselves. A person's gender identity can be the same or different from the gender assigned at birth (Human Rights Campaign). Gender incongruence occurs when there is significant and persistent incongruence between a person's experienced gender and their assigned gender, and the gender incongruent person is usually transgender (World Health Organization). Therefore, the presence of transgender people is a normal phenomenon and transgender people are normal people. The human rights of transgender people should be guaranteed whether they are in prison or not, and the basic rights of transgender people cannot be ignored to be trampled just because they are in prison (Breaux, Bruce, 2021). "Governments have a fundamental responsibility to prevent, prosecute, and punish violence and discrimination based on sexual orientation, gender identity, and expression, and to recognize that every person has the freedom to determine the scope of his or her existence, including gender identity and expression" (Madrigal-Borloz, 2021). Additionally, "Trans women are women too" is a central concept that readers and people need to be clear about. The fact that transgender women are women should not be debated. The female experience is not limited to physical structures such as measurements, childbirth, or

[25] "Transgenderism" is a concise word for referring to anything and everything within and behind the state, experience, theory, ideology, perspective, premise, perspective, belief, philosophy, etc, of that which is, was, or can be "transgender" (jouissancepastance, 2018). In this paragraph, it mainly refers to theories and perspectives on transgender people.

chromosomes; what matters is what it feels like to be female (INVISIBLE, 2022). Even though transgender women are not fertile and lack a uterus and ovaries, transgender women are still women, and they challenge socially constructed norms about what it means to be female (McKinnon, 2017). To simply and brutally detain transgender women in Thai prisons with other male prisoners simply because of the gender on their birth certificates is not only disrespectful to transgender women's gender identity, but also harmful to transgender women's fundamental rights.

In addition, field research, interview and questionnaire are also the research methods used by the author. The author conducted research in February and March 2022 at Minburi and Pattaya prisons to explore the operation of the Pink Prison pilot and the real situation of sexual minorities in Thai prisons through interviews with prison staff. Finally, the author contacted two transgender women through different channels and conducted interviews on issues related to Pink Prison, and then created a questionnaire based on the interviews and distributed it to dozens of Thai transgender women to obtain the thoughts and opinions of the transgender women group on Pink Prison in Thailand. More details will be provided in the article.

Findings

1. The Establishment and Early Operation of Pink Prison in Thailand

1.1 Reasons for Setting up Pink Prison in Thailand

1.1.1 Status of Transgender women in Thailand

"Transgender woman" or "ladyboy", translated as "กะเทย" in Thai, is a man who has female psychological characteristics, plays a female role, or has two gender identities at the same time through medical means (but generally not wholly transgender). They are typically treated as women by the public and are referred to in public as "Sao Praphet Song (second class women). The percentage of the LGBT population in Thailand was 8% of the country's total population in 2018. This figure is on par with some other European countries, but still ranks high among Asian countries. And transgender people (especially Sao Praphet Song) make up a significant percentage of this population. According to the data from *Taiguo.com*, the population of this group, in a survey in 1990, showed that there was one Sao Praphet Song for every 3,000 people in Thailand, a ratio of 1:3,000; by 2000, the number had risen to 1:300; by 2019, the number had reached 1:110, which means that by 2019, there will probably be one Sao Praphet Song

for every hundred Thais. And the number of this group is increasing further with the opening of the society's culture and values, so much so that there is a trend of popularization, underage and acceleration, which has led some media outlets even to call Thailand "the world's number one country for transgender women."

1.1.2 Sao Praphet Song's Embarrassing Situation in Thailand Prisons

Due to the existence of such a large group of Sao Praphet Song, almost all gender controversies or LGBT issues related to military recruitment, crime, school uniforms or public toilets in Thailand involve Sao Praphet Song as a group. Moreover, gender-related problems are also widespread in Thailand's prisons. This is because even though the Thai public and public places treat Sao Praphet Song as women, legally, Sao Praphet Song still exists as "men," because Thai law does not recognize the so-called "transgender." This means that if one Sao Praphet Song breaks the law and needs to be put in jail, she will be assigned to a male prison because her birth certificate says "male."

In this way, these Sao Praphet Song, who have been taking hormones for years and have undergone plastic surgery so that they have female features, are at high risk of being victimized by their fellow inmates and even prison guards. There have been numerous reported cases of Sao Praphet Song being discriminated against, sexually harassed, bullied, or sexually assaulted in men's prisons alone. In addition, as *Prachatai* noted in a press release in a few years ago, big bros (prestigious prisoners) in prison would organize "love hotel" brothels on weekends, which in addition to being used by couples in the prison would also recruit the Sao Praphet Song as prostitutes to serve prisoners in need. Some of the recruited Sao Praphet Song joined voluntarily in exchange for money because they were too poor to get food; others were forced by the prison's "big bros" because such behavior could make the "big bros" get satisfaction. In the process of coercion, violence often occurs, causing great harm to the Sao Praphet Song. Also, the lack of condoms in prisons allows STDs to spread freely during these forced and consensual sex acts.

1.1.3 Calls from Human Rights Organizations

Another important reason for the installation of Pink Prison in Thailand is the appeal of human rights groups both inside and outside the country. Due to the lack of police manpower and a large number of prisoners in Thai prisons, Thai prison guards have no time to take care of the above-mentioned problems of harassment and abuse of Sao Praphet Song, so gender equality

groups, human rights organizations, and international NGOs have been calling on the Thai government to pay attention to and protect the rights of Sao Praphet Song in Thailand prisons, and to find ways to improve the situation of Sao Praphet Song.

1.2 Overview of Pink Prison in Thailand from Media Reports

According to a report in *The Denver Post*, what's less well known than the installation of Pink Prison was that the Thai Department of Penitentiary and Prisons has been secretly instructing prisons around the country to hold homosexuals and transgender people in special custody since as early as 1993. However, due to the existence of common areas in prisons, these sexual minorities, even when held in solitary confinement, still come into contact with other inmates during meals, during relaxation, or during work hours, and bullying or sexual assault can still occur.

This situation continued until 2016 when the Thai Ministry of Justice began to address this issue of sexual minority rights due to the combination of factors mentioned in the previous section. The Thai Ministry of Justice ordered the Department of Penitentiary and Prisons to count the number of sexual minorities serving sentences in prisons across Thailand, specifically the total number of transgender women, Sao Praphet Song. The Thai government was also eager to place all LGBT people in an "LGBT-only prison." Still, the final tally showed that in 2017, there were approximately 6,000 LGBT offenders in custody across Thailand. Because it was extremely difficult to arrange for a separate LGBT-only prison, the prison was moved to Minburi, just outside Bangkok. The Minburi Prison outside Bangkok was a pilot project to renovate and paint pink a special wing for 150 prisoners to house sexual minorities serving sentences in Thailand and was open to sexual minority prisoners from across Thailand. Unlike other male prisons, Pink Prison had common areas but is protective of sexual minorities, and they spent the majority of their time in their own areas, even when in contact with other male prisoners. As of early 2021, 150 prisoners from sexual minorities, most of them were Sao Praphet Song, have served their sentences in Pink Prison. The number of applicants is still increasing, according to *Taiguo.com*, a Thai Chinese portal.

