



The Role of Parliamentary Committees in Mainstreaming Gender and Promoting the Status of Women

Seminar for Members of Parliamentary Bodies Dealing
with Gender Equality

4–6 December 2006, Geneva



Created in 1889, the Inter-Parliamentary Union (IPU) is the international organization that brings together the representatives of parliaments of sovereign States. The IPU is the focal point for world-wide parliamentary dialogue and works for peace and cooperation among peoples with a view to strengthening representative institutions.

Headquarters

Inter-Parliamentary Union
5 chemin du Pommier
Case postale 330
CH-1218 Le Grand-Saconnex
Geneva
Switzerland

Telephone: +41 22 919 41 50
Fax: +41 22 919 41 60
E-mail: postbox@mail.ipu.org
www.ipu.org

**Office of the Permanent
Observer of the IPU to the
United Nations:**

Inter-Parliamentary Union
220 East 42nd Street - Suite 3002
New York, N.Y. 10017
United States of America

Telephone: +1 212 557 58 80
Fax: +1 212 557 39 54
E-mail: ny-office@mail.ipu.org
www.ipu.org

The Role of Parliamentary Committees in Mainstreaming Gender and Promoting the Status of Women

Seminar for Members of Parliamentary Bodies Dealing
with Gender Equality

4–6 December 2006, Geneva

© Inter-Parliamentary Union 2007

ISBN 978-92-9142-357-6 (IPU)

Produced with financial support from the Swedish International Development Agency (Sida)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the Inter-Parliamentary Union.

This publication is distributed on condition that it be neither lent nor otherwise distributed, including by commercial means, without the prior permission of the publishers, in any form other than the original and on condition that the next publisher meets the same requirements.

Applications for the right to reproduce or translate this work or parts thereof are welcomed and should be sent to the Inter-Parliamentary Union. Member Parliaments and their parliamentary institutions may reproduce or translate this work without permission, but are requested to inform the Inter-Parliamentary Union.

Inter-Parliamentary Union

5 Chemin du Pommier
CH - 1218 Le Grand-Saconnex/Geneva
Switzerland

Telephone: +41 22 919 41 50

Fax: +41 22 919 41 60

E-mail: postbox@mail.ipu.org

Web site: www.ipu.org

Cover design: Julian Knott

Design and layout: Rick Jones

Printed in France by SADAG SA

Foreword

In the field of women's political empowerment, much attention is paid to numbers and the need to achieve a first, and significant, objective: reaching the target of 30 per cent of women in decision-making positions. Numbers do indeed matter, and the low proportion of parliamentary seats held by women, 17 per cent on average worldwide, is proof of the long road ahead to achieve equality. The existence and functioning of parliaments without a significant proportion of women is no longer acceptable.

While raising numbers is a primary concern, it is equally important that once in parliament, women use their positions of influence to contribute substantively to policy making. Ultimately, parliaments must become gender-sensitive, and mainstreaming gender equality in committee work and parliamentary outputs is essential for ensuring respect for women's rights.

The Inter-Parliamentary Union adheres to the principle that democracy requires the inclusion of both men and women in decision making. The IPU therefore works to promote a gender partnership by facilitating women's access to, and influence in, parliament and political life.

In recent years, the Organization has focused on the institution of parliament, and more particularly on mechanisms that facilitate the inclusion of gender in the work of parliament. To that end, the IPU created an on-line database of parliamentary committees dealing with gender issues and women's rights. The database provides comparative information about the different parliamentary structures that exist in more than 80 countries worldwide.

As part of its efforts to strengthen the capacity of parliaments to promote gender equality, the IPU convened a seminar for members of parliamentary bodies that deal with gender matters. The seminar, on *The Role of Parliamentary Committees in Mainstreaming Gender and Promoting the Status of Women*, was held in Geneva from 4 to 6 December 2006, and brought together over 100 parliamentarians and parliamentary staff from 36 countries.

The Seminar identified ways in which the functioning of parliamentary committees dealing with gender equality and the status of women could be enhanced, and policy and legislative outcomes bolstered, to promote gender equality. It provided a forum for committee members to share national experiences and debate issues relating to their mandates, working methods and relations with other partners. The Seminar also looked at best practices and made recommendations on how parliaments and committees can effectively address gender issues at the national level. Special attention was paid to the question of combating violence against women, and the role of parliaments in this field.

This report provides the conclusions of the seminar, an overview of the plenary debates and the full presentations made by the experts. The IPU wishes to thank the experts for their perceptive presentations, as well as all the participants for their enthusiastic interventions and exchange of experiences. The Seminar would not have been possible without the generous support of the Swedish International Development Cooperation Agency (Sida).

We hope that this report serves not only as a record of the event, but also as a practical tool for parliaments and their members to pursue efforts to mainstream gender equality in their work. Whether it is through specialized parliamentary bodies on gender equality, or through conventional committee structures, parliamentarians are well placed to ensure that legislative outputs address the needs of all sectors of society. We hope that you draw inspiration from this report for your future work. ■



Anders B. Johansson
Secretary General
Inter-Parliamentary Union

Contents

Summary and Recommendations of the Seminar	I
Keynote Address	5
Ms. Anne-Marie Lizin, President of the Belgian Senate	
1. Mandate, Composition and Working Methods of Parliamentary Committees on Gender	
Overview and Debate	8
<i>Presentations:</i>	
Cyprus: Standing Committee on Equal Opportunities for Men and Women	11
Ms. Sotiroula Charalambous, Chairperson of the Standing Committee on Equal Opportunities for Men and Women, Cyprus	
Sweden: Committee on the Labour Market	13
Ms. Annika Qarlsson, Member of the Committee on the Labour Market, Sweden	
Costa Rica: Committee on Women	16
Ms. Ana Elena Chacón Echeverría, Chairperson of the Committee on Women, Costa Rica	
2. Relations with Partners: Working with Institutional Partners	
Overview and Debate	20
<i>Presentations:</i>	
Working with Parliamentary Committees and Other Institutional Partners:	
Ukraine's Sub-Committee on Human Rights	22
Mr. Hennadiy Udoenko, Chairman of the Sub-Committee on Human Rights of the Committee on Human Rights, National Minorities and Inter-Ethnic Relations, Ukraine	
Links between Parliaments and National Women's Machineries	24
Dr. Fatma Khafagy, Policy/Legal Expert and Former Director, Office of the Ombudsman on Gender Equality, Egypt	
3. Working with Other Partners to Support Committee Work	
Overview and Debate	28

Presentations:

Working with Civil Society: Lebanon's Committee on Women's and Children's Affairs	31
Ms. Gilberte Zouein, Chair of the Committee on Women's and Children's Affairs, Lebanon	

Mainstreaming Gender in the Work of Parliament:

Partnerships with the Women's Movement and the Media	33
Ms. Colleen Lowe Morna, Executive Director of Gender Links, Chair of the Gender and Media Southern Africa (GEMSA) Network, South Africa	

4. Legislative and Policy Outputs of Parliamentary Committees on Gender Equality

Overview and Debate	40
---------------------------	----

Presentations:

Legislative and Policy Outputs: Achievements of the South African Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women	43
Ms. Gwen Mahlangu-Nkabinde, Deputy Speaker, National Assembly of South Africa	

The Role of Parliaments in Gender Budgeting	49
Ms. Elisabeth Klatzer, Expert, Gender Budgeting Watch Group: Gender and Public Finance, Austria	

Gender Budgeting and Sweden's Committee on the Labour Market	52
Ms. Ann-Christin Ahlberg, Member of the Committee on the Labour Market, Sweden	

5. Implementing International and Regional Legal Instruments

Overview and Debate	54
---------------------------	----

Presentations:

The Role of Parliamentary Committees in Overseeing the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	56
Ms. Pramila Patten, Member of the United Nations Committee on Discrimination against Women	

Mexico's Committee on Equality and Gender and CEDAW	66
Ms. Blanca Judith Díaz Delgado, Chairperson of the Committee on Equality and Gender, Mexico	

6. The Role of Parliamentary Committees in Addressing Violence against Women

Overview and Debate	72
---------------------------	----

Presentations:

The Work of Amnesty International in Combating Violence against Women	75
Ms. Gita Saghal, Gender Policy Adviser, Amnesty International	

The Measurement of Violence against Women and the United Nations In-depth Study on Violence against Women	78
Ms. Angela Me, Chief of the Social and Demographic Statistical Division, United Nations Economic Commission for Europe	

Violence against Women in Conflict Situations	82
Ms. Gry Tina Tinde, Special Adviser to the High Commissioner on Gender Issues, UNHCR	
Ms. Wendy Fehr, UNHCR	
<i>Case studies:</i>	
India: Committee on the Empowerment of Women	84
Ms. Krishna Tirath, Chairperson of the Committee on the Empowerment of Women, India	
Spain: Joint Committee on Women’s Rights and Equal Opportunities	86
Ms. María Antonia Martínez, Vice-President of the Joint Committee on	
Women’s Rights and Equal Opportunities, Spain	
Parliamentary Assembly of the Council of Europe:	
Committee on Equal Opportunities for Women and Men	88
Ms Fatma Pehlivan, Senator, President of the Advisory Committee on Equal Opportunities,	
Belgium, and Member of the Parliamentary Assembly of the Council of Europe	
7. Supporting the Work of Parliamentary Committees on Gender Issues	
Overview and Debate	92
<i>Presentations:</i>	
The European Women’s Lobby	94
Ms. Kristi Kolthoff, President of the European Women’s Lobby	
The Role of International and Regional Organizations	97
Mr. Anders B. Johnsson, Secretary General, Inter-Parliamentary Union	
List of Participants	103

Summary and Recommendations of the Seminar

The meeting elected Ms. G. Mahlangu-Nkabinde, Deputy Speaker of the National Assembly of the Parliament of South Africa, as its rapporteur. The concluding comments presented at the closing session follow.

