

**XXXV**  
**TECMUN**



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**Commission on the Status  
of Women**

Human beings by nature are social creatures, bound to live in collectivity, to spend time with those who are similar to them. Communities around the world have been formed based on the ideas that each member shares in common with the other members of the group. The survival of the human race has been possible because of the strength in numbers that community provides. However it has never been easy to stay united in peace, because as individuals people are different from one another despite the similarities they share.

Unlike other animals, human beings have developed a region of the brain called the prefrontal cortex, believed to be responsible for the awareness of one's own ability to think. In accordance with this scientific belief, it is region this that allows us to generate opinions and ideas about situations. Meaning that the cortex might be the area of the brain in charge of our distinctions as humans. Throughout history man-kind has experienced a series of events that tried to homogenize communities, to extinguish individuality and to delete freedom of thought, religion, race and ethnicity, luckily these attempts have failed, yet again humans continue to discriminate and fear one another due to their differences, sometimes without realizing.

Collectivity and communities, as beneficial as they have been for life, have remarked the dissimilarities that exist between groups. From time to time generating intergroup conflicts, as a consequence of the search of superiority along with intolerance. Some communities also discriminate against their own members because they do not fit into their social schema. The inability of accepting each other's individuality within and between a group result on interiorized forms of discrimination, which are harder to eliminate and more damaging towards the peaceful existance of diversity.

With the increase of globalization and the growing interrelationships between nations it is important that people learn to cope with one another and to understand that their ideologies and culture should not damage someone else, that even though we are different we are all humans and deserve to be treated with respect and human dignity. Dear delegate, these are words that I want you to keep in mind during the debate, because for the next three days you will not be representing your own interest, but the ones of an entire State and its people. For the next three days and for the rest of your life, you will have to be the change that you want to see in the world.

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President Alejandra Bañuelos González

President of the Commission on the Status of Women

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## **Background of the Commission on the Status of Women**

The United Nations Commission on the Status of Women (UNCSW) is a global intergovernmental functional commission of the United Nations Economic and Social Council (hereinafter referred to as ECOSOC). In 1946, the former subcommission which was established under the Commission on Human Rights, formally became the Commission on the Status of Women, and first met in New York in February, 1947. It was dedicated to ensuring women's equality and promoting women's rights in political, economic, civil, social, and educational fields. The UNCSW consists of one representative from each of the 45 Member States elected by ECOSOC on the basis of an equitable geographical distribution.

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### **Faculties**

The UNCSW seeks to have an approach to mainstream gender within the entire United Nations system and to engage in discussions with governmental representatives, experts, and non-governmental actors in order to identify gaps and challenges regarding gender equality. It also adopts multi-year programmes of work to evaluate progress and make further recommendations to accelerate the implementation of the Platform for Action. Moreover, the Commission contributes to the follow-up to the 2030 Agenda for Sustainable Development so as to strengthen gender equality and the empowerment of women. Furthermore, at its annual meetings, the UNCSW adopts conclusions and recommendations that are included in a report forwarded to ECOSOC for follow-up.

## Topic A

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Measures to mitigate femicides and the scene of sexual violence towards women under the culture of machismo in Latin America and the Caribbean.

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## ***Introduction***

Femicide is the murder of women for gender-based reasons. Among the different types of femicide, the murder of an intimate partner and the murder of a woman preceded by sexual violation are the most common in the region of Latin America. All studies confirm that in the majority of cases of sexual violence against minors the perpetrator is a member of the family or the romantic couple. This geographical area has 14 of the 25 countries with the highest rates of femicide in the world. The United Nations Economic Commission for Latin America and the Caribbean (ECLAC) reported that in 2018 at least 3,529 women were victims of femicide in 25 countries in said region. Moreover, the ECLAC found that on average 12 women are murdered each day in the zone. Brazil and Mexico stood out from the rest reaching rates of 1.1 femicides per 100,000 women and 1.4 per 100,000 women, respectively. Despite the gravity of the issue, the acceptance of violence (as shown in the common “rape culture”) against women is linked to the culture of “machismo” in Latin America, and 98 % of the cases go unprosecuted.