2. Filed Research and the Voices of Sao Praphet Song

2.1 Field Research in Minburi Prison and Pattaya Prison

To clarify the actual operation of the Pink Prison Project in Thailand, the author first went to Minburi Prison in February 2022, the place where the Thai government had announced the establishment of the Pink Prison pilot five years earlier. Upon arrival at the prison, the author was not allowed to interview or speak with Sao Praphet Song prisoners because they did not have a letter of access issued officially. Then the author turned to the prison staff and asked them about Pink Prison Project. The staff did not know anything about the Pink Prison Project and claimed that they had heard of the project. More importantly, the staff indicated that there were only about 5 Sao Praphet Song prisoners in prison and that they were detained with male prisoners, contrary to previous proposals by the Thai Department of Penitentiary and Prisons and media reports.

After leaving Minburi Prison, the author emailed the Thai Department of Penitentiary and Prisons to ask for more information about Pink Prison Project. The author sent two emails at different times but received no response. After that, the author continued to look for information and found news reports that Pattaya Prison had been experimenting with separating sexual minorities from men for years. The author went to Pattaya Prison in March 2022 but was not able to interview the staff because of Pattaya Prison was closed on that day. Unfortunately, after returning to Bangkok, the author called Pattaya Prison every day for the next week, expecting to be able to contact the staff by phone and ask about the status of sexual minorities in Pattaya Prison but have not been able to get through to Pattaya Prison until now.

2.2 Voices of Sao Praphet Song in Thailand

In September 2020 on GMM's TV show *Smart Lady*, in which Sao Praphet Song, named Belle, was arrested for stealing in Bangkok. She claimed in the show that she could be detained in a room with other Sao Praphet Song in prison, because she had undergone gender reassignment surgery at the time but was still abused by prison guards and harassed by other male prisoners. Another interview took place in 2022. A media outlet called *work point TODAY*, uploaded a video on Youtube about a transgender person (Sao Praphet Song) telling her true experience in a Thai prison. She told the interviewer that a few years ago, if a male prisoner wanted to have sex with Sao Praphet Song prisoners, Sao Praphet Song had no choice but to accept it because the guards would not reach out to them and would at most tell the male prisoner to wear a

condom. Only in recent years have prison guards started to intervene in these forced sex acts, and if Sao Praphet Song refuses to have sex with male prisoners, they can tell the guards and guards will do something to stop male prisoners, but that doesn't mean male prisoners won't continue to harass Sao Praphet Song.

From these two interviews, we can see that there were indeed many problems with the treatment of Sao Praphet Song in Thai prisons years ago, which made Sao Praphet Song receive violations of her fundamental rights in Thai prisons. It was only in recent years that Sao Praphet Song's situation in some Thai prisons improved. For example, guards began to protect Sao Praphet Song from harassment and abuse by male prisoners, and Sao Praphet Song was able to sleep with Sao Praphet Song. However, there is no information that there is a particular area for Sao Praphet Song to be held or moved around outside of the Pink Prison pilot and Pattaya Prison. So, is separating Sao Praphet Song from male prisoners a must in Thai prisons?

In April 2022, the author sent emails to Trans Activist Kath Khangpiboon from Thammasat University asking about this issue. Kath stated, "It is needed to have a section for transgender people in prison. First of all, since we don't have gender recognition laws, Sao Praphet Song is at risk of being mistreated in male prisons; secondly, Sao Praphet Song who has undergone gender reassignment surgery need transgender healthcare; and finally, trans women are women - this is a core concept. So there needs to be a section in prison for transgender prisoners." The author then interviewed a Sao Praphet Song from Chiang Rai, who was the first time to hear about the "Pink Prison" Project in Thailand and said, "It would be great if there really was a prison-like this where Sao Praphet Song is detained separately from the male prisoners. Sao Praphet Song will not have to feel overly afraid when they enter the prison because they will not be violated by male prisoners." As for whether Pink Prison or similar projects will continue to appear in Thailand, she said, "It depends on two things: the actions of the main government officials and the thoughts of the people."

Based on the contact with Kath and the Sao Praphet Song from Chiang Mai, the author created a questionnaire in mid-April 2022, which focused on the Sao Praphet Song's awareness and opinions about the Pink Prison. The questionnaire was distributed to the Sao Praphet Song group only, and the author distributed it to 20 Sao Praphet Song, and after being told that it could be forwarded to other Sao Praphet Song friends, a total of 25 questionnaires were returned. According to the results of the questionnaire, almost all of the respondents were between 18 and 30 years old, and the most education level was bachelor's degree; more than

half of them had heard of the existence of Pink Prison in Thailand for the first time, but expressed great interest in the project; while Sao Praphet Song, who had not heard of Pink Prison for the first time, did not know much about the project, but still thought it was worthwhile because it protected Sao Praphet Song's rights in prison. In a subsequent question and answer session, 88% of the respondents said that a separate section of the prison should be created for Sao Praphet Song. After learning that the Pink Prison pilot had been discontinued, 72 percent of respondents said they would like the government to introduce a better program for Sao Praphet Song to protect rights, based on the experience of the split-prison pilot. When asked what could be done to further improve the situation of transgender prisoners in prison, those who chose to answer this question said that "there should be a separate area for Sao Praphet Song in every prison in Thailand" and that "Sao Praphet Song should be treated exactly like a woman in prison", "Sao Praphet Song is neglected in every situation in Thailand and prisons should be sympathetic to Sao Praphet Song because each person is an individual person and each person has the right to be treated equally."

3. The Pros and Cons of Pink Prison in Thailand

Although the Pink Prison Project is no longer in operation today, there are still pros to the creation and previous operation of the Pink Prison Project that can be carried forward by the Thai government and applied to the next project to protect the rights of Sao Praphet Song. At the same time, there are also cons to the Pink Prison that more or less caused the eventual cessation of the Pink Prison Project in Thailand.

3.1 The Pros of Pink Prison

The advantages that come with setting up the Pink Prison pilot are very obvious. The first and most valuable is safety. Sexual minority prisoners who applied for a spot in Pink Prison were able to spend time with their fellow sexual minority prisoners in their own wing, such as sleeping, eating, or doing morning exercises. Whereas previously Sao Praphet Song may have had to guard against sexual harassment or coercion from male prisoners constantly, but after staying in Pink Prison, they or they have little to no fear of physical or psychological abuse from men.

It was reported that sexual minorities in Pink Prison were able to mingle with men even during activities that involved contact with other groups, such as sewing or playing soccer. Sao

Praphet Song snaps volleys alongside men crushing the barbell and scrambling with boxing packs; the gays practice together in the emergency room. Many Sao Praphet Song prisoners in Pink Prison said, "such limited 'segregation' is a suitable compromise between safety and isolation." And it allows sexual minorities to leave Pink Prison without becoming disconnected from their social lives.

