

CHAPTER 7

RECOMMENDATIONS AND CONCLUSION

7.1 Introduction

ADB's mission is to help its developing member countries (DMCs) reduce poverty and improve the living conditions and quality of life of their citizens. This overarching goal of poverty reduction is closely linked to improving the status of women, since equity—especially gender equity—is now recognized as an essential factor in transforming growth to development and reducing poverty. Moreover, poverty is increasingly seen as a deprivation not only of essential assets and opportunities, but of rights, and therefore any effective strategy to reduce poverty must empower disadvantaged groups, especially women, to exercise their rights and participate more actively in decisions that affect them.

Until the 1997 Asian crisis, the countries included in this regional study were heralded for their achievements in spurring economic growth, resulting in improved living conditions for many of their citizens. However, as the findings of this regional study show, women in Indonesia, Malaysia, the Philippines, and Thailand still face considerable legal, social, religious, and attitudinal barriers in accessing resources and economic opportunities, in their community activities and personal lives, and in their interactions with government institutions. These constraints intensified the impact of the 1997 crisis on women, especially poor women, and continue to limit their options and prospects.

Legal barriers and lacunae facing women in the Asia and Pacific region arise from a number of factors. These include, among others, laws that discriminate against women, either on their face or as applied; the absence of gender-sensitive laws, particularly laws relating to domestic violence; conflicts between laws based on varying sources, including religious and customary laws and practices, which are often based on patriarchal norms; and conflicting rules and regulations. The situation is further compounded by factors such as the widespread lack of gender sensitivity among government agencies, including the judiciary and law

enforcement; poor legal literacy among large numbers of women; prevailing attitudes toward women's status as well as their attempts to seek legal redress; women's limited financial capacity to seek legal recourse; and women's lack of access to legal services.

Women's capacity to respond to development efforts is often compromised by the legal and social barriers they face. Two thirds of the poor in the Asian and Pacific region are women (ADB 1999a: 12) and yet ADB's efforts to reduce poverty and improve the status of women can be stymied by legal and social obstacles to their participation. Efforts to strengthen women's capacity to participate in the development process are likely to have better and more enduring outcomes if there is a more equitable legal environment, in which women can participate freely and equally, and if women have the information and resources to claim their entitlements and defend their interests. Recommendations for possible ADB interventions to improve women's legal status and participation in development processes, at policy, sector, regional, and country levels, are presented below.

Any successful development agenda must be owned and led by the developing country itself, and this is especially true where the country's legal system and legal institutions are involved. As shown by the country reports carried out for this regional TA, the four countries studied here have already committed themselves to improving the status of their women citizens, through ratification of CEDAW and other treaties, and through their assent to the Beijing Platform for Action and other international commitments. The reports also document steps these countries have already taken to improve the legal frameworks applicable to women. To support these efforts, recommendations are included below for further steps governments can take, including gender-sensitive changes in laws and regulations; improved implementation of laws; promotion of greater gender sensitivity within the judiciary, law enforcement, and other government agencies; and improved access of women and other disadvantaged groups to affordable legal services.

This regional study also demonstrates the critical role that women's organizations in the four countries have played in monitoring their compliance with their international commitments relating to women, in advocating positive changes in laws and regulations and their implementation, in improving women's awareness of their rights, and in

making legal support services available to poor women. Recommendations therefore are also made below for additional actions that women's organizations and other civil society groups might take to further these important goals.

7.2 Recommendations for ADB

7.2.1 Strategies and Policies

The findings of this regional study have important implications for ADB's operations at the policy, sector, country, and regional levels. At the policy level, these findings are relevant not only to ADB's Gender and Development Policy, but more generally to ADB's new Long-Term Strategic Framework (LTSF; ADB 2001c) and related initiatives on poverty reduction, governance, and social protection.

a. ADB's Gender and Development Policy

In June 1998, ADB's Gender and Development (GAD) Policy was approved (ADB 1998f). The Policy seeks to operationalize GAD issues through mainstreaming gender considerations and implementation strategies in its policy dialogues, in its macroeconomic and sector programming, and through its TA and loan projects. This requires that ADB staff address gender issues in all of their operational work, formulate projects with GAD either as a primary or secondary classification, and ensure that gender concerns are addressed in all ADB projects, regardless of the sector in which they are classified. Along with mainstreaming, the policy recognizes the need to design stand-alone projects in order to address gender disparities.