The seminar for chairpersons and members of parliamentary bodies dealing with gender equality on the “*The Role of Parliamentary Committees in Mainstreaming Gender and Promoting the Status of Women*” brought together more than 100 members of parliament and parliamentary staff from 36 countries. Over two and a half days participants discussed and exchanged experiences on the functioning of parliamentary committees dealing with gender equality and the status of women and how policy and legislative outcomes could be bolstered to promote gender equality.

The seminar was opened by the IPU Secretary General, Mr. A. B. Johnsson, and chaired by the President of the IPU Coordinating Committee of Women Parliamentarians, Ms. M. Xavier (Uruguay). The keynote address was delivered by Ms. A-M. Lizin, President of the Belgian Senate, and 20 presentations and case studies were presented by experts. Nearly 70 interventions were heard in the plenary debates. The highlights of the expert presentations and the plenary debate are presented in the report that follows.

* * *

The participants began by noting that, as elected representatives of the people, parliamentarians had a key role to play in the promotion of gender equality in parliaments. They must see to it that norms promoting equal opportunities for women and men were translated into national laws. Likewise, parliamentarians had a duty to oversee the implementation of policies and programmes to ensure that they met

the standards and goals set. Finally, as politicians, they were well placed to raise gender equality concerns in public debates and to help forge national consensus on those issues.

Mandate, composition and working methods

During the meeting, participants discussed the functioning and mandate of parliamentary committees dealing with gender equality. In so doing, the *raison d'être* of such committees was debated. It was clear that their existence was not an end in itself, but rather that they were instrumental in contributing to the work of parliament to promote and defend gender equality.

In some parliaments, however, that goal was achieved not through the existence of specialized gender committees, but by mainstreaming gender equality in the existing committee structures. There was, however, no single model—it varied from country to country depending on parliamentary practice and history. The two approaches were complementary, however, and the existence of a specialized gender committee did not preclude other committees' ability to address gender concerns. That task was facilitated by the presence of women in parliament. The importance of having a critical mass of women in parliament—specifically the 30 per cent target—was highlighted.

Discussions also focused on the specific powers of parliamentary committees, ranging from committees that had the power to propose legislation to those that exercised mainly a monitoring and oversight function. Despite some differences, participants agreed that one of the most important functions of such committees was their role in parliamentary oversight and holding the government to account.

Parliamentarians had many tools at their disposal to perform that oversight function, such as oral and written questions, the right to summon ministers and government officials, hold public hearings and open meetings to allow the public to engage with the committee. It was also important for the reports of gender committees to have an official status so as to enable follow-up of the proposals and recommendations made therein.

Successful gender mainstreaming also depended on coordination with other committees in parliament. The specific example was cited of convening common sittings with other parliamentary committees to debate the content of a bill and ensure that a gender perspective was considered. That type of cooperation was crucial with finance and budget committees with a view to developing gender-sensitive budgets. Another idea was to have gender focal points in all committees.

According to the data collected by the Inter-Parliamentary Union in its *World Directory of Parliamentary Bodies on the Status of Women and Gender Equality*, nearly all parliamentary gender committees are composed of both women and men. However, men's participation remained weak. Participants agreed that men should play a greater role in the work of gender committees, as indeed it was as much in their interest as in that of women to ensure equality.

Relations with partners

The meeting also examined the importance of partnerships in order for parliament to fully contribute to national efforts to promote gender equality. Parliamentarians tended to be isolated and needed to develop cooperation with government and civil society. It was clear from the debate that there was a need to formalize relations between national women's structures and parliaments, as they had complementary roles to play. Cooperation with ombudspersons and the judiciary was also highlighted. Within that general context, the specific role of parliamentary committees on gender should be monitored to ensure efficiency and to avoid overlap with other bodies.

In addition, cooperation with civil society and non-governmental organizations (NGOs) was crucial. NGOs were a key source of information and critical partners in ensuring follow-up of parliamentary action. Women's parliamentary caucuses could be

useful fora for women to meet beyond party lines and could provide additional support to the work of parliamentary gender committees.

Participants also discussed the vital role of the media and outreach strategies to inform the public of parliamentary action and raise awareness of gender issues. Despite what some might see as a love-hate relationship between parliamentarians and the media, it was important to enlist the support of the media and make use of all possible communication avenues to reach out to people, especially to those who were most isolated, through initiatives such as community radio and free newspapers. The media had an advocacy role to play and a one of holding parliament to account for follow-up on action and decisions taken.

Legislative and policy outputs

The meeting heard about the wide range of issues that were being addressed in committees and the immense challenges to achieving gender equality. The importance of developing strategies that could be used to meet objectives was raised, such as gender-sensitive budgeting. That was a new approach for many parliaments. The development of gender-sensitive budgets was a long-term process that required changing policies and transforming processes. Parliamentarians had an important part to play in the development of such a tool and should press governments to develop gender-sensitive budgets. One way to accomplish that was by introducing requirements for gender budgeting in laws and rules on budgeting.

Undertaking a gender-sensitive budgeting process required analysis at all stages of the process, starting with planning and programming. In order to have substantive input and the capacity to develop such budgets, parliaments needed to have access to sex-disaggregated data and comprehensive information—an obligation under the Convention on the Elimination of All Forms of Discrimination against Women. The purpose of gender committees was to raise gender issues during the budget debates, develop partnerships with the budget committees, and serve as conduits between women's organizations and parliament. The importance of parliamentary oversight was again raised—parliamentarians needed to closely follow and monitor the implementation of the budget by conducting gender audits and analyses.

As that exercise was relatively new, the need to implement training programmes for parliamentarians and parliamentary staff was noted.

CEDAW

Gender committees had an important role in overseeing the proper implementation of international and regional commitments. The meeting paid particular attention to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a tool that could be used to legitimize demands for gender equality.

CEDAW brought together—in a single comprehensive human rights treaty—the provisions of previous United Nations instruments concerning discrimination on the basis of sex, extending them further to create a tool dedicated to the elimination of all forms of discrimination against women.

Participants discussed the role of parliaments in particular and agreed that they had to be more involved in overseeing implementation of the obligations and rights included in CEDAW. One of those obligations had to do with reporting. States Parties must report regularly to the United Nations Committee on the Elimination of Discrimination against Women on progress made in implementing the CEDAW. Parliamentarians had to make sure that those periodic reports went to parliament for debate before they were submitted to the UN, and that parliament ensured that they contained a wide variety of views, including those of civil society and independent analysts. In addition, members of parliament should be included in the national delegations to the CEDAW Committee so as to better understand the concluding comments and recommendations that were subsequently made. Those comments had to be presented to parliament in order to be followed up and implemented at the national level.

Parliamentarians had an additional role to play in raising awareness among their peers and society at large about CEDAW, monitoring government implementation, reviewing national legislation to bring it in line with CEDAW principles, monitoring the validity of reservations to CEDAW and working towards their removal. It was important for all parliamentarians and parliamentary staff to have an understanding of the principles underlying CEDAW, hence the need for training programmes.

A wide range of issues related to women's rights and gender equality was discussed. From the many interventions that were made, it was clear that gender equality spanned all policy areas and was at the core of society's well-being and development. The challenges were immense, including addressing poverty, poor health care, low levels of education, violence, and HIV/AIDS. While responses to these challenges were varied, education was a key component, starting in the home.

Many participants also mentioned the question of enhancing women's participation in political life. With a world average of nearly 17 per cent, it was agreed that much more needed to be done much sooner. Several important initiatives were mentioned, such as the Southern African Development Community (SADC) "50/50 campaign", which aims to have women hold half of the parliamentary seats in the region by 2020.

Combating violence against women

The main thematic debate of the seminar was combating violence against women. Acts of violence were among the most potent obstacles to the advancement of women and constituted a fundamental violation of their basic human rights. Violence against women was a problem that affected all countries without exception.