It is also worth mentioning that, in addition to physical exercise, Sao Praphet Song prisoners in Pink Prison were able to wear makeup and receive vocational education, learned needlework, and embroidered or attended lectures on Buddhism. Sao Praphet Song prisoners were thus able to receive training in the "restaurant service industry, beauty salon and massage spa" in Pink Prison, skills that they may learn and acquire for a better life after release.

3.2 The Cons of Pink Prison

The cons that come with the Pink Prison setup may not be obvious. The first disadvantage, though not obvious, is crucial to the Sao Praphet Song prisoners: the "gradual loss of female identity." One Sao Praphet Song interviewed for drug smuggling said that the hormones she could take to maintain her femininity (looks, voice) before she was incarcerated could no longer be taken afterward, causing her skin to harden, her muscles to grow, and her beard to thicken, saying it all changed, she has had a highly functional feminine body and long ethereal hair. This happened to almost every incarcerated Sao Praphet Song. The situation had not improved since returning to Pink Prison, where the Sao Praphet Song prisoners were still not allowed to take hormones. This led to the destruction of their identity.

Another drawback was the problem of the Pink Prison itself. Even though the 2021 statistics show that more than 150 sexual minority prisoners were being held in the Pink Prison, this was only a tiny percentage of Thailand's sexual minority prisoners, and the rest of the sexual minority prisoners who have applied may not be able to enter the Pink Prison because it was only in its pilot phase. This means that violence against sexual minority prisoners from other groups probably still continues.

Finally, there was the immaturity of the establishment of Pink Prison and the lack of transparency of relevant information, which resulted in questions and concerns from the outside world. Gender equality organizations in most European countries oppose the creation of special LGBT prisons, for example, because they believe it discriminates against sexual minorities. In addition, Thailand's original intention in setting up Pink Prison was either to prevent the spread

of sexual assault and AIDS, but not to actually consider the rights of Sao Praphet Song, and after the establishment of the Pink Prison, the government has hardly released any relevant information, which led some people to question whether Pink Prison might be a superficial project of the Thai government.

Discussion

1. Significance of Pink Prison Project in Thailand

The discontinuation of the Pink Prison Project in Thailand does not mean that an outright failure. We must still consider the project in a dialectical way. The significance of the Pink Prison Project is seen through its failure, which will contribute to the promotion of equal rights for sexual minorities and the protection of fundamental rights of transgender people in Thailand. The author argues that the main implications are as follows.

1.1 The Protection of Human Rights for Sao Praphet Song

If we put aside the Sao Praphet Song status of the criminals detained in Thailand Pink Prison, they are living human beings. They should not be discriminated against, violently assaulted or sexually abused by others for their sexual orientation and gender identity, or forced to be the recipients of certain behaviors as a result. The egregious incidents of discrimination, bullying, rape, and forced prostitution of Sao Praphet Song prisoners in Thailand prisons violate their human rights. Although only a pilot project, the establishment of the Pink Prison in Thailand has given sexual minorities, especially Sao Praphet Song prisoners, a place to protect their human rights, although it still has flaws and shortcomings.

2.2 The Practice of Anti-Gender Binary

Gender Binary Theory separates biology (sex) and sociology (gender) as two dualistic genders, only men and women, and considers the two genders to be opposite and distinct. It stops individuals from crossing or mix genders, contributes to blindness towards transsexual and cisgender people, and recognizes them from the two-gender formats. This was also the gender classification method adopted in Thai prisons before the installation of Pink Prison. Although the Thai Penitentiary Department has implicitly requested that homosexuals and transgender people be held in special custody since 1993, these sexual minorities are still classified according to the gender on their birth certificates, which has undoubtedly been the trigger for

the massive discrimination and violence against the LGBT community by other groups in Thai prisons today. After the establishment of the Pink Prison, when Thai prisons began to stop using the legal gender binary to distinguish the place of detention of prisoners, even though some people questioned it as a superficial project of the Thai government for "gender affirmation," its existence was indeed a kind of practice of anti-gender binary.

3.3 The Progress for Thailand's LGBTQ+ Community

Although Pink Prison is only a pilot right and did not hold many sexual minority prisoners, its existence did give the LGBTQ+ community in Thai prisons an additional opportunity to choose an area to serve their sentences based on their self-identity. Although some European countries consider prisons dedicated to LGBT+ people to be discriminatory or a violation of the rights of sexual minorities, this is still a milestone achieved through the efforts and struggles of affirmative action and LGBT+ organizations inside and outside of Thailand. The Pink Prison may not be the perfect solution for protecting the rights of LGBT+ people in Thai prisons, but it is a step forward for Thailand.

Another solution may replace the Pink Prison as time goes on, but it sets the stage for the following programs and experiments. From the initial indifference to the LGBT+ community's situation in prison to zoned segregation to dedicated prison, while questions of gender affirmative action continue, whether Thailand ends up treating Sao Praphet Song, a sexual minority in prison, exclusively as a woman or as a separate group depends on the development of society, which requires a process of gradual experimentation, experimentation that produces new disagreements, and then new experiments to resolve further disagreements and eventually achieve genuine respect and care. Thailand is fighting for the rights of the LGBT+ community in its way, perhaps not always in the right way, but in a way that is desirable and worthy of respect.

2. The Necessity of the Existence of the Pink Prison Project

It may be anachronistic or even pointless to discuss the need for the Pink Prison Project at a time when it has ceased to operate, but it is worth discussing the necessity or otherwise of the protections provided to Sao Praphet Song prisoners by the Pink Prison Project.

In fact, Pink Prison has provided a relatively independent and safe space for Sao Praphet Song prisoners in Thailand, which has reduced or even eliminated the number of Sao Praphet

Song prisoners being violated by male prisoners. The fact that Pink Prison keeps Sao Praphet Song prisoners safe from male prisoners greatly safeguards the basic rights of Sao Praphet Song in prison. Sao Praphet Song prisoners are human beings with human rights, so it is necessary to protect their fundamental rights in prisons. Then is it necessary to separate transgender women inmates in specific areas, such as Pink Prison?

As mentioned earlier in the paper, transgender women are also women, so it is unreasonable to keep transgender women prisoners together with male prisoners. Also, as a transgender activist Kath says, transgender health care for Sao Praphet Song who has undergone transgender surgery is necessary for prison, because, without health care, these Sao Praphet Song will gradually lose their femininity and cause physical harm to their bodies. When Sao Praphet Song prisoners have their separate detention area in Thai prisons, it will be easier for transgender health care to be provided. Finally, and most importantly, in the author's opinion, creating separate areas for Sao Praphet Song prisoners will allow them to be protected from male prisoners to the greatest extent possible. While increased supervision by guards in prisons can protect Sao Praphet Song from rape by male prisoners, sexual harassment by male prisoners cannot be eliminated, so a relatively separate area is necessary to protect the fundamental rights of Sao Praphet Song prisoners.

Conclusion

According to LGBT Capital, Thailand's "Estimated GDP share from LGBT International Travel & Tourism" in the 2019 "Estimated LGBT-GDP Tourism Impact" survey is called "Estimated GDP share from with a total of $6.5 billion from LGBT International Travel & Tourism, the economic gains from the LGBT+ community have put Thailand at the forefront of Asia (LGBT Capital, 2020). Such an immense financial benefit can be attributed to the Thai government's support and protection of the rights of the LGBT+ community.