The mainstreaming of gender concerns in ADB's operations is reflected in the bank-wide and departmental gender action plans that are being developed and implemented, as well as in the attention paid to gender issues in bank-wide strategies such as the new LTSF, Medium-Term Strategy (MTS; ADB 2001b), and Poverty Reduction Strategy (ADB 1999a). Consistent with its other efforts to work more closely with civil society groups, ADB also recently launched Gender and Development

Initiatives,⁶ a regional TA program to support innovative pilot schemes run by women's NGOs.

The findings of this regional study strongly support the mainstreaming approach of ADB's GAD Policy, since the four country studies provide numerous examples of ways in which women's economic, social, and political activities are constrained by a complex web of civil, religious, and customary laws; bureaucratic procedures; and social norms and attitudes. As women play multiple roles in their economies and societies—as employers, workers, consumers, caretakers, and community leaders—the sociolegal constraints on their choices and activities have negative repercussions in all sectors. Because these constraints are multilayered and pervasive, ADB's efforts to improve women's status need to extend to all economic sectors where women are active, as well as to improvements in basic public services, social protection programs, and local governance.

Two thematic areas touched on by all of the country reports are the negative effects on women of increased migration and trafficking in women, and the need for more effective implementation and enforcement of laws relating to domestic violence. These common themes suggest areas for possible future policy dialogue and TA, either on a country or regional basis. However, since a number of UN agencies and NGOs are already working actively on these issues, ADB should coordinate closely with them on policy advice and other assistance. (For example, ADB is already providing assistance to three South Asian countries on combating trafficking in women and children, in coordination with ILO and other UN agencies.)

While presenting several common themes, the country studies also illuminate distinctive patterns of gender discrimination and disempowerment within each country, as a result of its particular history, political system, religious orientation, social structure, and economic performance; as well as differences among women within the same country related to factors such as class, ethnicity, and religion. (The country studies make this point most starkly with respect to the precarious status of indigenous women, and also in outlining the different personal laws that can apply to women of the same country depending on

⁶ TA5889-REG: *Gender and Development Initiatives*, for \$850,000 approved in December 1999.

their ascribed religious or ethnic affiliation.) The regional study therefore reinforces the need for attention to the particular circumstances and priorities of women in each country (and within a country), and cautions against a uniform, “cookie-cutter” approach to improving women’s status within Southeast Asia, or in the Asian and Pacific region more generally.

b. ADB’s Long-Term Strategic Framework and Related Initiatives

The findings of this regional study also have implications for ADB’s LTSF and related strategies and policies, which already recognize the importance of gender equity and women’s empowerment to ADB’s overarching goal of poverty reduction. The LTSF, which will guide ADB’s operations through 2015, and the MTS for 2001–2005, outline three core areas of intervention, based on ADB’s Poverty Reduction Strategy adopted in 1999. These are

- sustainable economic growth,
- inclusive social development, and
- governance for effective policies and institutions (ADB 2001: 14).

The LTSF, MTS, and Poverty Reduction Strategy recognize that poverty is a complex phenomenon that can vary significantly in its underlying causes, victims, and impacts. More than simply a measure of low income or caloric intake, poverty is a deprivation of essential assets and opportunities, and implies powerlessness and lack of freedom to participate in decisions that shape one’s life. The LTSF, MTS, and Poverty Reduction Strategy also recognize the increasing feminization of poverty in Asia and the Pacific, resulting from gender disparities in education, health care, work opportunities, and access to assets and resources, as well as the additional burdens on women caused by male migration, economic slowdowns, and the collapse of social services, especially in transitional economies. They therefore stress the importance of equity, especially gender equity, to transform growth to development and to reduce poverty, and the need to empower women and other marginalized groups to participate in decisions that affect their lives and interests.

These twin themes of **equity** and **empowerment** are to be addressed explicitly in both programs and specific projects. Moreover, ADB's inclusive social development agenda entails reducing gender discrimination in all development efforts, as well as promoting more equitable land reform, property and tenure rights, accessible justice systems, and effective social protection programs.

This regional study on the sociolegal status of women demonstrates the specific and interrelated ways in which women, especially poor women, are denied equitable access to assets, resources, and economic opportunities, and are disempowered from pursuing and defending their interests by legal, institutional, and sociocultural barriers. The study therefore underscores the importance of maintaining a strong gender focus in all poverty reduction activities, to ensure that the goals of gender equity and women's empowerment are translated into concrete, meaningful steps to assist poor women in the Asian and Pacific region.