## ***The culture of machismo***

The ethics, values, morals, and culture of every society has been structured in such a way so as to promote the exploitation of the female segment. In Latin America, *machismo* is the cultural ideology that strengthens this misogyny<sup>1</sup>. *Machismo* or male chauvinism<sup>2</sup> is defined as “the male behaviour that is strong and forceful, and shows very traditional ideas about how men and women should behave; strong pride in behaving in a way that is thought to be typically male by showing strength and power” (Cambridge Dictionary). *Machismo* is quite a singular word, for it is not only defined as sexism or misogyny; instead, it mostly refers to an attitude or conception that men are, by nature, superior to women. This cultural aspect backs up gender roles and social expectations of men and women, which have been shaped largely by cultural values and beliefs. In Latin America, patriarchal<sup>3</sup> authority over the family was not weakened by the growth of republican institutions that sought to wrest control of key functions from the Church after the independences, such as education and public health . States attempted to modernize patriarchal rule, including domestic patriarchal rule, but not abolish it. In this

<sup>1</sup> Misogyny: feelings of hating women, or the belief that men are better than women.

<sup>2</sup> Male chauvinism: the belief that women are naturally less important, intelligent, or able than men, and should be treated differently.

<sup>3</sup> Patriarchal: ruled or controlled by men.

structure of family and society, women and girls are extremely vulnerable to sexual and domestic abuse by men in their households, and thus, by men in wider society.

*Machismo* is found when raising children, causing this behavior to pass from generation to generation. It increases gender inequality, which is known as a legal, social, and cultural situation in which sex and/or gender determine different rights for women and men, reflected in an unequal access to rights, as well as the assumption of stereotyped social and cultural roles. It can be seen in different situations and spaces, such as in romantic terms, labor areas, politics, education, etc. Moreover, it tends to lead to bigger problems such as harassment<sup>4</sup>, sexual abuse, and even the death of women. *Machismo* reinforces the idea of women as second-class citizens; plus, it completely normalizes and even endorses their sexual objectification. As an example, half of the women in Latin America have faced at least one sexual assault in their lifetime. According to a 2018 campaign made by Oxfam, an international confederation of 20 non-governmental organizations (NGOs), 7 out of 10 young men aged between 15-19 think that a decent woman should not dress provocatively nor be out on the streets late at night, and 6 out of 10 women of the same age share this belief. The study also confirmed that street harassment is normalized in 75 % of young people across Latin America and the Caribbean. In order to address the root causes of femicide, the region will ultimately need to confront the entrenched culture of *machismo*.

### ***The term femicide and its background***

Violence against women has been recognized as a growing problem in today's society. It represents a violation of human rights, a social problem, a public health matter, and a barrier to economic development. Currently, not even one country has achieved gender equality, either in the developing or developed world. Femicide is considered to be the most extreme expression of violence against women.

According to the 2014 Latin American Model Protocol for the investigation of gender-related deaths of women, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), femicide is the violent death of women for gender reasons, whether it takes place within the family or in any other interpersonal relationship; by

<sup>4</sup> Harassment: illegal behavior towards a person that causes mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching, or offensive language.

any person, or that is perpetrated or tolerated by the State and its agents, by action or omission. In Latin America, there are four main subcategories of femicide identified and agreed on by most authors. These are: intimate femicide (committed by a man with whom the victim had an intimate relationship), non-intimate femicide (committed by a friend, acquaintance or stranger, in which sexual assault is common), connection femicide (the woman tried to intervene or got caught in femicide action), and sexual femicide (preceded by torture and sexual abuse). Among the different types of femicide, the murder of an intimate partner and the murder of a woman preceded by a sexual violation are the most common in Latin America, according to the World Health Organization (WHO).

The concept of femicide goes back to 1900. Nonetheless, the neologism<sup>5</sup> remained unused until the 1970s, when it gained relevance due to the feminist movements, which reintroduced and politicized<sup>6</sup> it. In the United States, the writer Diana Russell used it for the first time in a written declaration at the Tribunal on Crimes Against Women in Brussels in 1976. She later defined it with the professor Jane Caputi as “the misogynous killing of women by men” (Russell, 1992) and as “the killing of females by males because they are female” (Russell, 2001). When translating the concept into Spanish, the Mexican feminist activist Marcela Lagarde decided to use the neologism *feminicidio* instead of translating it literally to *femicidio*, seeking to add the element of impunity, institutional violence and lack of due diligence<sup>7</sup> in Latin America.

The use of the concept and its difference with homicide makes visible the gender violence resulting from the position of subordination, marginality, and risk in which women find themselves. Latin America’s patriarchal society, in addition to the inequalities within and between social groups, as well as the weak judicial institutions, are all factors that impact on this gender-based violence. The alarming increase in the figures about the frequency of femicides is mainly due to the indifference and social permissiveness. At the same time, these are often justified by the media, turning femicides into one of the main threats for Latin American women.