To address that scourge, the importance of viewing violence against women as a learned pattern of behaviour was stressed. Strategies to combat violence needed to be holistic in their approach, moving beyond mere criminalization, prevention and assistance measures to include initiatives aimed at changing the environment in which women lived (health care, housing, security, domestic legislation, and stereotyping in the media). Indeed, it was necessary to do a much better job of raising new generations who did not view violence and gender inequality as something which was natural or inevitable. To achieve that, there had to be a radical—even revolutionary—change in education and in the multiple messages we received through TV, radio, movies and advertisements.

Effective policies to combat violence against women required accurate data. Data was also needed for parliamentary committees to fulfil their watchdog role and properly oversee and assess government

action and progress. Participants paid great attention to the problem of defining violence against women and developing indicators to measure its prevalence. Establishing common global or regional indicators was raised as an objective; that would certainly help in developing a common framework of analysis and defining coordinated responses. The United Nations was called upon to assist in developing such indicators. Committees should request the development of sex-disaggregated data and press for the “engendering” of national statistics laws, and care should be taken to ensure that statisticians were adequately trained and sensitive to gender issues.

Participants agreed that responses to violence against women had to be multi-sectoral and build on the contribution of all stakeholders. Providing a solid legal framework to combat violence against women and impunity was underscored, together with the need to ensure adequate financing of policies and oversee proper implementation. The crucial role of awareness-raising and education, particularly using a rights-based approach, was raised, together with the need to train and sensitize the judiciary, law enforcement agencies as well as health and social services.

Follow-up

The meeting discussed support to parliament. It was clear that parliamentarians would like to see greater efforts made to strengthen parliament’s ability to carry out its work to promote gender equality and defend women’s rights.

Participants expressed their wish to have similar meetings convened in the future. The important role that gender committees could play in the process of mainstreaming gender equality in parliamentary work was underscored.

Parliamentarians also highlighted the value of convening thematic meetings to discuss particular gender issues in-depth, such as trafficking of women and children, health care, HIV/AIDS and women’s economic empowerment.

It was important to work with parliaments that did not have specialized parliamentary committees on gender to provide support, solidarity and to examine different avenues through which a gender perspective could be mainstreamed. Participants agreed to share the results of the meeting with their colleagues in parliament and to follow up on suggestions made. ■

Keynote Address

Ms. Anne-Marie Lizin President of the Belgian Senate

According to data provided by the Inter-Parliamentary Union, some 60 parliaments have now established committees to deal with matters pertaining to equal opportunity for men and women. They have different names—committee, advisory committee, standing parliamentary committee, delegation for the rights of women and equal opportunity—but they share the same objective: advancing the cause of equality between men and women and ensuring that parliamentarians, and Parliament as an institution, play a meaningful role in promoting gender equality.

And yet the status of these bodies—their powers, composition and working methods—varies from one country to the next, and from chamber to chamber within some countries. Within the Belgian Federal Parliament, for example, the purview of the House of Representatives Advisory Committee for Social Emancipation is broader than that of the Senate Advisory Committee, which is confined to matters of gender equality. The Senate committee's specialization, on the other hand, is its strength in dealing with the particular issues brought before it.

These observations invite the following question: is equal opportunity always best served by a specialized committee? This question in turn raises others about the role special parliamentary committees play, or can play, in respect of equal opportunity. What is their real impact on legislation? What obstacles do they encounter? How can their functioning be improved? These are some of the questions this seminar will seek to answer.

For my part, and without pre-judging the outcome of our work, I am fully convinced of these committees' value in parliament.

Before going any further, I must confide that I have myself worked to create such bodies within the institutions to which I have been elected or in which

I have served: the Commission, the European Parliament, the House of Representatives, municipal government and others.

Experience has shown that a greater presence of women in parliament does not necessarily move the gender equality issue higher on the legislative agenda. The reasons most frequently given for this often relate to the influence of political parties, which can limit the range of positions taken by their members. My personal experience in the Belgian Senate suggests that a forum specifically entrusted with equal opportunity matters affords greater freedom in dealing with them, with fewer positions imposed by party discipline.

The independence from parties has been evident since its inception. The Senate Advisory Committee for Gender Equality came into being on 18 January 1996, following a proposal to amend the Senate's regulations introduced by the entire contingent of women senators, from all political parties. The Advisory Committee nearly always adopts its opinions and recommendations unanimously (10 out of the 12 opinions during the last legislature).

The Canadian Feminist Alliance for International Action, observing a lack of follow-through on campaign commitments made to women by the various political parties, has conducted an intense and ultimately successful lobbying effort in recent years for the creation of a standing parliamentary committee for gender equality.

A parliamentary committee is essential to ensure that questions of vital importance for women remain on the table and are properly addressed.

Each year in the Belgian Senate, the Advisory Committee invites the Minister for Equal Opportunity to present his policy plans for the year ahead. The ensuing exchange of views has always been highly fruitful, forming a basis for various member

recommendations to the Minister. In turn, the government's political program often inspires the selection of matters to be included on the agenda for the following months.

Another advantage enjoyed by the Advisory Committee on Equal Opportunity is the freedom to organize its activities autonomously. The Advisory Committee seeks to ensure the broadest base possible for its work and regularly invites grass-root organisations—such as the Equal Opportunity Council, the Council of French-Speaking Women, and the *Nederlandstalige Vrouwenraad*—to participate in its discussions. At a time when the political world is reaching out to citizens, the Advisory Committee serves as an effective link between civil society and Parliament.

The Advisory Committee meets with civil society groups and hears abundant testimony from experts, government officials, and others; its opinions are thus informed by in-depth analysis. The committees to which bills or draft resolutions are referred (as its name indicates, the Advisory Committee's role is advisory only) are thus provided with well-documented background information for their deliberations. For example, a topic to be addressed during this seminar—the prevention of domestic violence—is the subject of three separate Senate bills from different political parties. The Advisory Committee devoted several months to their consideration, hearing testimony from various relevant actors, such as police officers, social workers and doctors. It also prepared side-by-side comparisons of the three texts

and issued an opinion pinpointing all of the sensitive issues: the use of restraining orders, professional confidentiality, etc.

I shall not dwell further on the achievements of our Senate Advisory Committee. I am sure that all countries have similar experience to share. Before concluding, however, I want to reemphasize one point: despite the solid accomplishments to date, we also face difficulties. I would call your attention to one in particular: a need for stronger participation by men.

Like many parliamentary committees, the Belgian Advisory Committee is composed of 17 members. Fourteen of these members are women and only three are men, and yet it seems clear that the cause of gender equality requires a commitment from both women and men; and the benefits of collaboration will be mutual. The question, then, is how to engage our male colleagues on the issues of gender equality? I invite you to reflect on that question during the next three days.

Our challenge is great: for women to take their rightful place and gain power within their respective cultures—the power to make decisions about their own bodies, to dress as they see fit, to marry the husband of their own choosing, and to reject female circumcision—and all forms of confrontational, chauvinistic behaviour.

Our world is becoming more transparent. Never has the suffering of so many thousands of women been so clearly apparent. We must be their voice in our respective national parliaments. ■



**MANDATE, COMPOSITION AND WORKING
METHODS OF PARLIAMENTARY
COMMITTEES ON GENDER**

1

Overview and Debate

Overview of the session

The first session of the seminar focused on the different types of parliamentary gender bodies, their composition and powers and mandates. The session paid particular attention to the following questions:

- What are parliamentary gender equality bodies and what is their *raison d'être*?
- What are their working methods and what challenges do they face in fulfilling their mandates?
- How is gender mainstreamed into the work of parliaments?

The panellists were Ms. Charalambous, Member of Parliament, Chairperson of the House Standing Committee on Equal Opportunities for Men and Women, Cyprus; Ms. Qarlsson, Member of Parliament, Member of the Committee on the Labour Market, Sweden; and Ms. Chacón Echeverría, Member of Parliament, Chairperson of the Committee on Women, Costa Rica. Ms. Charalambous opened the discussion by providing an overview of the establishment of the House Standing Committee in Cyprus, its mandate and functions, while Ms. Qarlsson described her parliament's Committee on the Labour Market and how gender is mainstreamed into parliamentary work. Ms. Chacón Echeverría described the structure and functioning of Costa Rica's Committee on Women. The debate was then opened to the plenary.

The panellists highlighted that the *raison d'être* of the various parliamentary gender bodies is to contribute to the work of parliaments in promoting gender equality. Ms. Charalambous noted that the establishment of the parliamentary committee in Cyprus was politically significant, illustrating the importance that the parliament attaches to achieving gender equality in its work. In her presentation,

Ms. Qarlsson underscored that the aim of such parliamentary bodies at the political level was to “bring gender equality into the main building rather than leaving it out in the wings”. It was also noted, however, that gender equality is a cross-cutting issue and all parliamentary bodies, regardless of their portfolio, can thus play an instrumental role in supporting and defending the principle of equality.