The regional study is also relevant to ADB's Governance Policy (ADB 1995), reflected in the third core area of the LTSF, and to ADB's recently approved Social Protection Strategy (ADB 2001a). Under the LTSF, ADB's governance work will focus not only on "core" public sector management issues, but also on legal system reforms, delivery of public services to poor people, and improvements in local governance. To support meaningful progress in these areas, it will be important for ADB to consider women's sociolegal status and constraints in structuring its governance interventions. For example, in its support for decentralization and improved local governance, ADB should ensure that women are included in local governing bodies, and that local institutions are responsive to women's needs. (The proposed TA on Gender and Governance, noted above, is a welcome initiative in this area.) In the area of social protection, the country reports included in this study provide several examples of laws and administrative practices that disadvantage women, including the channeling of pension and other benefits to the "head of household," who is assumed to be male, and the absence of social protections for part-time, informal sector, and home-based workers. These examples highlight the need to structure social protection programs to ensure that women, including those engaged in informal and home-based activities, are adequately covered.

7.2.2 Law, Policy Reform, and Legal Empowerment Activities

In recent years, ADB has accelerated its law and development activities, focusing in particular on assisting DMCs to strengthen their economic laws and judicial systems. These activities have complemented ADB's objective of promoting economic growth and also furthered its Governance Policy, which stresses principles of accountability, participation, predictability, and transparency. In response to the 1997 Asian crisis, ADB's law and development program focused increasingly on law and policy reforms for the financial systems and capital markets affected by the crisis. Most of the law and development activities to date have concentrated on creating a legal and regulatory environment conducive to economic growth, defined in terms of openness to private sector investment. However, ADB's new LTSF, MTS, and Poverty Reduction Strategy suggest that more law and development resources should be directed to improving equity, especially gender equity, in DMC legal systems, and to promoting legal empowerment of disadvantaged groups, including women. This latter goal is already being pursued through a regional study on legal literacy to support governance, which has reviewed legal empowerment initiatives in several DMCs and recommends that ADB include legal empowerment activities in its future programs and projects. Legal empowerment components are already being included in specified legal TAs, such as a TA to help Cambodia implement its new land law.

This regional study of women's sociolegal status has a number of implications for ADB's law, policy reform, and legal empowerment activities. The country reports included in the study illustrate the extent to which formal legal systems are embedded in complex social and cultural structures, and are shaped by evolving cultural norms. Therefore, even seemingly "gender-neutral" laws can disadvantage women, because of gender biases in their implementation or because of underlying social practices. The reports demonstrate the importance of international treaties such as CEDAW and "soft law" documents such as the Beijing Platform for Action in influencing national laws and policies. The reports also highlight some of the tensions and conflicts between international commitments and domestic laws relating to women's status, as well as conflicts between civil, religious, and customary laws, particularly

relating to personal status and ownership of assets. Perhaps most importantly, the country reports confirm the need for equitable and gender-sensitive implementation of laws, for the sensitization of judicial and law enforcement personnel to women's issues and concerns, and for improvements in women's legal literacy and access to justice.

The regional study suggests that it would be fruitful for project lawyers in the Office of General Counsel to familiarize themselves with the key human rights and ILO conventions that have been ratified by the DMCs they are responsible for, and also with key elements of the personal status laws that apply to different ethnic and religious groups in these countries. In considering any new law reform proposal, or the legal framework for a proposed project, project lawyers should also satisfy themselves that there are no obvious conflicts with the country's international treaty commitments, and that the proposed law or project framework will not have adverse effects on women, especially poor women. It is also recommended that any needs analysis carried out as a basis for a new legal TA proposal include a gender analysis, to ensure that ADB's gender equity and empowerment goals are mainstreamed in future law and development activities. For example, it would be important for any future legal empowerment activities to take into account the multiple barriers that poor women face in asserting their rights and protecting their interests. Gender issues are already being addressed in some legal TAs, such as the TA for legal and judicial reform in Pakistan, and in the proposed loan to Pakistan for an Access to Justice program.⁷

The regional study also suggests a number of specific TA projects that could be undertaken, either on a country or regional basis, to improve women's sociolegal status and legal empowerment:

⁷ TA 3433-PAK: *Strengthening of Institutional Capacity of Legal And Judicial Reform* for \$2,900,000, approved on 27 April 2000; TA 3577-CAM: *Implementation of Land Legislation*, for \$600,000, approved on 13 December 2000; TA 3640-PAK: *Supporting Access to Justice under the Local Government Plan*, for \$150,000, approved on 19 March 2001; and TA 3823-PAK: *Supporting and Monitoring Justice under the Access to Justice Program*, for \$900,000, approved on 20 December 2001.

a. Studies of Women’s Sociolegal Status in Other Regions Such as South Asia, the Pacific, the Greater Mekong Subregion, and Central Asian Republics

The current regional study has been an important first step in deepening ADB’s understanding of the complex framework that shapes women’s sociolegal status in its DMCs, and in recommending steps to improve women’s status and access to justice. However, while the current study reveals a number of common trends and themes, it also shows the diversity among countries, even within the same subregion, in terms of governance structures, legal frameworks, and religious and social norms and practices, all of which influence the sociolegal position of women in each country. It would therefore be advisable to undertake similar studies of women’s sociolegal status in other subregions, to better understand the political, economic and social forces that shape the laws and norms applicable to women in those regions. Future regional studies could focus in particular on the sociolegal vulnerabilities of poor women, and on practical strategies for improving their status and access to justice, in light of ADB’s increased emphasis on equity and empowerment in its poverty reduction work.

b. Support for Improved Collection of Data on Women’s Sociolegal Status, and Development of Sociolegal Indicators

Both ADB and its DMCs have an interest in improving the collection of data on women’s sociolegal status, and in developing monitorable indicators of improvements in women’s status. Under its new LTSF, ADB is placing greater emphasis on measuring and monitoring the impact of its development assistance, as reflected in the monitorable benchmarks and indicators that will now be included in all of its country strategies and programs. Given the importance of improving women’s status to ADB’s mission of reducing poverty, there is an urgent need to establish benchmarks and indicators to measure women’s status, including its sociolegal dimensions, and to improve the collection of gender-disaggregated data relevant to these indicators. DMCs also have urgent needs to establish indicators and improve their collection of data

relevant to women's status. This information is relevant not only to the country's planning, policy-making, and lawmaking processes, but also to the country's reporting obligations under CEDAW and other international treaties.

These needs could be addressed by country-specific TA or regional TA to develop monitorable indicators of women's status, including sociolegal factors. Some possible measures that have been identified through this regional study include women's ownership and access to economic resources such as land; male/female wage differences by occupation and sector; law and practice related to hiring and firing of women workers, and their access to statutory benefits; the legal status of women working in the informal sector and at home; data on the proportion of women working in government agencies (including law enforcement), legislative bodies and court systems; statistics from courts, police stations and prisons for civil and criminal offenses, on a gender-disaggregated basis; the number of rape cases reported and investigated, a breakdown of different types of rape reported (e.g., marital, incest, by strangers), and the nature and extent of penalties imposed on rapists; the number of reports of physical assault and battery, stalking, intimidation, and sexual harassment of women, and the disposition of these cases; the number of complaints about police treatment of women; data on trafficking in women and children, child abuse, and prostitution; and data on family formation and dissolution under the various systems of law (civil, religious, and customary).

TA will also be needed to improve the collection of gender-disaggregated data relevant to these indicators, by national statistical bureaus, courts, and other agencies. This would involve upgrading computer databases and training staff to input and analyze relevant data. Further assistance could be provided to a "lead" agency, such as a national commission or agency for women's affairs, to synthesize and publish these data, in hard copy or in electronic versions that are readily accessible and easily updated.

c. Training of Judges, Lawmakers, Lawyers, Court Officers and Law Enforcement Personnel in Gender Awareness and Gender Sensitization

A common theme that emerges from the country reports for this regional study relates to gender bias in the drafting and implementation of laws, and the insensitivity of government personnel, including judges and law enforcement officials, to women's concerns, especially in cases of rape and domestic violence. A large component of ADB's recent legal TA activity has involved training and capacity building of the judiciary, lawyers, and government officials involved in law reform. The findings of this regional study suggest there is a substantial need to extend these activities to include gender awareness and sensitization. Although any TA would need to be tailored to the country context and institution(s) concerned, such programs might include: training of legislators and their staffs, government lawyers, judges and court officials, and law enforcement personnel about their country's obligations under CEDAW, ILO conventions, and other treaties; conflicts between these international commitments and civil, religious, or customary laws; conflicts between constitutional guarantees of women's equality and laws and practices that discriminate against women or otherwise disadvantage them; and institutional biases and insensitivity that discourage women from seeking law enforcement protection and using the legal system to protect their interests.