The establishment and operation of the Pink Prison Project in Thailand is a demonstration of the protection of the legitimate rights of transgender women in prison and demonstrates the importance the Thai government places on sexual minorities in prison. Because the reason for the closure of the Pink Prison Project was not officially communicated, the author will not comment too much on the cessation of Pink Prison's operation here. Since the opening and closing of a project requires a lot of consideration and coordination, the Thai government has at least made its own attempt to protect the rights of sexual minorities in places

other than public areas, rather than defining the Pink Prison project as a failure because of its closure.

However, without evaluating the discontinuation of the Pink Prison Project in Thailand, it is still possible to focus on the performance of the project during its operational period. The Thai government needs to learn from this experience in order to restart a new "Pink Prison Project" or other better projects to protect the rights of transgender women and other sexual minorities in prison. Based on this, the author would like to suggest the following points for the Thai government, taking into account the shortcomings of the Pink Prison during its operation and the opinions of Thai transgender women interviewees.

1. Create Separate Areas in Prisons for Transgender Women as soon as possible

Through the content of several interviews with transgender women in public places, we can find that some Thai prisons have actually improved a lot in recent years, such as strengthening the supervision of prison order and prisoners' personal safety, and some prisons have even separated transgender women prisoners from male prisoners. However, despite this, the situation of transgender women in prison is still not optimistic. The inability to create separate areas for transgender women in all prisons is evidence that sexual harassment and assault from male prisoners continues, and even though prison guards can increase supervision, it cannot be eliminated entirely.

Therefore, the next step for the Thai government is to build on the existing foundation and restart the Pink Prison Project or other projects that can replace it. The government should continue to promote the creation of separate areas for transgender women in Thai prisons, either through pilot projects or through gender identity laws. The establishment and improvement of gender identity laws will serve as a safeguard for the rights of transgender women in prison, which will also significantly reduce gender panic (Westbrook & Schilt, 2014). It will take a long time for the project to be piloted to cover all of Thailand, and once the Thai government slows down, it means more transgender women prisoners may be harmed, so the Thai government has to speed up the pace to guarantee the fundamental rights of transgender women prisoners.

2. Understanding the Real Demands of the Transgender Women Prisoners

The establishment of Pink Prison in Thailand is indeed a major attempt at gender equality in Thailand. Still, there are some sexual minorities who want to be held in gender-specific detention areas of their own choosing. As *The Prachatai* reports, for example, some transgender women prisoners have no problem with and even enjoy, the sex trade in men's prisons. Gender equality organizations in European countries have also opposed the creation of prisons such as Pink Prison, which is exclusively for sexual minorities, saying it is treating sexual minorities differently. So when Thai prisons set up separate areas for transgender women, they should also give due consideration to their choices, such as whether they prefer to be detained in a particular area for transgender women or with male prisoners. Instead, there should be a blanket approach that places all transgender women prisoners with male prisoners or places all transgender women in separate detention areas regardless of their views.

Transgender prisoners in Thailand have received more medical help in prison in recent years as the Department of Corrections seeks to improve services to meet the United Nations' Sustainable Development Goals. But *Thaiger* reports that only large prisons like Minburi, Pattaya, and Khlongprem Central are able to provide medical help for transgender women (Carter, 2021). As *The Washington Post* reports and Thai trans activist, Kath argues, prisons should give due consideration to transgender women's hormonal needs and properly increase trans health care as it relates to their loss of identity and physical health (Kronholm,2017). If there is a separate detention area for transgender women prisoners, it should be equipped with facilities that better meet the needs of this group.

3. Transparency of Data and Necessary Information in Prisons

In 2017, the Department of Penitentiary and Prisons of Thailand counted only 34 persons for transgender women prisoners in the statistics of sexual minorities in the prison population. However, this was not the accurate figure, and in 2019, under pressure and questioning from gender equality organizations and other social organizations, the Department of Penitentiary and Prisons released a new figure of 1,200 Transgender women prisoner detainees in prisons across Thailand. Such real data are necessary for the public and social organizations to understand the situation of the transgender women prisoners in Thailand prisons, and only with real data can the situation of sexual minorities in Thailand's prisons be improved more effectively.

In addition, there was a lack of news about the follow-up of the Thailand Pink Prison pilot on the internet, and people only know the basics of when and where the Pink Prison was set up, but not the follow-up of the Pink Prison pilot. The public didn't know are there any incarcerated offenders expressing their opinions or any incarcerated offenders who chose to leave. Perhaps, these data and information should be made public and transparent to the whole society. This is what the Thai government must do to continue to protect the rights of transgender women in Thai prisons.

The process of gender affirmative action, and even the protection of the fundamental rights of sexual minorities in prisons, may take decades or more and requires repeated attempts and efforts by governments, groups, and the public, of which Thailand's Pink Prison pilot is one attempt. Whether it fails or not, what most people need is just the truth. People will accept this failure and remember it, but it doesn't mean they will give up speaking up for sexual minorities. The Thai government should stand together with the public, give the truth to the public and society, and work together to face sexual minorities more sincerely.

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Unite to Empower:

Exploring the Empowerment Movement of "Single Moms Indonesia" Community

Durrotul Mas'udah[26] and Syukron Subkhi[27]

Abstract

The status of a single mother in Indonesian society has been subjected to negative stigmas. These negative stigmas tend to disempower single mothers in many sectors such as economic, career, and social relationships. Single mothers in Indonesia also face various kinds of challenges ranging from financial issues and parenting issues to mental health issues. A community named Single Moms Indonesia" was established in 2014 with the aim to empower single mothers in Indonesia and to change the negative stigmas toward single mother status slowly. An interview has been conducted with the founder and three active community members. The interviews uncover common stigmas and significant challenges faced by single mothers in Indonesia, as well as the efforts that the community has done to empower its members. We hope this manuscript can inspire the establishment of a similar movement in other ASEAN countries so that more and more single mothers are empowered and have better life opportunities.

Keywords: single mothers, stigmas, empowerment, SMI Community

Introduction

The traditional construction of an ideal family in the Indonesian context promotes the existence of both father and mother together with their children. A family that does not embody this construction will likely be seen as unusual and "thus" prone to neighbourhood scrutiny. One of the most common conditions that put a family into a state that does not adhere to this

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traditional construction is single motherhood. Single motherhood can be understood as a familial state where the mother raises her children without the assistance or presence of her husband due to divorce or the passing of her spouse (Greenberg, 2002; Khairuddin, 1985; Perlmutter & Hall, 1985; Yarber & Sharp, 2010). Data from the Social and Economic Survey from the Central Bureau of Statistics, Indonesia, show that the total number of divorces had increased from 2.02% in 2015 to 2.76% in 2019; meanwhile, the percentage of divorces caused by death had increased from 1.2% in 2015 to 1.93% in 2019 (Pujihasvuty, Subeqi, & Murniati, 2021). Single motherhood turns out to be a major change in a family (Usakli, 2013), and due to the absence of the father, it becomes problematic.