While there was general agreement among the panellists as to the *raison d'être* of the gender equality committees, they provided different examples of the ways in which **gender mainstreaming** can be achieved in parliament. Ms. Charalambous and Ms. Echeverría documented the use of specialized gender committees in Cyprus and Costa Rica respectively, whereas Ms. Qarlsson provided an alternate case with the example of Sweden, where gender equality is mainstreamed through the existing committee structures rather than through the creation of a specialized parliamentary committee on gender equality. As was noted by Ms. Charalambous, there is no one model that is better than any other as the success of each varies between countries and depends on “parliamentary traditions, the ways in which gender issues have developed and the number of women in parliament in each country”.

The discussion also addressed the **different working methods** and the challenges faced by the various committees in different countries. In Sweden, a gender perspective is integrated into the workings of all committees so that all bear a responsibility for ensuring that policy development pays attention to achieving equality between men and women. Overall responsibility for this task, however, lies with the Minister for Gender Equality and the parliamentary Committee on the Labour Market. This method ensures that every political proposal, regardless of its nature (for example unemployment insurance and child

allowances), is considered from a gender perspective by the appropriate body so that nothing is left to slip through the net. This approach is based on recognition of the multifaceted, case-specific nature of gender concerns and the need for mainstreaming in all policies.

In Costa Rica and Cyprus, the respective bodies have very similar mandates, although in practice, the **powers of gender committees** vary from country to country. Cyprus' committee, for example, has a greater legislative role than Costa Rica's, as the Cypriot Committee on Equal Opportunities has the power to initiate legislation while the Costa Rican Committee for Women focuses on monitoring the implementation of policies. In Cyprus, the agenda of the Committee has focused on two areas in particular: the implementation of laws pertaining to gender equality in the workplace, and combating violence against women, including domestic violence. In Costa Rica, the Committee for Women has also dealt with combating violence against women, as well as on reforming existing laws on sexual harassment, among other issues.

In all countries, the **exercise of parliamentary oversight** was emphasized as a key working method to ensure gender mainstreaming in national parliament and to ensure that governments are held to account for their actions. Parliamentarians have several tools at their disposal to enable them to carry out their oversight function. These include the power to communicate oral and written questions, as well as the right in some parliaments to summon ministers and government officials. Some committees hold public hearings in order to facilitate cooperation between civil society and the parliamentary committee on gender equality. In Costa Rica, Cyprus and Sweden, the achievement of gender mainstreaming was considered to rely heavily on coordination with other parliamentary committees and NGOs, as well as with other sectors of the State.

Despite the many successes of parliamentary committees in mainstreaming gender equality, it was noted that much work remains to be done to overcome the **challenges they face**. Although Sweden has often been considered a pioneer in terms of developing gender-sensitive legislation and policies, Ms. Carlsson underscored the piecemeal and incremental way in which equality policies have progressed over the past three decades. She noted that there are still some areas where inequalities exist and she highlighted

that the achievement of equality is a process requiring patience and long-standing commitment from all sectors of society and the government. It was cautioned that gender equality can at times be forgotten when it is mainstreamed into committees, as it has to compete with other policy objectives and priorities.

Ms. Charalambous highlighted a major challenge to achieving gender equality, stemming from the **influence of traditional culture**, accompanied by mentalities that are often closed to the possibility of change. Given that gender equality is a comparatively new policy objective, some of the biggest challenges to its achievement come from cultural traditions and the established "schools" of thought and practice within governments. Ms. Echeverría identified Latin American culture as a major challenge in that the culture has traditionally been constructed around a predominately "masculine" image where women are assigned a subservient role in society. Parliamentarians consequently struggle constantly to work within a system that is founded on inequality in the hope of achieving progress. Despite these challenges, parliamentarians should remain committed to the policy of gender mainstreaming, and the "you can't run before you walk" philosophy.

Plenary debate

In the plenary debate, the importance of **achieving equal representation of men and women** not only in parliamentary committees, but also in the parliament as a whole, was underscored. It was widely agreed that 30 per cent of women in parliament is the critical mass necessary for the achievement of sustainable reforms. However, gender bodies must be composed of both men and women in order to achieve equality in policy outputs. The participants agreed that achieving a gender balance in the committees was a challenge they faced and that more would need to be done in order to strengthen the role played by men. Active cooperation between men and women in the development of policies and legislation was agreed to be a priority.

Much of the discussion focused on debating the best system for **mainstreaming gender** in national parliaments. Additionally, the benefits of parliamentary gender committees with legislative powers, rather than just a monitoring function, were noted.

The meeting heard reports about the different structures that exist in parliaments. For example, in Austria, although there is a committee that specializes in equal treatment, the members of the committee also belong to other parliamentary committees, thereby ensuring that an equality perspective is included in debates on all legislation. As one participant noted: “This is what gender mainstreaming is about: it is not only one committee dealing with ‘women’s affairs’ but every committee, and that everybody has to look into what a new law means for women and whether or not it helps to improve the situation for women.”

In other countries, gender committees convene sittings with other parliamentary committees to ensure a gender perspective is included in the debates. There was general agreement that the effectiveness of the **different types of committee** structures is contingent upon a number of factors, however, and at a minimum, all committees should exercise a monitoring or oversight function. For example, in South Africa, parliamentarians are able to use different methods for oversight, including oral and written questions, the right to summon government ministers and convene public debates.

“This is what gender mainstreaming is about: it is not only one committee dealing with ‘women’s affairs’ but every committee, and that everybody has to look into what a new law means for women and whether or not it helps to improve the situation for women.”

Participants also identified **several challenges** that may hinder the work of parliamentary committees on gender equality, for example religious and cultural values and practices, which do not view women as equal to men. While much has been done to enact gender-equal laws, legislation is oftentimes insufficient to make a sustainable difference. Parti-

cipants noted that more needed to be done to change the mentality of both legislators and the general public, in order to make them more receptive to proposals advocating significant reforms. As one participant put it, “The whole issue of female emancipation is often absent from the public agenda. This does not mean that the problem does not exist, just that society places women’s affairs very low down the ladder of priorities.”

As a way of overcoming the problems of gender discrimination and stereotyping, several participants noted the importance of **providing education** to promote an awareness and understanding of gender equality issues. Some stressed the importance of having effective, well-funded educational programmes that can teach women about the law and how it relates to them, while others emphasized the importance of educating law enforcement officers and those responsible for putting the laws into practice. Some suggested that more should be done to take advantage of opportunities provided by the media to educate and heighten awareness. It was reported, for example, that information days are held in the Ghanaian Parliament on specific issues, including on measures needed to ensure the advancement of women.

The remainder of the discussion focused on the **policy areas** that are being addressed by parliamentary committees on gender: Brazil reported on a law that has been passed to combat violence against women; Kazakhstan reported that it had held parliamentary hearings on maternity leave, education and maternal health; Bulgaria had passed a law on the protection of women from violence; and Ghana noted that its committee was working on the passage of legislation to prevent human trafficking. In South Africa, it was highlighted that mechanisms are put into place to ensure that deliverables were measured. In Costa Rica, attention was being paid to ensure that legislation is worded in a gender-sensitive way. Lastly it was noted that moving from formal equality to substantive equality was of paramount importance, whereby all legislation that is passed must be put into practice and the government held to account for its implementation. ■

Cyprus: Standing Committee on Equal Opportunities for Men and Women

Ms. Sotiroula Charalambous Chairperson of the Standing Committee on Equal Opportunities for Men and Women, Cyprus

The exchange of views and experiences between parliaments on questions of mutual interest, as well as the exchange of good practices, is an important instrument of inter-parliamentary activity. Equality between women and men is becoming of ever-increasing importance in parliamentary action, and the organization of such seminars is an excellent opportunity for us to be informed and exchange practices. This presentation aims to explain how the House Standing Committee on Equal Opportunities for Men and Women was created, and discusses its role in the Cyprus Parliament.

The Committee on Equal Opportunities for Men and Women is a completely new body of the House of Representatives. It was established immediately after the new House was elected, after the general election of May 2006. Its composition was decided by the Committee of Selection, which is made up of the President of the House and representatives of the parliamentary parties.

The decision to establish the Committee was itself a gesture of great political significance. It is an indication of the importance that the Cyprus Parliament attaches to the issue of gender equality, while at the same time recognizing that equality questions must be dealt with in a separate and specialized manner so they are not lost in more general parliamentary operations. Before the Committee was established, gender equality issues were dealt with in various other committees, for example, the Committee on Human Rights, the Committee on Labour and Social Insurance and the Committee on Legal Affairs.

The establishment and functioning of this new Committee constitutes a political commitment by the Cyprus Parliament to apply itself specifically and systematically to gender equality issues and to gender mainstreaming in parliamentary activities.