Such training could be conducted by experts from justice ministries, law faculties, bar associations, training institutes, legal aid agencies, women's organizations, or a team of experts from different institutions. Any training should be interdisciplinary, to ensure that sociocultural as well as legal issues are addressed. Ideally, a training team would include a sociologist or other social development specialist who has worked directly with women. In this regard, the training programs currently offered in the Philippines could be a useful model for adaptation.

d. Women's Legal Empowerment

As noted above, ADB has recently broadened its law and development activities to address legal empowerment issues, recognizing that poor people and other disadvantaged groups frequently are unaware of their rights, or are discouraged from pursuing their rights, through administrative or judicial processes because of bureaucratic indifference, prejudice, corruption, cost, or other factors. As this regional study demonstrates, women, especially poor women and women from indigenous and ethnic minority groups, experience multiple forms of legal disempowerment due to their lack of awareness of their rights, their limited literacy and financial resources, the bias or indifference of government officials and court officers, community restrictions on their travel and public activities, and community and family pressures to resolve disputes informally. This study therefore suggests that ADB should give special attention to women's legal empowerment through country-specific TA and regional TA.

The country reports included in this regional study note the important role that has been played by legal aid offices, women's organizations, and other NGOs in educating and advocating for women in the four countries. However, the reports also note that these organizations serve only a fraction of the poor women who need their services, due to limited and uncertain funding. Because these NGOs have substantial experience in working with poor women, it would be desirable for ADB to channel training and capacity-building support to these organizations, and to encourage the formation of similar organizations in underserved areas. The Gender and Development Initiatives regional TA, which provides small grants to NGOs for innovative community-based programs, has been an extremely effective source of funds for these purposes. It is strongly recommended that this TA be renewed and expanded to support legal services for larger numbers of poor women.

To promote women's legal empowerment, ADB could also support the development of law school courses on gender and law, as well as clinical programs in DMC law schools to train law students to provide practical legal services to poor clients, including women. These activities could be supported not only through TA, but also through ADB loans for higher education. In addition, ADB could support the development of

paralegal or “barefoot lawyer” services for poor clients, including women, at affordable rates.

e. Specific Priorities for Legal TA Related to Women’s Status

The four country reports in this regional study include a number of specific recommendations for legal and institutional changes to improve women’s sociolegal status in those countries (outlined in the previous chapter and summarized in Appendix 4). Common themes in the country reports suggest that ADB could provide TA, either on a country or regional basis, in the following general priority areas related to women’s sociolegal status:

- gender implications of trade liberalization and integration, including the loosening of restrictions on the cross-border movement of people and goods and the establishment of free trade or special economic zones;
- possible improvements in international, regional, and bilateral approaches to related issues, including treatment of migrant workers, trafficking in persons (especially women and children), rights and conditions of workers (especially in special economic zones), food security, and public health concerns;
- gender implications of market reforms, such as land titling and privatization of essential services (including health care and water supply);
- implementation of international treaties and standards, particularly CEDAW and ILO conventions relevant to women, including improved mechanisms for collecting data and monitoring compliance; and
- support for drafting or improving laws particularly relevant to women (and their enforcement), including:
 - laws on nondiscrimination and equal pay in employment;
 - maternity protection laws;
 - laws and regulations applicable to small businesses (including business registration and tax laws);

- social security coverage for part-time, home-based, and informal sector workers; and
- laws against rape (including marital rape), domestic violence, and sexual harassment.

f. Promotion of Information Sharing and Exchange

The national and regional workshops for this study provided rare opportunities for government officials, legal academics and practitioners, and leaders of women’s NGOs to share information, experiences, and strategies for improving women’s status and legal empowerment. Another recommendation emerging from these workshops is that ADB could facilitate the setting up of networks and websites so that government officials, academics, lawyers, and women’s NGOs in countries with similar legal systems could exchange information and proposals related to the implementation and reform of civil, religious, and customary laws to benefit women. Alternatively, ADB could sponsor these exchanges through LAW-DEV, its own Internet forum on law and development issues. ADB could also consider expanding its Project DIAL (Development of the Internet for Asian Law) to include international treaties, national laws (including case law), and legal commentaries relating to women’s status.