A woman's life upon separation from her husband can be full of emotional disturbances as well as changes in her relationship with her social environment (Belsky, 1997). She would likely feel heartbroken, frustrated, and lost, which would take quite a long time to completely heal (Papalia, Olds, & Feldman., 2009). The changes resulting from being a single mother can be problematic because a woman who used to play the sole role of a mother now also has to play the double role of mother and father (Perlmutter & Hall, 1985). Single mothers experience personal barriers to successful motherhood. Daily stress from lack of adequate resources results in feelings of low self-esteem, isolation, depression, and fears that they are not good mothers (Hudson et al., 1999). Without degrading the struggle of a single father, socially and psychologically, the widow's struggle is more complicated. Especially in Indonesia, because marriage is usually considered more important for women than for men so that women feel the end of a marriage is the end of their primary role as a wife. Women are also seen as less socially aggressive and have the courage not to "remarry", and prefer to limit their social life (Bell, 1991).

From a social point of view, single mothers are viewed as one of the most vulnerable social groups in society (Van Lancker et al., 2015). Single mothers are often characterized by their lack of education, lack of skills, lack of social networks, and difficulties in balancing work and family responsibilities (Idris & Selvaratnam, 2012; Rembiasz, 2016). In the Indonesian context, mainly, single mothers have long been subject to disadvantaging stigmas and discriminating social treatments. The root can be arguably traced back to the dominating patriarchal culture in most Indonesian societies that place women as inferior to men. The traditional construction of the family defines the difference between the role played by the father and the mother. While the father is expected to be the primary breadwinner for the family, the mother is expected to raise the children and take care of the household. When the

mother must undergo single motherhood, she is doubted if she will be able to simultaneously earn income while also raising her children and taking care of the household. In addition, single mothers are also subject to discriminating, sexist stigma such as being seductive to other women's husbands. These doubts and stigmas could likely hinder them from obtaining well-being and better life opportunities.

Many pieces of research pertaining to the life of single mothers have been carried out from various perspectives and focuses. However, most of the previous research on single motherhood tends to be children-centric, emphasizing the influence of the impact of single motherhood on children's development (Indrayanti et al., 2017; Hamzah & Jaafar, 2017; Fatimah & Junanah, 2018; Skubiejute, 2019). Some thorough research also views the critical role of a single mother on the children's success in the future. Research that tends to be mother-centric that emphasizes the well-being of single mothers and supports that they may need to proceed into living a prosperous life remains scarce. Whereas such kind of research is required in order to help us understand how negative stigmas could affect a single mother's mental well-being and further identify what type of support that could be provided.

Single mothers have been experiencing a lack of social support. In a particularly stressful condition such as single motherhood, inadequate social support can lead to social isolation, and also poor public health outcomes (Dejoseph & Norbeck, 1996). In addition, they also experience negative perceptions of their status as a widow. Single mothers need support in the form of attention, appreciation, recognition of their existence as single parents, and even real support such as direct presence to help both materially and non-materially in the form of advice and information. Such kinds of support are necessary to help them achieve equality in various aspects. It is also essential to empower single mothers so that they can express their interests and opinions in society. Moreover, social and political support must help to abolish negative stigmas toward single mothers.

To meet the urgent needs of support required by single mothers in Indonesia, a grass-root community has been established, namely the Single Moms Indonesia (SMI) community. This community aims to empower single mothers in Indonesia and to provide them with a "home" that is safe, comfortable, and devoid of the stigmas that still exist in Indonesia towards single mothers. This community aspires to empower single mothers in Indonesia through various kinds of self and skill-development activities. The ultimate goal of this community is

to help single mothers and their families become resilient, independent, and to be able to develop (source: SMI's media kit).

SMI was established on 8 September 2014, by Maureen Hitipeuw. Maureen was inspired to establish this community when she attended a book launching event about single mothers. She believes that community movements can support single mothers and be a place to share and strengthen each other without judgment. In 2018, SMI was chosen by Facebook as one of 45 Indonesian communities to participate in the Facebook Community Leadership Program. According to the SMI's media kit, as of today, the SMI community boasts over 6,200 members dispersed across Indonesia and overseas. Legally speaking, the community already has its legal framework as an official foundation since 14 August 2019 (source: SMI's Media Kit).

Single motherhood has a long history of academic and political debate. Still, these debates seem to never end in ever-changing societies with ever-increasing numbers of single-mother families, despite the fact that the issues and their core remain the same and only manifest in different ways – poverty, gender discrimination, lack of opportunities for children, and so on (Skubiejute, 2019). Therefore, this research aims to add to and enrich the discussion by proposing a different point of view that is more focused on the agency and the ability of single mothers to raise themselves and empower each other with the help of a peer community. Specifically, this research explores the empowerment movement that the SMI community has done.

Literature Review

This research seeks to analyse the ways by which single motherhood in Indonesian society has been stigmatized and further imposing gender inequality towards single mother women. As it will study the community organization of Single Moms Indonesia (SMI), this research will also examine the strategies carried out by SMI to address and advocate the discriminating stigma on single mothers, as well as those to empower them.

Previously, research related to the lives and experiences of the single motherhood community was carried out in 2020. The research is entitled *"The Paradoxes Paradoxes of Being and Becoming South Asian Single Mothers: The Enclave Economy, Patriarchy, and Migration"* by Allavi Banerjee, Soulit Chacko and Bhumika Piya. This study focuses on families of South Asian descent who migrated to the United States. But, along with the policy

to deport Muslim men from the United States after the incident of 9/11 forced a single motherhood to care for and raise their children without the presence of father's figure. The study was conducted by interviewing 28 women as part of a larger ethnographic study on women living and working in a South Asian (SA) ethnic enclave in Chicago. This interview-based research resulted several findings such as South Asian Migration and Mothering; Patriarchy and Construction of SA Single Mothers; Single Motherhood by Abandonment, the Model-Minority Myth, and Patriarchal Bargains; and Single Mothers and Patriarchal Practices of Ethnic Kin Relationships. (Banerjee, 2020)

Social Support

The definition of social support itself could be determined from several different perspective on its use. On the perspective of social support towards single motherhood, Sarafino (1997) defines social support as the help, appreciation, attention, and feeling of comfort that one receives from other people or from their group or community. Meanwhile, Cohen and Syme (2004) define social support as a state that is useful and beneficial, that one receives from other people, either of his/her structural social relationship such as family or friends, or of his/her functional social relationship in forms of emotional support, information, and instrumental evaluation. Such social supports come from one's spouse, family, friends, and colleagues in the workplace. Gottlieb (Smet, 1994) explains that social support is a real help that is given by one's significant others and can lead to some emotional reactions and changes in the behaviour of the person who receives it. Social support can effectively reduce the causes of psychological stress when one has to face difficult situations.