### ***Femicide rates in the region***

<sup>5</sup> Neologism: a new word or expression, or a new meaning for an existing word.

<sup>6</sup> Politicized: to make something political.

<sup>7</sup> Diligence: the quality of working carefully and with a lot of effort.

In accordance with the official data available from 15 countries in Latin America, between the years 2010 and 2016, 7,227 women were murdered for gender reasons, which equals to 1,204 women per year, 100 per month, and 3 per day. According to information from 2017, in the Caribbean, the prevalence of femicide exceeds four deaths per 100 thousand women in countries such as Guyana and Saint Lucia. Meanwhile in 2018, Trinidad and Tobago and Barbados led the list, with a rate equal to 3.4 deaths per 100,000 women. This figure could be even more serious in the case of Barbados, considering that this State only collects the figures of intimate femicides, that is, those committed by an intimate partner or ex-partner. In 2018, at least 3,529 women were victims of femicide in 25 countries in Latin America. El Salvador, Honduras, and Bolivia were the three nations with the highest numbers of femicides, with rates of 6.8, 5.1 and 2.3 women murdered per 100,000, respectively. Guatemala, with a rate of two femicides per 100,000 women, and the Dominican Republic, with 1.9, completed the five countries with the highest percentage of gender-related deaths. Brazil and Mexico also stood out, reaching 1,206 and 898 femicides respectively. In contrast, Peru had a rate of 0.8 femicides per 100,000 women, the lowest in the region.

At least 282 women were murdered in the first 27 days of 2019 in Latin America and the Caribbean, according to data collected by gender observatories and feminist movements from 15 countries in the region. Currently, Latin America is one of the regions of the world with more femicides: 12 a day, according to the Economic Commission for Latin America and the Caribbean (ECLAC), not counting the data of one of the countries with more gender violence, Brazil, due to the lack of availability of that information. This means that at least every two hours a woman is murdered. 14 of the 25 countries with the highest rates of femicide in the world are in the region.

Doctor Heidi Stöckl, Director of the Gender Violence and Health Centre in the Department of Global Health and Development at the London School of Hygiene and Tropical Medicine, carried out a global study with meaningful and conclusive information. Data was obtained for 66 countries, using official national sources and after a systematic search of five databases (Medline, Global Health, Embase, Social Policy, and Web of Science). It confirmed that interpersonal homicide affects women up to six times more than men: 38.6 % of all murders of women, compared to 6.3 % regarding murders of men. According to Dr. Stöckl, such violence commonly represents the culmination of a long history of abuse. Furthermore, in the American continent, the 40.5 % of intimate femicides (women murdered by their

partners) take place, globally occupying the second place after Southern Asia. Some data that stands out and is similar in all Latin American countries is the relationship between women and murderers. Only 14 % of the femicides are committed by strangers, while 86 % are by a person the victim previously knows (52 % of the aggressors are the couple of the victims, 19 %, ex-partners, and 4 %, relatives). Likewise, the majority of women victims of homicide were of legal age (88 %), while 9 % were girls or adolescents. Femicides perpetrated in the context of sexual violence tend to have girls and women in vulnerable conditions to a greater extent: girls, teenagers, women with disabilities, elderly women, Afro-descendant women, indigenous women, and migrants; who are most often subjected and victimized by men belonging to their family group, neighbors or close friends.

### ***Legal typifications and legal framework of femicide in the countries of Latin America and the Caribbean***

The public transcendence of several of the manifestations of violence against women has become a public concern and has forced the States to ensure conditions for a life without violence for women. Furthermore, since the World Conference on Human Rights held in Vienna in 1993, and the Fourth World Conference on Women in Beijing in 1995, violence against women has gradually become part of the international human rights agenda. The escalation of violent homicides of women committed by men in the last two decades in Latin America, has forced the countries in the region to criminalize gender homicide as a specific and more serious criminal offense, calling it *feminicidio* or *femicidio*. The international community and women's and human rights movements celebrated this milestone<sup>9</sup>, trusting that the number of femicides would fall as a result of the legislation. However, although the rate of femicide declined in many countries, it increased again in the following years. Anyway, there is a significant variation in the number of femicides in countries that have criminalized it and that have carried out campaigns to raise public awareness against gender-based violence, such as Brazil, Mexico, Argentina, and Peru. The typification of femicide in national legislations helps providing adequate organic tools to collect and analyze information, such as the construction of databases on sexually disaggregated <sup>10</sup>murders.