At the same time, it contributes to the realization of one of the main aims defined by the United Nations Fourth International Conference on Women (Beijing, 1995)—that of creating mechanisms for monitoring the implementation of gender equality policies.

The Committee's remit

The Committee on Equal Opportunities for Men and Women has basically the same mandate as all standing committees in the Cyprus House of Representatives: (a) to examine bills tabled by the executive (on matters pertaining to gender equality); (b) to examine bills tabled by legislators (in the field of gender equality); and (c) to investigate issues, in the framework of the equality debate, raised by legislators carrying out the function of parliamentary scrutiny

In the framework of exercising parliamentary scrutiny, the Committee has the right to summon representatives from the ministries with responsibility for the implementation of government policy on gender equality issues, in particular the Ministry of Justice and Public Order and the Ministry of Labour and Social Insurance, to present their policies to the Committee.

At present, the Committee attaches particular importance to parliamentary scrutiny and considers its prime responsibility to be to promote, through discussions in Committee, issues pertaining to the passage or the implementation of legislation, since practical implementation of laws is a long and difficult process in Cyprus, as it is in so many other countries.

In the same framework, the Committee also ensures compliance with relevant national and international standards and makes recommendations to

the Government through the House Plenary, except in cases where any such recommendation might cause an increase in public expenditure, which is a constitutional restriction placed on Parliament and all its Members and Bodies.

In the exercise of its mandate, the Committee summons persons or bodies, such as the Commissioner for Administration (Ombudsman), who also acts as the Authority on Equality, women's organizations, trades unions and any other body it deems necessary to assist with its work. The Committee cannot examine individual complaints but, should a written complaint reach it, it may transfer it to the appropriate authorities or, if the issue constitutes a question of wider interest, the Committee may discuss it on its own initiative or even have questions by its members addressed to the competent ministry or ministries. The Committee cooperates closely with the Ombudsman, who keeps the Committee regularly informed of decisions and exchanges views with it at the Committee's invitation.

Unless the Committee decides otherwise, proceedings are public at the hearing stage. Members of the press can attend, but cameras are not permitted. Inquiries can be organized, provided the President of the House is informed. Decisions are taken by majority vote and final positions are always agreed in camera. Committee reports are made public when they are presented at the House Plenary. The Committee can, however, issue press releases or statements if the need arises. The minutes of Committee meetings are confidential and taken in summary form unless the Committee decides otherwise, taking into consideration the nature and seriousness of the matter under debate.

The Committee has nine members who, are nominated by the Selection Committee, paying due consideration to the existing balance between political party groups in the House of Representatives. Members sit on the Committee for the whole of the House's five-year term. Of the nine members of the Committee, five are men and four, including the author as Chairperson, are women.

As a brand new Committee, it decided to concentrate on being informed about government gender-issue policies and on exercising the necessary parliamentary scrutiny. In this framework, the Committee summoned the Minister of Justice and Public Order, who is also Chairman of the National Machinery

for Women's Rights (NMWR), to brief the Committee on the relevant action taken by his ministry, in particular on the preparation of the National Action Plan for gender equality mainstreaming. It has been agreed that, after the Plan's approval by the Cyprus Council of Ministers, it will be forwarded to the Committee for its views.

The Committee also summoned the Commissioner for Administration, who briefed it on her work as the Authority on Equality. All Ombudsman reports pertaining to gender equality matters are sent to the Committee, which uses them in its exercise of parliamentary scrutiny.

There are currently two items on the Committee's agenda: (a) an examination of the measures taken by the Ministry of Labour to implement the Law on Equal Treatment of Men and Women at Work and the Law on Equal Pay; and (b) carrying out, on behalf of the Cyprus Parliament, its part in the Council of Europe Pan-European Campaign to combat violence against women, including domestic violence.

The creation of a separate committee for equality issues is undoubtedly an important step forward for the Cyprus House of Representatives. It is also an achievement for the non-governmental organizations (NGOs) that deal with equality issues, since it has satisfied one of their longstanding demands and it upgrades their relationship with the House.

This important step forward must be consolidated. First the Committee must walk: then it can run. There are problems and hurdles that must be overcome in relation both to attitudes and to the Committee's own functioning in practice. There are, for example, schools of thought that favour the Committee's exercise of parliamentary scrutiny, but do not favour the Committee's right to propose legislation; just as there are cases where topics concerning gender equality are examined by other committees instead of the Committee on Equal Opportunities for Men and Women.

Naturally, every new institution faces difficulties, especially when it challenges established thought and practice. Despite these difficulties, its members are convinced that the Committee on Equal Opportunities for Men and Women will be able to cope with its role, bringing substance to the proposition that gender equality is a priority policy for the House of Representatives. ■

Sweden: Committee on the Labour Market

Ms. Annika Qarlssoon Member of the Committee
on the Labour Market, Sweden

The Centre Party is one of the four parties that form the new Government in the Swedish Parliament, which came to power after the parliamentary elections in September 2006. It is also the only party in Sweden to have a woman as party leader and Maud Olofsson is now Minister for Enterprise as well as Deputy Prime Minister.

In 2006, Finland celebrated the 100th anniversary of women's right to vote. Women should be proud of and grateful to those who have led the way, and feel a responsibility for those who will work for greater gender equality in the future. Sweden has come a long way over the years, but it has taken time and a lot remains to be done. This conference is a good opportunity to exchange experiences and to find inspiration for further efforts because work to achieve gender equality—both internationally and in Sweden—is far from complete. Work on the issue of gender equality has developed in the Swedish Parliament over many years and this development is still continuing today.

At central government level, the new Government has established a Ministry of Integration and Gender Equality. Its Minister, Nyamko Sabuni, will have overall responsibility but, just as it is in parliament, it is each minister's task to monitor the outcomes for both women and men that flow from the policies pursued in his or her respective field of responsibility.

Although each parliamentary committee and each minister take responsibility for gender equality issues, the Minister for Gender Equality and the Parliamentary Committee on the Labour Market has overall responsibility. This approach is known as gender mainstreaming. In the political sphere, this demonstrates an ambition to achieve gender equality in all policy areas, so that it is not regarded as only an issue for women. In brief, it could be said that

the Sweden's way of working has brought gender equality into the main building rather than leaving it out in the wings.

When adopting a position on a political proposal, the consequences both for women and for men are taken into consideration. By taking into account the differences in conditions for women and men in connection with various proposals, the aim is to achieve a practical political outcome that promotes women's and men's equal opportunities and puts right any injustices. A thorough gender equality analysis sometimes makes it possible to see that certain measures are necessary to enable women and men to achieve the same objectives. It is also important to be aware that, even if gender aspects are analysed, the same conclusions will not always be reached by all women. It is possible to agree on the objectives but not on how to achieve them.

At present, there is a lively political debate in Sweden about a particular proposal concerning changes to the Swedish unemployment insurance system. One aspect of the debate is how this proposal will affect women as well as men. The opposition say that the qualification requirements for unemployment insurance will be tougher and will therefore have a greater impact on women because of their weaker position in the labour market. The Government believes that the changes will instead mean that unemployment insurance will be restored to its original purpose—to serve as an adaptation insurance for people between jobs—and it wants, at the same time, to strengthen the labour market in order to improve women's employment and wage-earning opportunities and reduce dependence on allowances. Interestingly, the focus of the debate about this proposal has been on the outcome for women.

The Swedish Parliament made a proposal about child allowance just over a year ago. In Sweden child allowance is paid for all children under the age of 18. The allowance was previously paid to the child's mother. A debate began after protests from men who argued that it should be possible to choose which parent the allowance is paid to. As a result, the Government presented a bill proposing that parents should be able to choose which parent receives the allowance. The proposal, which was a clear gender equality proposal, was naturally considered by the Parliamentary Committee on Social Insurance, which is responsible for such matters, and not the Committee on the Labour Market.

The Swedish parliamentary model, where each committee is responsible for specific policy areas, and one committee has more overall responsibility, has a number of strengths and weaknesses. Its weaknesses include that:

- The gender equality perspective is forgotten when a large number of proposals have to be considered; and
- Gender equality is weighed against other priority areas, such as immigration, the elderly or children.

Its strengths include that:

- Decisions are taken where the power and money are, which means that it is easier to make and implement changes.
- Issues are not considered in any particular order; and they are not considered to be 'women's issues'.
- All parliamentary committees are obliged to take account of how their proposals will affect women as well as men.
- Gender equality is not about a single issue with a universal solution—there are many issues and many different solutions which need to be resolved in various stages in order to achieve equal rights for women and men and equal opportunities in all areas of society.

People tend to think that Sweden is an extremely gender equal society but there is still a lot to accomplish in this area. Sweden has a highly gender-segregated labour market, women earn less than men, women own less, there are fewer women running their own businesses and women do more unpaid

work in the home than men. There are still a number of major challenges, and these are being given priority by the Government.