Political Support

Single motherhood has been linked to a number of negative consequences for family's and children's well-being in a variety of studies. According to some authors, children from single mother families are more likely to engage in substance abuse and delinquent behavior, have lower academic achievements, begin their sexual life earlier, display symptoms of depression, low self-esteem, and anxiety, and are more likely to experience substance abuse and poverty as adults (Daryanani et al., 2017; Breivik et al., 2009; Ficco, 1997; Colyard, 1986; Howell, 2015; Dijanic, 2016; Kimani, 2007; Golombok et al., 2016).

Through the lens of policy framing theory, it becomes clear that many issues faced by single mothers and their children could be significantly reduced by making certain changes to

policy (Greta, 2019). Thoroughly, certain policies arranged by the stakeholders mainly focused on facilitating the children raised by a single motherhood family to rule and apply the tools required to access an available support towards them.

Resilience

According to Reivich and Shatte (2002), resilience is the capacity to cope with and adapt to adversity, whether it be physical, psychological, or social. Adversity and trauma can occur during a person's daily life, so they must learn to deal with them. Meanwhile, Siebert (2005), explains that resiliency is the ability to deal with challenges effectively, maintain health in the face of adversity, and adapt one's daily routine when one's daily routine is no longer appropriate for the situation at hand.

Resilience can be interpreted as a means of returning to a previously traumatizing situation or event, according to the two thoughts expressed here. To be sure, single motherhood has its challenges, from the initial shock of becoming a single parent to the ongoing hostility of society toward the choices made by these women. But this is far from a given. Mentally calming exercises to help them reach a state of readiness for building a community that is free of the stigma attached to it among the general population include focusing on the importance of building a community that is not afraid to speak out against the oppressive position of the person in charge.

Method

This research applies a qualitative method. This method is helpful in understanding participants' experiences, allowing the interviewer to obtain in-depth responses to questions (McNamara, 2007). Based on the research problem, this research raises a question: **"How does the SMI community play its role in empowering single mothers in Indonesia?"** This research applies an in-depth interview method to collect the data needed to answer this question. The interview was conducted with Maureen Hitipeuw, the founder of SMI Community. Upon her request, the interview was conducted through email, where we sent her semi-structured interview questions, and she sent us back the answers. The interview questions try to explore several important issues such as the challenges and stigmas that single mothers in Indonesia have experienced, what kind of effort the SMI community has made to fight the stigma and empower single mothers, and the challenge faced by the SMI community in doing so, and the support that they need to develop the community.

Another interview has also been conducted through a zoom meeting with three informants who are members of the SMI community. The three informants became single mothers due to three different causes: the passing of the spouse, personal choice, and divorce. The interview with members of the SMI community tries to explore their experience as single mothers and also their membership experience in the SMI community. In this manuscript, each of those members is identified as follows: A1 (single mother due to the passing of her spouse), A2 (single mother by choice), and A3 (single mother by divorce).

The interview results are analysed through a constant comparison approach (Glaser & Strauss, 1967). The interview transcripts are read, reread, and compared in order to identify the recurring themes that emerged from the participant's responses to the questions. The data from the interview with the founder of the SMI community and three community members are also triangulated to validate each of the interview results. These recurring themes are then examined to determine their connection to the research question. The findings from the analysis are presented below.

Findings and Discussion

Single Mothers in Indonesia: Facing and Fighting Stigmas

The result of our interview with the founder of SMI Community, Maureen Hitipeuw, uncovers the challenges faced by single mothers in Indonesia. It is reported that through a survey conducted on the SMI Facebook group, members of the SMI Community identify five significant challenges that they face pertaining to their status as single mothers. These significant challenges are financial issues, negative social stigmas, mental health issues, parenting issues, and self-doubt.

"Financial issues, because after separating from our husbands, we automatically become the breadwinner for our family. We also face negative stigmas from society towards our "widow" status. How to regulate our emotions; how to raise our children, because we automatically also play the role of father and some of us also have to do co-parenting with our ex-husbands. And also, the doubt whether we could build a better future for ourselves and our family." (Interview, 24 January 2022)

One of the main issues experienced by single mother families and therefore their children is the financial issues or so-called poverty. Deprivation in consumption leads to social

exclusion, low self-esteem, and limited life opportunities in general for single mothers and their children as a result of poverty (Maslauskaitė, 2014). There are a number of issues that contribute to the plight of families headed by a single mother, including wage disparities based on gender, low or non-existent child support from the father (in cases where he "exists"), reduced working hours, and a paucity of education among single mothers. In contrast, "longer parental leave, a smaller proportion of unpaid leave, and higher amounts of family allowances were associated with lower poverty among all households with children," which highlights the importance of policy in reducing one of the biggest issues (poverty) associated with single motherhood. (Andersen, 2018; Maldonado & Nieuwenhuis, 2015).

Other than a financial issues disclosure, one of the major challenges single mothers faces in Indonesia is the negative stigmas from society. We argued that in Indonesia, the concept of single motherhood is constructively viewed through a patriarchal lens that normalizes two-parent families as the norm and renders all other family structures undesirable and invisible. On research in India, conducted by D'Cruz and Bharat (2001), they claimed the ideal family is shaped along gender lines, with men serving as the breadwinners and inheritors and women serving in support roles. They see that this view has been largely perpetuated by studies of Indian families that focus on joint or two-parent nuclear families, Indonesian society's constructivism of an ideal family may also have something to do with this fact.

Society tends to neglect the struggle of being a single mother and give more focus to the "widow" status. Widows, especially those that are caused by a divorce, are seen as failed women, and it is entailed by their failure to keep up their marriage. Not only society but the family who is supposed to support them also stigmatizes them as a shame that breaks the family's dignity. Even worse, society sees them as someone who likes to lure someone else's husband.

"Unfortunately, our society is still stigmatizing single mothers in negative ways. This is evident in the fact that our members out there still receive such negative stigmas. They are seen as a shame, a failed woman who is going to steal someone else's husband. There are lots of negative stigmas that our society still believes." (interview, 24 January 2022)

Psychologically, women are better able to cope with perplexing situations, such as those that arise when they are confronted with their own sexuality or their relationship with a partner, than men. However, even in these situations, women are more likely to experience anxiety and

depression than men. In addition, they feel surrounded by other people's voices and chants in the area around them. The negative stigma towards single motherhood is the social construct which probably caused the single motherhood unsavoury experience.

All those stigmas must have disempowering effects on the life of single mothers. One example is discrimination in the workplace. Maureen reports that to hinder such an unjust treatment, some single mothers even have to hide their status.