7.2.3 Country Strategies and Programs

ADB’s GAD Policy recommends that gender considerations be prominently reflected in ADB’s country strategy and program (CSP) activities. Based on this recommendation, gender concerns have been integrated in CSPs through preparation of country briefing papers on gender and gender strategies, which provide analysis and recommendations for incorporation in the CSPs. Under ADB’s LTSF and Poverty Reduction Strategy, the CSP now includes poverty assessments, resulting in a partnership agreement on poverty reduction (PAPR). Gender considerations should continue to be mainstreamed in these CSP activities, through inclusion of gender analysis in the poverty assessment, continued preparation of country briefing papers on gender, and gender strategies. These gender considerations should also be reflected in

concrete commitments in the PAPR. Based on the findings of the country reports for this regional study, it is recommended that the PAPR and the CSP should give particular attention to the most urgent and pervasive sociolegal constraints facing women in a given country, propose appropriate indicators and improvements in in-country data collection to monitor women's sociolegal status, and include specific strategies and programs in key economic and social sectors to improve women's status. In this regard, sociolegal issues and constraints affecting women could be summarized in an appendix to the PAPR and CSP, and related commitments or strategies could be integrated in the main text of the document.

Country strategy and programming missions should also raise the sociolegal constraints faced by women in their policy discussions with government officials, including discussions on strategies for achieving sustainable economic growth, more inclusive social development, and improved governance, and in identifying areas for possible ADB support.

7.2.4 Loan Operations

Under the LTSF, MTS, and Poverty Reduction Strategy, ADB will be continuing to assist its DMCs through program and project loans and grant-based TA, as well as through new or hybrid modalities such as “clusters” of lending and nonlending assistance and more open-ended sectorwide approaches. All of these modalities can be potent instruments for improving the sociolegal environment for women in the DMCs.

- **Assistance “clusters” and sector program loans** can be effective means for supporting reforms of legal and policy frameworks to achieve sustainable growth, inclusive social development, and improved governance. Program-based lending can also address gender and sociolegal issues. For example, loans for fiscal restructuring may include conditionalities protecting the access of poor women and girls to basic services such as health care, nutrition, and education. Similarly, public sector reform program loans may address issues of equal treatment of women workers, equal pay, and entitlements to benefits. Agriculture program loans can address women's rights and access to land

and other productive resources in the context of land titling, privatization, and redistribution.

- **Project loans** should also be designed with gender-related legal considerations in mind, especially for projects in sectors where women play an important role, such as agriculture. For example, in countries where women are significantly involved in farming operations, as in almost all the DMCs, or are *de jure* or *de facto* heads of agricultural households, the preparation of the project should include a review of laws and customs limiting women's access to land and other inputs, such as extension services and credit and marketing facilities. Appropriate covenants should be included in loan documents to ensure that women are involved in decision making related to the project, and have equal access to productive resources and services provided or facilitated through the project. These covenants could relate to land titles or use rights, extension services, allocation of spaces at markets, and access to credit facilities, without requiring the permission or signature of a husband or male relative.
- **Project preparatory technical assistance** grants should also include scope for consideration of sociolegal issues relevant to women. In this way, sociolegal constraints on women's participation in the particular project or program can be identified as early as possible, and can be more effectively addressed in the overall project or program design.

Gender and law issues can be integrated into projects in most sectors. For example, in the agriculture sector, the project design should take into consideration women's formal and informal rights to use agricultural land, both as landowners and tenants, and should ensure that the project supports rather than undermines those rights. (This is particularly important where the project supports the production of cash crops, which may encourage male farmers to expand cultivation into agricultural land previously used by their wives or other women relatives for growing staple foods for home consumption.) In financial sector reform programs and projects, steps should be taken to ensure that the program or project will improve rather than further restrict women's

access to financial services, for example, by eliminating any laws or regulations that require a husband or male guardian to countersign a loan made to a woman. In any project involving construction, the project design should ensure that women laborers are paid on equal terms with men and that the relevant DMC's labor and occupational safety laws and regulations are followed. In the health sector, greater attention could be paid to the issue of gender-based violence, and ADB could strengthen its health-care projects and programs by recommending improvements in the legal protections for victims, and by supporting community-based efforts to educate women about their legal rights.