The Government wants to increase gender equality by increasing women's power over their everyday lives. It is reducing taxes substantially for those with the lowest salaries, the majority of whom are women, in order to increase their economic power and consequently their freedom. The Government is also investing to enable more women to start and run their own businesses. It is opening up a number of sectors in which many women have a great deal of expertise, sectors which until now have been closed to entrepreneurs. One example is the health and social services sector. It is preparing an action plan to combat men's violence against women. A combined law on discrimination and a discrimination ombudsman will also be proposed to parliament in the coming year in order to be able to act more forcefully against discrimination.

There is plenty of room for improvement in Sweden, in Europe and throughout the world. Women must never feel satisfied with making just a bit of progress. Women today must take responsibility for ensuring that tomorrow's generation have the opportunity to become what they want, without any limitations imposed by an unequal society. If this is to be achieved, gender equality cannot be treated as an isolated issue. It has to be included in all policy areas.

In the 1970s gender equality issues began to appear on the political agenda both in Sweden and in the rest of Europe. The main focus of debates was the labour market and employment, and it was therefore natural for the Parliamentary Committee on the Labour Market to be given responsibility for these issues. In the 1980s this arrangement was formalized in the Riksdag Act, the law that regulates the work of the Swedish Parliament.

In the 1990s parliamentary working methods changed and gender equality issues were gradually assigned to the individual parliamentary committees. If a proposal contains measures to combat violence against women, the matter is considered by the Committee on Justice. If issues concerning gender equality in the health services are raised, then the Committee on Health and Welfare deals with the matter. Each issue is, quite simply, considered by the committee to which the field of activities be-

longs, and where the money and power to make a difference are. This practice is now included formally in the Riksdag Act.

The Committee on the Labour Market deals with gender equality issues concerning the labour market as well as those gender equality issues that do not

belong to any other committee's field of responsibility. The issue of the objectives of gender equality policy is, for example, one that does not belong to any specific committee and is therefore dealt with by the Committee on the Labour Market. In this way, nothing 'slips through the net'. ■

Costa Rica: Committee on Women

Ms. Ana Elena Chacón Echeverría Chairperson of the Committee on Women, Costa Rica

Costa Rica is a small country in Central America where there is still much to do to achieve gender equality. In terms of the configuration of the Legislative Assembly, there are several types of regular and permanent committees: committees with full authority to legislate, regular permanent committees, special permanent committees and special committees. The Committee on Women fits into this larger picture. There is also a committee that deals with issues pertaining to children, teenagers and young people. These issues are handled separately from women's issues. The mandate of the Committee on Women is to review and make legislative proposals with respect to the situation of women, to study problems in connection with the quality of women's lives and their human rights, to make the improvements required to current legislation, and to monitor relevant legal developments. The Committee also has a mandate to propose the changes needed to bring national legislation on the situation of women into line with provisions in international treaties, which many countries—especially in Latin America—often sign but do not observe in important areas, as witnessed by the constant violations observed in respect of women's rights.

The Committee has the authority to conduct written consultations with, and hear testimony from, numerous individuals in the executive branch who are legally required to appear before it. The Committee prepares an agenda for each legislative session, which must be continuously revised as the country assumes commitments with a bearing on the protection of women. The general frame of reference for its work comes from the country's National Development Plan, the implementation of national policy, the construction of a national system for gender equality, and the development of a strategy for social dialogue and negotiation to achieve equality between men and women.

Costa Rica has a history of systematic violations of women's rights. It was built by an overwhelmingly male-dominated process and, as an eminently Latin American society, has always placed women in a submissive role. It has only been in very recent times that, through the extensive efforts outlined below, results have started to be achieved, although these results are still far from sufficient.

The Committee has undertaken to consider reforms to the Domestic Violence Act and is currently discussing reforms to legislation on sexual harassment in the workplace and in schools. Only a few months ago a Deputy in the legislature was accused of sexual harassment by one of his female subordinates. This led the Committee to undertake an analysis of gaps in existing legislation with respect to sexual harassment by elected officials. Since elected officials are not currently subject to the labour laws, acts of sexual harassment committed by them have not been criminalized. Deputies, mayors, public auditors, municipal council members and local government officials all enjoy absolute impunity. One of the major challenges the Committee must tackle is to eliminate such impunity for all acts of sexual harassment.

With respect to violence against women, there have been legislative proposals to criminalize such violence for the past six years. An average of two women are killed by their partners or former partners in Costa Rica every month but, to this day, efforts to properly criminalize and punish 'femicide' have been to no avail. Reform of the Domestic Violence Act is now being re-examined in order to combat such violence effectively.

Since 1 May 2006, the Committee has elicited views on current legislation and possible reforms in this area from some 50 public and private institutions. It has also conducted studies on every aspect of the issue. What is needed now is political support. Thanks to a law that requires the allotment of 40

per cent of all legislative seats to women, women now hold more seats in the legislature (38%) than ever before. Representation, however, is not enough: clear political determination is also required. The arrival of more women in the legislature is not in itself sufficient to change the experience of so many women in our countries. We require women who are committed to the struggle for equality.

One of the most important items on the Committee's agenda is the adoption of policies promoting early sensitization to gender issues for boys and girls. The Committee remains firmly convinced that, while not sufficient in itself, legislation is necessary if progress is to be made in this direction. The next step is to forge public policies that promote greater awareness among men and women, at the earliest possible age, of the importance of equality and respect for the dignity of all individuals.

Policy measures must also be taken to close the income gap between men and women. In Costa Rica for every dollar earned by men, only 70 cents is earned by women. In other words, women continue to be paid less for equal work, and to hold fewer decision-making positions than men. At the same time, the working day for women, especially in rural areas, is often three times longer than that for men, in addition to all the 'invisible' work they perform at home, the child labour they often perform as young girls, and all the household chores expected of them from earliest childhood. Networks should be created among social sector institutions and those active in such areas as social co-responsibility between men and women, childrearing, and care for the elderly and disabled.

The Committee has attached much importance to the issue of disabilities. Women with disabilities face a very special set of challenges. Mothers with disabled children in the southern hemisphere have long been denied employment opportunities out of hand, on the assumption that disabilities are some form of disease. Childcare is another very important issue for women. The Committee would like to develop and implement a childcare infrastructure policy that provides women with facilities where they can leave their children that will give them proper care and a stimulating environment. This is one of the greatest unmet needs in the country. Another is for educational programmes on sexual and reproductive rights. Costa Rica is the only State in the world, apart from the Vatican, with Catholicism as the estab-

lished religion in its Constitution. The influence of the church weighs heavily in political decision making, and it has been an arduous struggle to establish public policies that promote sex education as a means to prevent unwanted teenage pregnancies. The mortality rate for pregnant girls under the age of 15 is three times that for adult women, but it has not been possible to establish the responsibility of the State, with the support of families, for sexual education in the country. That responsibility is currently left to families alone, and the number of teenage and unwanted pregnancies is considerable. The average number of children in low-income families is six, compared to two in higher income families. This makes an enormous difference in terms of achieving acceptable indicators for human development. Another objective—and this is a personal campaign—is to obtain the right to use the 'day after pill', another issue about which the church has much to say.

The Committee is also campaigning for the enactment of laws to protect women physically and to eradicate violence against them. There are many challenges involved in the quest to incorporate clear alternatives into family planning policies that are consistent with sexual and reproductive health, such as the Committee-sponsored legislation to prohibit marriage before the age of 15. Today girls of 15 years or under live with adult men who, in order to evade prosecution, obtain parental consent to marriage—often in exchange for large sums of money.

Another goal is to legally sanction civil unions between same-sex partners—a great taboo in Costa Rica—in the belief that no legislation should be discriminatory or homophobic. There is also a fight to intensify the battle against sexual trafficking of minors, most of the victims of which are young girls. Tourism is a vital sector in Costa Rica, but sexual tourism is something that must be prevented and avoided. In this regard a major campaign has been launched to criminalize the possession of child pornography and related cyber-offences, which are not currently prohibited by law. There is an urgent need to establish a much more protective legal framework for minors. To this end, the Committee has undertaken to seek support from all the major hotel chains, as a matter of corporate social responsibility, for legislation to make it a crime, punishable by licence revocation, for chains to permit young girls to stay in their hotels for the purpose of commercial sexual exploitation.

Violence against women clearly remains the greatest problem in Costa Rica. It is perpetrated against their birthright as human beings and against their psychological, physical and sexual well-being. There is a homicide rate of troubling proportions, which affects not only women, but also the many children orphaned as a consequence of femicide. The number of victims increased substantially in 2005. Assistance has been provided to countless women in shelters and there have been some 25,000 domestic violence-related calls to the emergency

telephone line—out of a population of only 4 million people.