"There are also many forms of injustice that single mothers face on a daily basis. Besides being labeled as a shame by my family and their surroundings, they also receive discriminating treatments in their workplace. Some even try to cover their status as a single mother because they are worried that they will receive unpleasant treatment from their colleagues once they reveal their status." (interview, 24 January 2022)

One of the informants, A3, shared her experience when she felt stigmatized by her colleague in her office. *"He asked me if one of our friends is a widow (with a negative tone), then I answered why if she is a widow, what's the problem? I am also a widow. Then he didn't say anything again."* (interview, 28 April 2022)

Another informant, A2, shared her different experiences as a single mother by choice. She faced administrative difficulties when she tried to enroll her child to be able to access public facilities such as schools and hospitals. *"I am a single mom by choice. I gave birth to my child in the USA; thus my child's birth certificate is also from the USA. Unfortunately, that birth certificate is not acknowledged here in Indonesia. And moreover, because I am a single mother. It is not common here in Indonesia to state on the birth certificate that a child belongs only to a mother. And that gives me difficulties in accessing public facilities for my child."* (interview, 28 April 2022)

Reflecting on how society has stigmatized single mothers, Maureen believes that it takes a long process to change those stigmas. However, instead of focusing on that matter, the SMI community rather pays more attention and efforts to help single mothers in Indonesia re-establish the foundation of their confidence so that they can raise themselves and be empowered.

"It takes a long time to change those stigmas, it is a process. Of course, we hope society will support single moms, instead of stigmatizing us. But again, this process takes time. To

change those stigmas is indeed one of our missions, but we actually prioritize empowering single mothers, by helping them re-establish their confidence. We believe that once single mothers are empowered, negative stigmas will no longer bother them." (interview, 24 January 2022)

Informant A3 expresses her opinion that the most important support single mothers need is to be given opportunities. *"Opportunity in many forms: to work, to build a career, to be equal with other members of society. We need to be given those opportunities because we believe that we can. We have to empower ourselves. Our status as a single mother does not make us weak."* (interview, 28 April 2022)

The following section explains the efforts that SMI Community has made to empower single mothers in Indonesia.

Single Mothers Unite: "Single Moms Indonesia" Community as A Platform to Empower

"Single Moms Indonesia" (SMI) Community was established with the following vision and missions:

Vision: Empowering single mothers to be confident and be able to build a happy family

Missions: 1) empowering single mothers and their children by providing support, workshops, and training, so that their family can be resilient, independent, and continue to develop; 2) slowly eradicating the negative stigmas toward single mothers in society.

Three informants (members of the SMI community) express the reason for their membership in the SMI community. Informant A1 reports that joining the SMI community has helped her to find like-minded friends with the same identity background that is single mothers. *"I personally like to join in and do activities with communities, of course, communities that promote the same values as mine. When I found SMI on Facebook, I 'stalked' the social media profile of its founder and also the community's programs and was convinced that this community is in-line with my personal values. Because actually there are other single mothers' communities out there with different values. I found SMI more focused on empowering single mothers, and that's why I join them."* (interview, 28 April 2022)

Informant A2 reports that her membership in the SMI community has also positively influenced her child's perception of being a child of a single mother. *"In SMI not only I can*

find friends who are single mothers by-choice, but I can also show my child that he is not alone, that there are many other children out there who live with their mothers only, without a father, and that's okay." (interview, 28 April 2022)

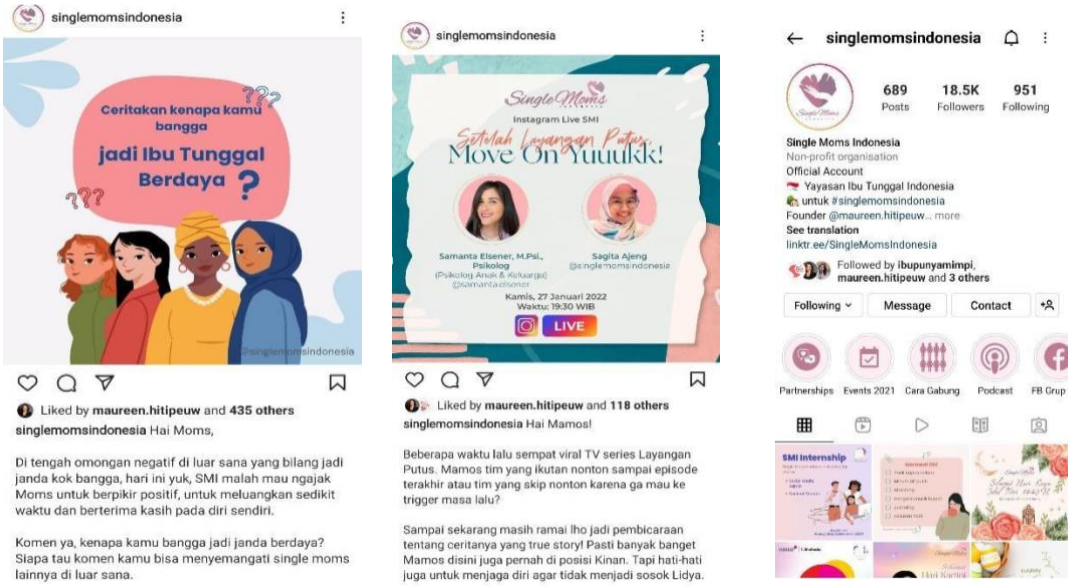
Informant A3 reports that SMI's various interesting programs have attracted her to join in with the community and further become one of its volunteers.

Since its establishment, SMI Community has conducted many activities that reflect its vision and missions. Many of the activities are in the form of workshops focusing on hard skills and soft skills development, parenting, and emotional healing. SMI Community has also published an anthology book that contains life stories of single mothers, and members of SMI Community who had completed some intensive workshops on writing.

Three members of the SMI community express how SMI'sprograms have been useful to them. They all agree that the SMI community has helped them find other single mothers in Indonesia and thus made them feel less lonely.

"In SMI, we find other single mothers and that makes us know that we are not alone. We hear and listen to many stories from other members. Some members actually have even more difficult situation, and it opens our eyes, build our empathy, and we become more grateful for our own situation", informant A3 reports (interview, 28 April 2022)

Besides that, SMI Community also actively maintains some social media accounts to promote and campaign support for single mothers in Indonesia. The social media accounts are used to post contents that inform about SMI's upcoming activities and gives motivation to its member. Sometimes, the posts also contain messages that try to change stigmas toward single mothers. *"We also use social media to educate the public and try to erase negative stigmas towards single mothers",* Maureen reports.



Pictures: SMI's Instagram account

SMI Community can be seen as a social support platform for single mothers in Indonesia. It is established by and for single mothers to share experiences and support each other. SMI Community, however, still finds some challenges in its effort to empower single mothers in Indonesia. It finds that the healing process of every single mother is different and thus cannot be generalized. Hence, the community also cannot direct and control the healing process of every single mother. *"The time for the healing process of every single mom cannot be predicted. Some even take many years to heal themselves completely. There are some moms who are still angry with their situation and cannot accept their current status as single moms. This is a very personal process"*, Maureen reports (interview, 24 January 2022).

Maureen also reports that the community has decided not to give financial assistance in form of fresh money because, in the long run, it may be treated as a "short-cut" in terms of financial matters. Instead, the community has given workshops aiming at upgrading both soft skills and hard skills so that their members have the necessary capabilities to be financially independent.