<sup>8</sup> Typification: a process of creating standard (typical) social construction based on standard assumptions.

<sup>9</sup> Milestone: an important event in the development or history of something.

<sup>10</sup> Disaggregated: to separate into component parts.

Latin American countries have included in their penal codes a differentiation for gender-related homicides. Costa Rica did it in 2007, Guatemala in 2008, Chile and El Salvador in 2010, Argentina, Mexico, and Nicaragua in 2012, Bolivia, Honduras, Panama, and Peru in 2013, Ecuador, Dominican Republic, and Venezuela in 2014, Brazil and Colombia in 2015, Paraguay in 2016, Uruguay in 2017, and Cuba in 2019. According to national laws, it is called aggravated homicide (Argentina), *femicidio* (Chile, Costa Rica, Ecuador, Guatemala, Nicaragua, Panama, Uruguay, and Venezuela) or *feminicidio* (Bolivia, Colombia, El Salvador, Paraguay, Peru, and the Dominican Republic, and Mexico).

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of *Belém do Pará* (where it was adopted in 1994), has been the basis for laws and has been explicitly incorporated into national legislations. It has also helped setting out key definitions of the manifestations of violence against women. However, there is no regional legal consensus<sup>11</sup> on what constitutes femicide. In some of these countries, the crime was typified from a central couple perspective, in which only to the murders of women perpetrated by the current or past couple of the victim, occurred in the breast of the marital relationship, are considered as femicides, but also those crimes perpetrated by those who intended to establish or resume a relationship with the victim. Among countries with this type of laws are: Costa Rica, Chile, and the Dominican Republic. In other countries of the region, it was typified considering femicide as the murder of a woman committed by a man based on hate or contempt for her status as a woman, her gender identity, or perpetrated in the context of gender discrimination. Guatemala, El Salvador, Argentina, Nicaragua, Bolivia, Panama, Peru, Ecuador, Venezuela, Colombia, Paraguay, Uruguay, Mexico, and Honduras have this typification.

Punishment for gender-related homicide is overall higher than that for homicide. The years of imprisonment are ranged from 25 to 60 years maximum. While Nicaragua is the lowest (25 years), Argentina, Chile and Peru even include life sentences. Bolivia, Nicaragua, Panama, Paraguay, and Venezuela count with penalties up to 30 years of jail, El Salvador and Costa Rica up to 35 years, Dominican Republic with 40-year terms, and Colombia and Guatemala count with 50 years of jail.

<sup>11</sup> Consensus: a generally accepted opinion or decision among a group of people.

States such as El Salvador and Guatemala, considered as some of the countries with the highest levels of femicides per year, have failed in their attempts to modify these rates. For example, the Ministry of Peru has created a registry that categorizes three types of femicide. These subcategories are then compiled to record an official national number. In comparison, in 2011, El Salvador passed a law criminalizing femicide; nevertheless, there is still “ignorance of the existence of the law, and resistance in applying it. The work does not end with a law being passed” (Juárez, 2011). The same happens in Guatemala, where specialized prosecution units and tribunals exist, but femicide continues to increase because of the absence of State guarantees to protect women. The regional definitional differences of femicide results in inconsistent legislation. Bringing consensus around the definition of femicide and the implementation of the same methodologies of classification, could help identify trends and create regional evidence-informed practices and policies to effectively address violence against women.

### ***Impunity***

It is possible to verify high indifference, impunity<sup>12</sup>, negligence<sup>13</sup>, and ineffectiveness of institutions and justice officials in cases of violence against women. According to the United Nations High Commissioner for Human Rights (OHCHR), “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account [...] since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties.” (OHCHR, 2005). There are many factors that prevent accountability<sup>14</sup> for femicides in Latin America, such as weak or absent States, corruption, and normative ideas about gender, race, and class that shape the actions of State agents. Impunity is one of the main causes behind the increase in violence against women; in other words, the absence of punishment encourages criminality.

Corruption within the security forces and the judiciary power is another factor feeding impunity. Local-level corruption is facilitated by weak institutions and the lack of decent salaries. This impunity has its origin in institutional violence, which is the discrimination in the administration of justice and in the application of the law. In practice, women do not have

<sup>12</sup> Impunity: freedom from punishment or from the unpleasant results of something that has been done.

<sup>13</sup> Negligence: the fact of not giving enough care or attention to someone or something.