Violence against women may not be the highest priority for the Legislative Assembly—there are issues such as free trade agreements and other economic issues that always seem to receive priority over the struggle for women’s equality. As is noted above, the consideration of legislation to criminalize violence against women has been postponed now for the sixth consecutive year. Domestic violence remains Costa Rica’s greatest public security problem. ■



**RELATIONS WITH PARTNERS: WORKING
WITH INSTITUTIONAL PARTNERS**

2

Overview and Debate

Overview of the session

The second session focused on how gender equality committees relate with State and other institutional partners to enhance their work. The presentations and discussion centred on two main questions:

- How can committees best coordinate with government or State gender institutions such as gender commissions and ombudspersons?
- How do committees ensure an effective partnership with parliamentary bodies such as women's parliamentary caucuses?

The panellists were Mr. Udovenko, Chairperson of the Ukrainian Sub-Committee on Human Rights, National Minorities and Inter-Ethnic Relations, and Dr. Khafagy, former Director of the Egyptian Office of the Ombudsman on Gender Equality. Mr. Udovenko opened the discussion with a general overview of the Ukrainian approach to the coordination of effective partnerships between parliamentary gender bodies and other State institutions. Dr. Khafagy then discussed the linkages between parliaments and National Women's Machineries, based on the results of assessments conducted by the European Commission in countries south of the Mediterranean and Turkey. The debate was then opened to the plenary.

It was evident from the presentations that the successful promotion of gender equality depends on a genuine **partnership between parliament and other institutions**, most importantly with the State gender institutions, central government, and civil society. Dr. Khafagy defined National Women's Machineries (NWMs) as "structures with mandated responsibility for operationalizing States' commitment to gender equality at the level of national fiscal, political and social decision-making." The inherent

linkage between such structures and parliament is thus self-evident, but must nonetheless be fostered and regulated in order to ensure effectiveness and minimize overlap with other bodies. Additionally, to function effectively, NWMs must include men.

Dr. Khafagy referred to recent research to demonstrate the range of **objectives that NWMs** are capable of achieving if implemented alongside other mechanisms such as ombudspersons and parliamentary commissions. She highlighted some of the achievements of NWMs, such as the ability to influence reforms of gender-discriminatory and gender-neutral laws in favour of sensitivity and equality, as in Lebanon and Egypt, where NWMs impacted on the decisions of both parliaments. NWMs can also suggest recommendations to redress discriminatory laws, such as amendment of Article 41 of Turkey's Constitution; to lobby to lift reservations to CEDAW, as was accomplished in Syria; and to advocate reforms, such as in Jordan, facilitating women's access to the justice system.

In order to ensure an effective partnership between the various bodies, **relations between the State gender institutions and parliament** must first and foremost be formalized. The various ministries, committees, organizations and expert groups comprising the national machinery must therefore have clear mandates, which include a parliamentary oversight function. For example, country reports submitted to the United Nations Committee on the Elimination of Discrimination against Women are often prepared within the State institutions by government officials, and are not first considered by experts, or the parliament, before being submitted. Dr. Khafagy noted they must also bridge the gap between bureaucracy and policy, operate in both the national and international arena and balance a "top-down State tradition [with] bottom-up democratization."

Mr. Udovenko highlighted the way in which cooperation with **international organizations**, such as the United Nations agencies or Amnesty International, and participation in inter-parliamentary meetings, such as those organized under the aegis of the IPU, can “ensure gender mainstreaming in governmental and non-governmental organizations and [to improve] the gender situation in the Ukraine.” Such collaboration at the international level could also help national governments comply with their obligations to international conventions. It was noted that the IPU has a crucial role to play in this respect and it should thus be an aim of all States to strengthen parliamentary cooperation.

Lastly, Mr. Udovenko noted that there is an important relationship between parliaments and **non-governmental organizations**. In Ukraine, legislation on gender equality is vetted by NGOs, and members of the public are often invited to provide their input into committee meetings on gender-related matters. In this regard, he cautioned against focusing on gender equality in a purely formalistic way, and highlighted that policies aimed at achieving equality need to actually take root in society. It was for this reason that it took so long for the law on gender equality between men and women to finally be adopted in Ukraine.

Plenary debate

Much of the discussion focused on the important **partnership** between NGOs and parliaments, and between parliaments and the gender institutions of the State. Several participants reported on the structure of the State institutions on gender equality in their countries, and highlighted the challenges they face in fulfilling their mandates.

The challenge of **implementing gender mainstreaming** within the State gender machinery was raised, such as in ministries and national commissions on women, as they tend to act essentially as bureaucratic institutions striving to change social norms in other bureaucracies. In order to overcome this challenge, it was noted that a change in that government’s views regarding gender equality would be required. Some participants emphasized the need for the inclusion of independent experts into the

gender institutions in order to allow input into the implementation of government policies. The need for clearly defined mandates, as well as for close collaboration between the various stakeholders, was also reiterated. In some countries, ombudspersons for gender equality also have an important function in the State machinery.

Some participants noted that parliaments also have an important **oversight role** in ensuring that the laws that are passed are implemented by the government and State institutions. It is important that such relationships are monitored in order to create an effective mechanism that avoids overlap between the various functions of the different bodies. Others emphasized that collaboration between the different State gender institutions is vital because members of parliament can often find themselves working in isolation. Mr. Udovenko also highlighted the problem of the isolation of individual members of parliament and underscored that the successful implementation of gendered policies requires coordination and improves the effectiveness of the work carried out by parliaments.

Participants highlighted the importance of **NGOs** in facilitating cooperation between government and civil society, and thereby helping the State institutions construct policies around both “top-down” and “bottom-up” initiatives. It was noted that civil society also has an important role in supporting the work of parliaments, by taking part as independent experts on committees or providing information and current research. For example, in Zimbabwe, the involvement of NGOs has enabled the women’s caucus to act as a crucial linkage between the different women’s groups.

Lastly, it was noted that the **different bodies** of parliaments, such as committees and caucuses of women parliamentarians, have complimentary roles to play, and these can be better coordinated. A genuine partnership needs to be established between gender equality bodies of parliament, and other State gender institutions, in order to effectively promote the goal of gender equality. In several countries, the women’s caucus has been an effective forum for women to discuss policy on a cross-party basis and has successfully contributed to the development of legislation on gender-related matters. ■

Working with Parliamentary Committees and Other Institutional Partners: Ukraine's Sub-Committee on Human Rights

Mr. Hennadiy Udovenko Chairman of the Sub-Committee on Human Rights of the Committee on Human Rights, National Minorities and Inter-Ethnic Relations, Ukraine

This presentation highlights the experiences of the Sub-Committee on Human Rights of the Ukrainian Committee on Human Rights, National Minorities and Inter-Ethnic Relations, particularly with regard to cooperating and coordinating with other parliamentary bodies, civil society and state institutions, such as national commissions, the Office of the Ombudsman, and others, on gender issues.

Having proclaimed itself a democratic State based on the rule-of-law, Ukraine has made a commitment to observe international standards with regard to the equality of its citizens, including on the basis of sex and recognized the need for gender reform and the integration of a gender component into all the programmes for the development of Ukrainian society based on the principles of freedom, equality, justice and tolerance. The Ukrainian Government made a commitment to provide equal rights and equal opportunities for women and men, and to protect its citizens from all forms of gender discrimination and violence.

To achieve these goals, Ukrainian society and, first and foremost, its parliament had to overcome a number of different problems and, not least, to change its attitude to gender issues. The first time that draft gender legislation was submitted to parliament, around 1999, the Committee on Human Rights, National Minorities and Inter-Ethnic Relations did not want to hear about anything to do with gender. There were many jokes about the word gender. Communists and so-called progressive socialists were categorical about the need for legislation but it took almost eight years from submission of the first draft of the legislation to the passage of a law on gender.

There is widespread discrimination on the basis of gender in Ukraine. The main causes of this problem are: (a) the domination of the lifestyles, ideologies and interests of men; (b) the fact that social values and

priorities are established by men; (c) the economic dependence of women on men; (d) an increasing number of cases of violence towards and trafficking of people, especially women; (e) the difficulties faced by both men and women with combining professional activities and family life; and (f) gender inequality, especially in the social and economic spheres and in health care.

The Committee on Human Rights, National Minorities and Inter-Ethnic Relations carried out a gender analysis of Ukrainian society, which made a number of important recommendations. It was understood by state institutions (parliament, the government and civil institutions) that solving gender discrimination problems requires a conceptual definition, as well as the development and realization, of gender policy as a foundation for a new gender culture, the development of gender-based activities for women and men, and adaptation to international standards of gender democracy.