Appendix 3 provides recommendations for addressing women's sociolegal status in ADB operations in six priority sectors, including agriculture and natural resources, energy, finance and industry, transport and communications, social infrastructure, and multisectoral projects. This table was designed to provide a practical checklist for the use of ADB staff in operations.

7.2.5 Country-Specific Interventions

Recommendations for specific interventions in Indonesia, Malaysia, the Philippines, and Thailand are detailed in the country reports and summarized in Appendix 4. These recommendations were current as of the dates of the country reports, and may already have been acted upon or superseded by other reforms. For each intervention, a government agency or other institution is suggested to take the lead in pursuing the matter; ADB's possible involvement is indicated, where appropriate. The major areas where support is recommended include improvements in the institutional and policy framework; legal reforms; legal awareness and gender sensitization programs; and legal institution-building, capacity-building and legal training activities. At a minimum, it is recommended that ADB continue to provide TAs to strengthen the national women's affairs agencies in each of the four countries, with specific components to address sociolegal constraints on women and promote greater gender awareness in justice ministries, the judiciary, and law enforcement agencies.

7.2.6 Regional Cooperation

One of the crosscutting strategic themes under ADB's new LTSF is support for regional cooperation and integration for development. ADB's regional cooperation initiatives already include technical assistance and loans to support cooperation and integration in the Greater Mekong subregion, Central Asian republics subregion, South Asia, East Asia, and the Pacific. The findings of this regional study suggest that ADB should give further attention to the gender implications of regional integration, for example, relating to the migration of women workers and trafficking in women and girls within subregions and throughout Asia and the Pacific. In this regard, consideration should be given to the international, regional, and national legal frameworks that govern migration and trafficking, and how their implementation affects the women and girls involved.

7.3 Recommendations for Government Action and Support by Other Funding Agencies

Based on the findings of the four country teams in this study, Appendix 4 outlines specific actions that the governments of Indonesia, Malaysia, Philippines, and Thailand could take to improve the sociolegal status of women in their countries. These include recommendations for specific changes in law and policy, as well as the commitment of human and financial resources to improve the gender-sensitive implementation of laws, women's legal awareness, and women's access to administrative and court processes. The recommendations were current as of the dates of the respective country reports, and may already have been implemented or superseded by other reforms. Given the current financial and economic constraints on each of the participating countries, it is extremely important that governments prioritize improvements in women's sociolegal status, since these improvements are critical to reducing poverty and improving the quality of life of their citizens. The possible involvement of other assistance providers is also noted in Appendix 4, particularly for actions that require modest, grant-based support. ADB may also want to consider cofinancing opportunities with the World Bank and bilateral aid providers.

7.4 Recommendations for NGOs and Other Civil Society Groups

As this regional study has revealed, NGOs working at the grassroots level in Indonesia, Malaysia, the Philippines, and Thailand play a unique and critical role in improving women's awareness of their rights relating to ownership and control of resources; employment; compensation; benefits and working conditions; entitlements to basic services; and protection against rape, other violence, and sexual harassment. NGOs in these countries have assisted women in obtaining legal protection and redress, and have also been active in lobbying for positive changes in laws and more gender-sensitive enforcement of existing laws. In order to play effective roles in strengthening poor women's legal status and empowerment, NGOs themselves need legal training, capacity building, and other support. Lawyers' associations also have a potentially greater role to play in supporting or providing free legal services to poor women. Appendix 4 includes recommendations for the participation of women's organizations and other NGOs in actions to improve women's sociolegal status and empowerment in their countries, as well as opportunities for ADB and other funding agencies to provide these NGOs with capacity building and other support. The recommendations were current as of the dates of the four country reports, and may already have been acted upon or superseded by other initiatives.

7.5 Conclusion

The findings of this regional study demonstrate the importance of improving the sociolegal status and legal empowerment of women in ADB's DMCs, to reduce poverty and improve the quality of life in the Asian and Pacific region. The study recommends a number of concrete actions that can be taken by governments, civil society groups, ADB, and other assistance providers to further these goals in Indonesia, Malaysia, Philippines, and Thailand, and points to similar steps that could be considered in other countries of the Asian and Pacific region.