<sup>14</sup> Accountability: the fact of being responsible for what you do and able to give a satisfactory reason for it, or the degree to which this happens.

access to the judicial system to which they are entitled<sup>15</sup> and, when they have access to it, the police and judges often do not take women's accounts seriously. Besides, few girls report sexual violence or mistreatment because of the shame surrounding such experiences, and authorities tend to blame girls and let male perpetrators escape sentence due to a clear poor law enforcement. Additionally, the absence of the State in many rural areas obstructs the punishment of gender-related murders toward women. Many rural areas rely on either geographically far removed institutions based in provincial towns, or on some form of community justice or conciliation practices.

Regarding the femicide cases in Latin America in 2017, some of the victims had already denounced their aggressor (in Argentina the 19 % of them), (in Uruguay 20.6 %), while others had even protection measures in force (Chile 14 %). With regard to the sanction of these crimes, most of the cases at the time of publication of the analyzed information were in the investigation phase (Argentina 41.8 %), (Bolivia 72 %), (Ecuador 28, 8 %), (Panama 55.1 %) or trial (Argentina 29.5 %), (Ecuador 57.7 %), (Panama 27.5 %). Some of these murderers made the decision to commit suicide as a mechanism to evade justice (Argentina 18 %), (Bolivia 4.8 %), (Chile 27.6 %), (Ecuador 13 %), (Panama 6.8 %). For instance, in El Salvador, in the first 16 months after the femicide law was enacted in 2011, only 16 of the 63 reported cases were solved due to a systematic<sup>16</sup> lack of investigation. According to the United Nations (UN), 98 % of the cases of femicide and violence against women and girls in Latin America went unpunished in 2016.

<sup>15</sup> Entitled: having a right to certain benefits or privileges.

<sup>16</sup> Systematic: done according to a particular system in an organized way.

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## Topic B

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Measures to address the gender wage gap and sexual harassment of women in the labor market in the Asia and the Pacific region

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## ***Introduction***

In the Asia and the Pacific region, women represent almost 50% of the labor participation rate, since they have gained considerable ground in education and occupying professional jobs. Women are in charge of more than a third of the region's businesses, an aspect that is clearly crucial for the strong Asian economic boom<sup>17</sup>. Nevertheless, in comparison to men, women in the Asia and the Pacific region are less likely to make career progress, whereas the gender gap is particularly large in Southern Asia. Moreover, in low-income economies, the majority of the female workforce belongs to the agricultural sector, while in advanced economies they are most likely to be in service sector employment, also carrying out most of the unpaid work. Mainly in Southern Asia and the Pacific islands, women are most likely to work in the most vulnerable employment conditions. Additionally, as estimated by the International Trade Union Confederation, between 30 % and 40 % of female workers in the region report some form of harassment from men in their workplace.

## ***Gender occupational segregation in Asia and the Pacific***

In 2017 it was concluded that the region of Asia and the Pacific had a general gender gap<sup>18</sup> of 31.7 %, standing in a better position than the Middle East and the African area, but behind Latin America and Europe. According to the 2018 study by the McKinsey Global Institute, *The Power of Parity: Advancing Women's Equality in Asia Pacific*, gender equality in the region could increase annual collective gross domestic product <sup>19</sup>(GDP) by 12 % or 4.5 billion dollars by 2025. Female participation in the Asian labor market maintains a positive trend: rates have increased by an average of 6 percentage points since 1990 and are not far from the levels observed in advanced Western economies, according to the International Monetary Fund (IMF). Women represent about half of the total number of business people in Asia, an aspect that is undoubtedly crucial for the strong economic boom in the continent. On the other hand, gender participation gaps are most significant in South Asian economies and, with the exception of Eastern Asia, the female unemployment rate in the region is higher than that of men, almost doubling the world average rate.

<sup>17</sup> Boom: a period of sudden economic growth, especially one that results in a lot of money being made.

<sup>18</sup> Gender gap: a difference between the way men and women are treated in society, or between what men and women do and achieve.

<sup>19</sup> Gross domestic product: the total value of goods and services produced by a country in one year.

Australia, Malaysia, New Zealand, and Singapore registered increases in female labor participation - more than 10 percentage points - in the last decade, comparable to countries such as Sweden, which has one of the highest female participation rates among advanced economies. Japan and South Korea have improved significantly compared to their past of stagnation<sup>20</sup> and insufficient participation. Meanwhile, Viet Nam is today among the world leaders in female employment, as almost three quarters of women have worked for at least two decades. Nepal, Cambodia and Laos have the highest female labor force participation rates at over 80 % and an average occupational gender gap of 4.2 %. In contrast, in 2012, the largest gender gaps in labor force were recorded for Pakistan, India, and Sri Lanka.