To develop the community and improve the quality of its programs, the community finds the importance of collaboration with some outside parties. As workshops on skill development become one of SMI's core activities, the community finds it is essential to collaborate with experts who are willing to teach in their workshops. Besides that, the community also sees the urgency to cooperate with some legal aid institutions because many

of its members are from low-income families, whose understanding of legal matters is very limited and thus needs serious assistance. *"We hope to collaborate with legal aid institutions throughout Indonesia, to get legal assistance"* (interview, 24 January 2022). In addition to legal assistance, the community also seeks psychological assistance to help its members go through their healing process. Hence, it also seeks to collaborate with more psychologists.

The community aims to build a support network for single mothers in Indonesia. It believes that it can be realized by cooperating with like-minded parties and institutions throughout Indonesia. Therefore, in 2022, one of its strategic plans is to look for partners, NGOs, or IGOs that focus on women empowerment, to help the community develop empowerment programs that are more impactful and beneficial to its members.

Through the lens of political aspiration, in this context, politics could be determined as a platform to achieve a certain goal by a group community or individual interest. The social movement of SMI Community could be defined as a tool to encourage the stakeholders to arrange certain policies that are able to facilitate the aspiration of vulnerable group of social groups to achieve equal rights in various aspects. The example of policy amendment in order to reduce inequality towards single motherhood family in Indonesia is the UU No. 24/2013 which amend the UU No. 23/2006. This is a legislation governing bill of population management. Children without a father or mother, as well as those without a father, are all covered by the bills, to regulate the issuance of birth certificates for fatherless children, raised by a single mother.

We are hopeful that social movements like the single motherhood community will be able to trigger similar activities in the near future, in order to encourage government bodies to set up legal instruments to reduce inequalities towards vulnerable populations.

Conclusion

The population of single motherhood and their families in Indonesia is a group of community that experienced negative perceptions of their status as a widow. The social construction in Indonesia about an ideal family is shaped along gender lines, with men serving as the breadwinners and inheritors and women serving in support roles. Instill an understanding in society that women as a support role are not able to raise an ideal family nor facilitate their children with a well-being life.

Single mothers require a social support especially on the acknowledgement of their status as single parents, as well as more tangible forms of support, such as physical presence and advice, and information. Besides, political support to facilitate the community to achieve an equal right on various aspects also needed to ensure the sustainable and tangible discourse provided by the arranged policies by government bodies and institutions.

SMI community is established as a platform where single mothers throughout Indonesia can unite and empower each other in a safe space. Since the members are from different cities, the role of technology such as social media becomes inevitable. SMI's social media accounts are used as the primary means by which the community members can easily share experiences and empower each other, despite being separated miles away from one city to another. As a community of support, SMI aims to eradicate the negative stigmas that have always been addressed to single mothers. It believes that to do so effectively, single mothers need to be made resilient, independent, and empowered. "It starts with you" is probably the best jargon to highlight SMI's empowerment programs.

The community plans to develop its programs by collaborating and cooperating with like-minded parties, be it legal aid institutions, NGOs, or IGOs. We find it essential for those parties in Indonesia also to take this plan into important consideration so that more and more single mothers become empowered. The more empowered and independent single mothers are, the stronger and more resilient the whole society can be.

Reflecting on the significant change that the SMI community has brought and continues to bring about, we hope that a similar community can also be established in other ASEAN countries in the near future. We have high expectations that social movements such as the community for single mothers will, in the not-too-distant future, be able to catalyse activities that are analogous to these in order to persuade governmental bodies to establish legal instruments that will reduce inequality toward populations that are more susceptible to being exploited.

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Concluding Remarks

Yuyun Wahyuningrum

43 years after the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, there has been some progress in the status and life of women around the world, and so does the challenges. In this book, the authors provide analysis and evidence that violence against women is a human rights issue, a life-threatening and global health crisis that hinders the full development of women's potential. It is, indeed, an obstacle to social and economic development, as well as the efforts to achieve sustainable development goals (SDG).

The authors also examine different and various government initiatives in improving the status of women, upholding women's rights, mainstream gender equality, institutionalizing efforts to protect women at the national level, complying with the international commitment to women's rights, eradicating poverty, addressing discrimination and sexual harassment against women in the workplace and initiate a new approach to protect sexual minority groups, particularly the transgender women, by establishing the Pink Prison in Thailand.

Nevertheless, women in Southeast Asia face persistent gender-based violence and discrimination, which then impacted the lives of their families, communities, and entire societies. Accordingly, the authors discuss extensively the common and contemporary challenges experienced by women in Southeast Asia as well as their coping mechanisms from the perspective of women. Furthermore, the authors also elaborate on the lack of gender perspectives and the implication of patriarchy to the life of women in Southeast Asia, particularly in the respect, protection, and fulfillment of their right to food and measures to eradicate poverty.

Women remain invisible in the process of designing and decision-making the development projects which initially aim to help them to survive in difficult times, such as during the time of the COVID-19 pandemic, and to support their involvement in society. As a result, women experience difficulties in accessing the projects and the goal of the initiative was unfulfilled. While in the workplace, women working in the factories found that their rights to be protected from sexual harassment and to access to sexual and reproductive health facilities are not guaranteed. Women are also stigmatized over the choices and decisions they have made for themselves and their marital status.

At the same time, the book highlights the involvement of identity and agency of women in negotiating and coping with the limitation of the State's projects and regulations as well as the lack of society's support to protect them. The grassroots movement that was initiated by former women migrant workers in Tracap village in Central Java, Indonesia, showed the transformative journey of becoming the agent of change and contributing to village-level policy making. Furthermore, the shared experience of being discriminated against and stigmatized due to their marital status has led women, in this case, single mothers, to mobilize themselves and form a self-group to empower themselves and provide a safe space to share experiences.

While the authors examine different life, perspectives, and experiences of women in their chapters, we can see similarities in messages. The first is to put women at the center of policymaking, policy change, solutions, and COVID-19 recovery initiatives. The second is to ensure equitable and meaningful representation of women in any development projects and policymaking, including women's organizations. The third is to allocate financial resources to address violence against women and girls, achieve SDGs and eliminate women's poverty and the fourth is to ensure the-whole-of-government and the-whole-of-society approaches to measures related to gender mainstreaming inadequate financing, non-discriminatory employment policies and practices, and strengthening national machinery for women.

This book was published in the context of multiple global events, including the spread of racism, xenophobia, and COVID-19, which the later has significantly disrupted the operation of the system and institutions in society, including work, school, family, and government. Adding to the disruption and uncertainties, the region also experiences political turmoil with the military coup in Myanmar in February 2021 and the rise of student protests in different parts of Southeast Asian countries. This book project was done under these circumstances, including calling for chapters, coordinating with the writers and editors, and the peer review through the help of the online device. If these series of events teach us anything, it would be that gender issues are more pressing than ever and that the intersections between institutionalism, systemic violence, and gender-based inequities. Through its own account, the authors of this book have shown that gender is not a problem that needs to be fixed but rather an organizing institution that shapes the general human experience at its core. As we look into the future and are inspired by the authors of this book, the next research agenda should assess and investigate the practices and challenges of transformative gender that encourage a shift in the conversations, resources, policies, and actions of a broader community in this region.

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