

SOCIOLEGAL STATUS OF WOMEN IN
INDONESIA, MALAYSIA,
PHILIPPINES, AND THAILAND

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ABBREVIATIONS

ADB	Asian Development Bank
AWAM	All Women's Action Society (Malaysia)
BAPPENAS	National Development Planning Board (Indonesia)
BPHN	Badan Pembinaan Hukum Nasional, Agency for National Law and Development (Indonesia)
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CSP	country strategy and program
CYW	Child and Youth Welfare [Code] (Philippines)
DMC	developing member country
DVA	Domestic Violence Act (Malaysia)
GAD	gender and development
GBHN	Garis-garis Besar Haluan Negara, Broad Guidelines of State Policy (Indonesia)
HAWA	Women's Affairs Department (Malaysia)
ILO	International Labour Organisation
INTAN	National Institute of Public Administration (Malaysia)
IPO	interim protection order
JAG	Joint Action Group [Against Violence Against Women] (Indonesia)
KUA	Kantor Urusan Agama, Registration office for marriage, divorce and reconciliation (Indonesia)
LBH-APIK	Lembaga Bantuan Hukum - Asosiasi Perempuan Indonesia untuk Keadilan, Legal Aid Institute - Association of Indonesian Women for Justice
LTSF	Long-Term Strategic Framework
MoM	Ministry of Manpower (Indonesia)
MTS	Medium-Term Strategy
NCL	native customary land (Malaysia)
NCRFW	National Commission on the Role of Filipino Women
NCWA	National Commission on Women's Affairs (Thailand)
NGO	nongovernment organization
OSHA	Occupational Safety and Health Act (Malaysia)
PO	protection order

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PAPR	partnership agreement on poverty reduction
TA	technical assistance
UN	United Nations
WGPA	Women and Girls Protection Act (Malaysia)

GLOSSARY

adat	custom
hakim	(legal) arbitrators (Malaysia)
Hudud	strict Islamic law relating to murder, theft, drinking alcohol, fornication, adultery and rape
mitra usaha	partnership
nusyuz	situation in which a woman withholds her association with her husband without valid reason
Orang Asli	First People, aboriginal inhabitants of Peninsular Malaysia
penghulu	religious courts
shadaqah	alms
shari'a, or syariah	rules of conduct derived from the Koran (Quran); more broadly, Islamic or shari'ah law
Syariah Court	Islamic Court
Syariah Law	law system based on syariah
talaq	divorce
wakaf	property or money donated for religious or community use
wali	father, grandfather, brother, or uncle
wali mujbir	male relative legally responsible for a bride

FOREWORD

Through its Long-Term Strategic Framework for the years 2001 to 2015, the Asian Development Bank (ADB) has rededicated itself to reducing poverty and improving the quality of life in its developing member countries (DMCs). ADB recognizes that improving equity—especially gender equity—is critical to any strategy for reducing poverty and achieving inclusive, sustainable development in Asia and the Pacific. Women constitute half the population and play critical roles in their economies and societies as entrepreneurs and workers, caregivers, community leaders, and citizens. Yet they continue to face constraints and discrimination in their access to resources, employment opportunities, personal choices, and participation in public decision making. Moreover, women are disproportionately affected by economic downturns and uncertainty, as witnessed in the Asian financial crisis of the late 1990s. It is therefore crucial for ADB to continue working with its DMCs to improve the status of women, for their own benefit and for the general improvement of their societies. In doing so, ADB supports the commitments that its DMCs have already made—ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, subscribing to the Beijing Declaration and Platform for Action, and pursuing their own national plans of action to improve women's status and participation in national development.

To ensure gender equity in development policies and programs, it is necessary to understand the various constraints and types of discrimination that women face. ADB initiated this regional technical assistance study to examine the sociolegal status of women in four DMCs: Indonesia, Malaysia, Philippines, and Thailand. The four country studies illustrate the complex interactions of civil, religious, and customary laws that shape women's status, and the ways in which laws reflect and reinforce social and cultural norms and expectations. At the same time, the studies highlight steps that governments and civil society groups have been taking to amend discriminatory laws, to enact new laws to protect women's rights, to correct entrenched biases against women in the way laws are administered and enforced, and to improve women's legal awareness and access to justice. Finally, the studies include

recommendations for further actions that governments, civil society groups, ADB, and others can take to improve women's sociolegal status and access to justice.

This report consolidates the findings and recommendations of four country studies and an overview study. These were refined and validated through national workshops and a final regional workshop. I hope that this overview report, and the four detailed country reports, will be useful for government officials, civil society organizations, and other funding agencies working to improve gender equity and women's rights. The country reports and the general themes and recommendations of the overview report will be an important resource for ADB staff working in the four countries concerned, and for all of ADB's regional and country work.

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