In the Asia and the Pacific, women are predominantly employed in the agriculture and services sectors. They have become increasingly active and visible in politics, since, over the 2005-2012 period, the number of women in parliament increased in the vast majority of nations in the region. Women also remain largely responsible for unpaid household and care responsibilities and, when in employment, they often occupy poorly paid jobs in labor-intensive sectors. For example, there has been an increase in the number of factories in countries such as Cambodia, Bangladesh and Viet Nam, which has facilitated a rapid increase of women in the workforce, but their working conditions are a serious concern.

### ***Gender income inequality***

Gender pay differentials remain one of the most persistent forms of gender inequality in the labor market. In 2010, gender pay gaps as measured at median earnings, were lowest in New Zealand at around 5 % to 7 %, and largest in Japan and South Korea at 29 % and 39 %, respectively (OECD, 2012). The Organisation for Economic Co-operation and Development (OECD) showed that for young women (age 25-29) in Japan and South Korea, pay gaps with their male peers are around the OECD average, which is 10-15 %, but increase with age to 30-40 % or more. Data suggest that, in most of the Asia and the Pacific economies, the gender pay differentials have declined since 2001. Nevertheless, the narrowing<sup>21</sup> of the measured gender pay gap does not necessarily imply that the situation of women has improved, since it may well be reflecting a deterioration of male earnings, or both.

<sup>20</sup> Stagnation: a situation in which something stays the same and does not grow and develop.

<sup>21</sup> Narrowing: to become less wide or to make something less wide.

Gender segregated labor markets contribute to income inequalities across all occupations, including management. As stated by the National University of Singapore (NUS) Business School in 2017, on average, female directors of Singapore Exchange listed companies earned 56.8 % of their male counterparts' incomes. Similarly, in Australia, a recent report indicated that male managers earn more than their female peers in both base and total remuneration. For female-dominated organizations, the gap is wider with full-time male managers earning 22.4 % (base) more.

Gender pay gaps are affected by occupational segregation, differences in working hours, education, and work experience, but a considerable part of the pay differentials cannot be explained by observed variables, which is the reflection of discriminatory practices to some extent. Women carry out the majority of unpaid work through providing care to children, elderly, and sick or disabled family members. Time spent on unpaid jobs has been identified as a major contributor to the persisting gender differences in formal labor market outcomes. Plus, in such a workplace culture, it is very difficult for employees to be more fully involved in taking care of vulnerable family members; besides, women still frequently withdraw<sup>22</sup> from the labor force when they have children.

### ***Overcoming gender segregation in the labor market***

Regardless of regional increases in women's paid employment in recent years, labor market gender segregation continues to exist. Higher levels of gender segregation are associated with poorer conditions in the labor market for women such as lower status, lower wages, and more reduced professional opportunities, along with higher chances of being subjected to sexual harassment. Asia and the Pacific is the region that has improved the most in the inclusion of women in education and in their political empowerment. Among the incentives, better infrastructure, more equality in labor rights, low adolescent fertility rate, and access to daycare centers can be found. For instance, New Zealand and the Philippines have initiatives to include women in the public and private sectors with better conditions of equal pay with their male counterparts<sup>23</sup>; these have been promoted by the State. An example is the case of the Lighting Lab XX, in Wellington, New Zealand, a public-private program to accelerate women's

<sup>22</sup> Withdraw: to take or move out or back, or to remove.

<sup>23</sup> Counterparts: a person or thing that has the same purpose as another one in a different place or organization.

businesses for four months thanks to a mentoring<sup>24</sup> service and a capital of more than 12 thousand dollars. In the case of the inclusion of women in the public sector, the Philippines has shown progress in terms of inclusion in Parliament. They established fixed quotas for the presentation of candidacies<sup>25</sup>, there has been an increasing valuation of female leadership by voters, and political parties have voluntarily increased participation spaces. Furthermore, the favorable environment for entrepreneurship, the high employment rate for professional or technical women, and the incorporation of women over men in tertiary education<sup>26</sup>, managed to boost women in the Philippines.

Even so, compliance<sup>27</sup> with these commitments is weakened by several factors, from scarcity of resources to inconsistencies in the ratification of laws. The Global Gender Gap report of the World Economic Forum has called for intensifying actions to allow women to be removed from poverty in countries such as China, Japan, and South Korea. It has been recommended that, from public policies, companies, and non-governmental organizations (NGOs), emphasis ought to be placed on five key areas for reducing gender economic gaps. These are: increasing the participation of women in the labor force, balancing representation in politics and management positions, highlighting the social benefits of improving women's access to digital technology, changing attitudes about the role of women, and regionally collaborating.

### ***Definition of sexual harassment***

While perceptions on what constitutes sexual harassment vary among and within societies depending on whether individuals are born and socialized as men or women and on the different socio-economic classes, universal consensus exists on the key characteristics of sexual harassment. The Malaysian Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace defines sexual harassment as any unwanted conduct of sexual nature, being verbal, nonverbal, visual, psychological, or physical, that might be perceived by the recipient as placing a condition of a sexual nature or conceived as an offense or threat to

<sup>24</sup> Mentoring: the act or process of helping and giving advice to a younger or less experienced person, especially in a job or at school.

<sup>25</sup> Candidacies: the fact of being a candidate in an election.

<sup>26</sup> Tertiary education: education at college or university level.

<sup>27</sup> Compliance: the act of obeying an order, rule, or request.

their well-being. (Ministry of Human Resources, Malaysia, 1999). The essential characteristic of sexual harassment is that it is unwanted and unwelcome by the recipient.

Some acts are readily identifiable as sexual harassment; for example, kissing, fondling<sup>28</sup> of breasts, and physical contact with the genital areas. Sexual assault and rape at work are the most severe forms of it. However, many kinds of verbal, non-verbal, physical conduct, or display<sup>29</sup> of objects or pictures can also be considered sexual harassment. It involves as well the sexuality of the person and everything culturally related to it, from their body, to their manner of dress and their intimate relations. While it is not always easy to define in an abstract sense what is offensive and to whom, the determination of whether a particular conduct is wanted or not is seldom<sup>30</sup> unnoticed by the perpetrator.

In the workplace, *quid pro quo* harassment refers to a demand by a person in authority for sexual favor seeking to obtain or maintain certain job benefits, be it a wage increase, a promotion, or the job itself. It thus forces the employee to choose between giving in or losing the benefits. And, according to Anisha Joseph from the Association for Action and Research (AWARE) in Singapore, Asian women often feel too awkward bringing sexual harassment cases up to their superiors because they feel they will not be believed. Women's groups in Asian countries find several culture-based views about sexual harassment that seem to either justify sexual harassment or dismiss it altogether. In Cambodia and many other Asian countries, traditional gender norms mean to expect women to be moral, invisible, hardworking, and to carry a societal obligation to support their family (ILO, 2012). They are culturally forced to adjust to harmful, sexist gender norms that exclude, harass, ostracize<sup>31</sup>, or devalue their contribution. Furthermore, men in some Asian cultures believe that women are responsible for the message they send to their male colleagues, an idea activists say has a high degree of local acceptance. Cultural apologists<sup>32</sup> dismiss it as a case of misunderstanding due to a clash of cultural values, while the cultural defensive stance sees it as acceptable and even permissible in some contexts.

### ***Sexual harassment in the Asian workplace***

<sup>28</sup> Fondling: to touch in a sexual way.

<sup>29</sup> Display: to show words, pictures, etc. on a screen.

<sup>30</sup> Seldom: almost never.

<sup>31</sup> Ostracize: to avoid someone intentionally, or to prevent someone from taking part in the activities of a group.

<sup>32</sup> Apologists: a person who supports a particular belief or political system, especially an unpopular one, and speaks or writes in defense of it.

As reported by the International Trade Union Confederation in 2008, 30 % to 40 % of female workers reported some form of sexual harassment. Taking into account that there is currently a greater number of working women, the number increases. There is a lack of data on sexual harassment of women in the workplace in many of the countries in Asia; however, several countries do keep a record on this issue.

In the case of Japan, a large-scale survey in 2254 companies conducted by the Study Group on Sexual Harassment in the Workplace in 1997, found that out of the 2254 women respondents, almost two thirds had been sexually harassed at least once. Out of this number, about 11 % had experienced a *quid pro quo* type of harassment, while 45 % were subject to a hostile working environment. Moreover, the Japanese Ministry of Health, Labor and Welfare made a survey of more than 9,600 women between the ages of 25 and 44. The 40 % had been touched in an unpleasant way, while the 17 % had been pressured to have sexual intercourse<sup>33</sup>. In the Republic of Korea, a survey conducted by the Korean Institute of Criminology in 1999, found that 64 % of the women interviewed had experienced verbal harassment, 35 % physically harassment, and 34 % visual harassment. A year later, a study carried out by the Assembly Member of the Democratic Party and the Law Consumer Union in Seoul in 2000, revealed that almost 70 % of women stated that they had been sexually harassed. More recently, South Korea increased the number of cases from 249 in the year 2012 to 556 in 2017, as reported by the Labor Ministry. In the Philippines, a survey by an organization of women workers in 1999, reported that, out of a total of 332 interviewed establishments, 17 % had records of sexual harassment cases.

Meanwhile, in Malaysia, there have been 1,218 cases reported of workplace sexual harassment from 2013 to 2017, according to the Royal Malaysian Police. A review of the government departments of Penang and Perlis, two Malaysian states, found that 83 % and 88 % of the female respondents respectively experienced some form of sexual harassment. Australia has experienced an increase on the rate of sexual harassment at work, from 21 % in the year 2012, to 33 % in 2018. In Singapore, a survey published by AWARE in 2008, shows that, out of the 500 respondents, 54.4 % reported sexual harassment at work: 30 % of them indicated they had been harassed several times, 12 % threats of being fired if they did not accomplish to the requests, and the 25 % reported knowing of other people who had experienced something similar. A 2017 study of CARE International showed that, out of 310

<sup>33</sup> Sexual intercourse: the act of having sex.

interviewed women in Cambodia, 32.5 % had received unwanted leers<sup>34</sup> or sexual comments, noises or gestures; 19.5 % were referred to in sexist or degrading terms; 13 % had been followed or harassed to go out after work; and the 5.8 % had been shown offensive or even pornographic images; alarming figures considering the number of women in the sample. “Sometimes, of course I think about not going to work anymore because of this [sexual harassment]. But then I think about my family condition and I know I cannot quit” (Anonymous, 2017).

### ***Legal action***

At the international level, sexual harassment is not the explicit subject of any binding international convention, except for the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention of 1989, which is vague regarding labor sexual harassment specifically. Its article 20 specifically prohibits sexual harassment of indigenous and tribal women and men. However, despite this lack of explicit focus in international treaties, the topic has been addressed at the international level. International forums and supervisory bodies of the ILO and the United Nations (UN) have highlighted and condemned sexual harassment, and considered it to be covered already by existing international instruments on human rights, sex-based discrimination, violence against women, and health. The UN has dealt with the issue through the application of the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which adopts non-binding<sup>35</sup> general recommendations.

Since 1995, legislative action to protect against sexual harassment has been adopted in the Asia and the Pacific region, in countries such as Australia, Bangladesh, China, Japan, Philippines, and Sri Lanka. In Japan, the 1997 amendment to the Equal Employment Opportunity Law imposed an obligation on employers to prevent quid pro quo and hostile environment sexual harassment. New South Wales, Australia, has amended the Anti-Discrimination Act, prohibiting sexual harassment and ensuring that Ministers and other Members of Parliament are liable<sup>36</sup> for their own acts of sexual harassment. Further, in 1997, South Australia adopted the Equal Opportunity Act, which prohibits sexual harassment by judicial officers and members of Parliament. In the Philippines, administrative regulations were

<sup>34</sup> Leers: (especially of men) to look at someone in a sexually interested way.

<sup>35</sup> Non-binding: not legally necessary to obey or follow.

<sup>36</sup> Liable: having (legal) responsibility for something or someone.

supplemented after the adoption of an Act on Sexual Harassment. In Bangladesh, the Violence against Women Act was adopted, while in Sri Lanka the Penal Code was amended to cover sexual harassment. Prior to the *Vishakha* decision, in which India defined sexual harassment and set guidelines for employers, victims of sexual harassment could only have the perpetrator prosecuted for “outraging or insulting the modesty of a woman”. Similar conditions occur in Pakistan, Singapore and Malaysia, while in Viet Nam it is a crime to offend the dignity and honor of women workers.

The judiciary has taken the lead and got involved in fighting against the issue. In India, the Supreme Court issued a regulation containing guidelines and norms prohibiting sexual harassment of women in the workplace. In Japan, prior to any enactment of legislation, courts evolved liability of the employers who had carried on sexual harassment. A prohibition of sexual harassment is included in the national human rights legislation of three countries: Canada, Fiji, and New Zealand.

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