Pursuant to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), to ideas contained in the Council of Europe Declaration on the Equality of Women and Men (1988) as well as to recommendations contained in the documents of the Fourth World Conference on Women (1995), Ukraine added Article 24 to its Constitution, specifically providing for equal rights and opportunities for women and men. In doing so it became one of the first States to recognize the right to equality as a fundamental human right. Thus, the Fundamental Law in Ukraine recognizes an objective need and a historical necessity to ensure gender transformation, and emphasizes the importance of gender mainstreaming to all strategies and programmes for progressive change in Ukrainian society in the 21st century, based on the principles of freedom, equality, justice and tolerance.

It confirms that it is the responsibility of the State and all civil society agencies to ensure gender equality, guard against all forms of gender-based discrimination and violence, and create an environment conducive to the elimination of inequality between men and women and to the development of possibilities for their self-expression and self-actualization.

Ukraine has already taken its first steps on the way to gender transformation:

- The Ukraine Parliament enacted a law on equal rights and opportunities for women and men.
- The Ukraine Parliament enacted a law on the prevention of domestic violence which contains articles that criminalize it.
- The President signed a decree to improve the work of central and local executive bodies to ensure equal rights and opportunities for women and men, which became a milestone in promoting equal status for both sexes.
- Mechanisms on gender processes management are being developed for the legislative and executive branches, for instance, a so-called gender road map was drawn up for the governors of the 27 regions of Ukraine.
- An expert gender analysis of Ukrainian legislation has been initiated.
- Gender mainstreaming is being introduced into science, education and training courses.

The new gender policy takes the specific characteristics, interests and values of both sexes into equal consideration. The roles of the State and the law remain fundamental to this process. In order to implement these laws, a mechanism for gender processes management is being developed for the legislative and executive branches. In this respect, an active role is being played by parliament. Two parliamentary hearings have been organized in recent times on equal rights and opportunities for women and men: one in 2004 and the other, more recently, on 21 November 2006. These hearings considered two issues: the present situation with regard to gender violence and setting urgent targets to prevent it; and an evaluation of the implementation of the gender

equality law. The hearings were attended by almost 800 participants. The Committee on Human Rights, National Minorities and Inter-Ethnic Relations established a sub-committee to deal specifically with gender issues.

The sub-committee: (a) actively participates in the drafting of legislation related to gender equality; (b) maintains active contacts with the executive branch, especially with the Ministry for Family, Youth and Sports Affairs but also with the Ministry of Justice, the Ministry of Internal Affairs, the Office of the State Prosecutor-General and governors; and (c) pays special attention to cooperation with non-governmental organizations (NGOs) and the more than 40 national gender organizations in Ukraine.

The Committee sends all draft legislation on human rights to NGOs for their consideration and comments, and to allow them to make their own proposals. It is possible for representatives of major women's organizations to address parliamentary hearings and committee hearings. In Ukraine the equal status of all citizens, regardless of their sex, is provided for in its Constitution and laws. Ukraine's international commitments pursuant to Article 9 of the Constitution are part of national legislation and guarantee gender equality. It is important to note that new legislation requires input from gender experts, which is considered by parliament.

Finally, the Committee actively cooperates with all the United Nations organizations. A strategy on gender transformation was prepared recently in collaboration with the United Nations Development Programme. Its objective is to ensure gender mainstreaming in government and in NGOs and to improve the gender situation in Ukraine. The strategy takes into consideration recent Ukrainian legislation and the international documents on gender to which Ukraine is a party, the gender culture in Ukrainian society, the potential to improve the financial and human rights situation, the results of contemporary gender research, as well as international experience in the sphere of gender transformation. This strategy is already drafted and will be considered and approved by the government. Its implementation will improve the gender culture in Ukraine. ■

Links between Parliaments and National Women's Machineries

Dr. Fatma Khafagy Policy/Legal Expert and Former Director,
Office of the Ombudsman on Gender Equality, Egypt

This presentation discusses the findings of a series of critical assessments of the national women's machineries (NWMs) in the Arab countries of the southern Mediterranean and in Turkey contained in recent studies funded by the European Commission. National women's machineries can be ministries or councils of women. The presentation describes NWMs in these countries and how they came into being, as well as the findings of the studies with a focus on what the national machineries have achieved in relation to redressing discriminatory legislation in cooperation with the different national parliaments.

National women's machineries

NWMs are structures with mandated responsibility for operationalizing States' commitments to gender equality at the level of national political and social decision making. The machineries are important institutions for the promotion of the status of women. They can take different forms, such as ministries or secretariats concerned with women, departments or divisions in existing ministries, offices or units in various ministries, national commissions, committees or councils and political bodies or non-governmental organisations (NGOs). The United Nations has urged its Member States to establish national women's machineries to act as a central policy coordinating unit that supports government with mainstreaming the gender equality perspective in all policy areas. These machineries have proved essential to the creation of political commitment to the issue of gender equality. Many of these machineries were established following the first United Nations World Conference on Women, which was held in Mexico in 1975. By the end of the UN Decade on women (1975–1985) more than 90 per cent of countries had established an institutional mechanism for women in

some form or another, thus demonstrating their commitment to greater gender equality. The concept gained increased legitimacy during later UN conferences on women. At present there are more than 160 NWMs throughout the world.

The United Nations considers these machineries important for the implementation of the Beijing Platform for Action. In order for the machineries to be effective, the UN believes that they should: have clear mandates, be located at the highest possible level, be accountable, form partnerships with civil society, and have transparent political procedures and political aims as well as adequate financial and human resources.

The studies

The European Commission funded a series of critical assessments of NWMs in Egypt, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey, all of which are participating in the Barcelona process. These studies were preceded by several meetings of expert groups—at both the international and the regional levels—that convened to assess the achievements of NWMs, which had been criticised for their weakness, their inadequate financial and human resources, and so on, and to discuss how to assess their effectiveness. The United Nations Division for the Advancement of Women (UNDAW) organized an expert group meeting on national machineries in Chile in 1998. In 2003 a regional meeting was organized in the Republic of Korea to assess NWMs in Asia and the Pacific region. UNDAW also organized a meeting on the role of NWMs in Italy in 2004. After the completion of nine assessment studies of countries in the region, a meeting was convened in Cairo in January 2007 to assess the role of NWMs in Arab countries.

The findings of the studies

Historical background

A number of dualisms have shaped and defined the process of establishing NWMs in these countries: international versus national; secularism versus Islam; and between a top-down state-based tradition of feminism versus bottom-up democratization. For instance, were NWMs established because of international pressure to establish them, or was there a national feeling that they should be established? Similarly, were they imposed by the State and government or was there a feeling that these machineries were important. There have been calls by the UN to establish such machineries, which received strong political support after the Beijing Conference.

Another dualism concerns treating women first and foremost as individuals in their own right rather than as family members in need of protection and guidance from male relatives. There have been discussions about whether women need their own institutions to look after their status and gender equality, or whether women should be considered to be members of families and such institutions be called institutions for families. In most of these countries there here has been a compromise and both institutions for women's affairs and gender equality and institutions for families have been created. In some countries, such as Morocco and Algeria, combined institutions have been created called ministries for the family, children and women.

There is also a dualism concerning whether the State shapes women's identity or women themselves take the initiative. The establishment of NWMs is a strong sign of state feminism and of a top-down approach. There has been little cooperation or collaboration with NGOs to discuss and shape these institutions. Their establishment sometimes resulted from a desire by authorities to improve the external image of a country. Governments were very keen, especially when such institutions were shaped by First ladies, to improve their international image.

Mandate, composition and governance

The mandates of NWMs cover redressing gender discriminatory legislation, gender mainstreaming, increasing the political participation of women and discussing women's issues in international conferences and forums. These machineries sometimes

include representatives from NGOs, although this is true in only a minority of cases.

An NWM is a bureaucracy engaged in changing social norms in other bureaucracies (i.e. ministries and governmental agencies) that are more interested in maintaining the status quo. NWM staff members have to acquire a dual identity: they cannot just be government employees. While they are, on the one hand, bureaucrats, they must bring the goals of the women's movement from outside the State and make them palatable inside the state apparatus.

Achievements with regard to legislation

Achievements thus far include the development of general policies for the advancement of women, proposals for amendments to existing legislation in order to eliminate all forms of gender discrimination, and proposals for new laws devoted to the principle of gender equality. Many of the NWMs have been able to influence a number of legal reforms in ways that promote gender equality. In order to do this, they had to establish strong relationships with parliaments and to engage in lobbying different parliamentarians for their support for the introduction of new laws or the repeal of discriminatory ones. These were informal consultations because no formal structures existed to permit this type of cooperation. There is a need to formalize such relationships and give them more structure.

Many of the NWMs have been able to influence a number of legal reforms in ways that promote gender equality. In order to do this, they had to establish strong relationships with parliaments and to engage in lobbying different parliamentarians for their support for the introduction of new laws or the repeal of discriminatory ones.

In collaboration with parliaments NWMs were able to review gender discriminatory laws, promote new gender-neutral laws and gender-sensitive legislation, make suggestions to redress gender discrimi-

nation in existing laws, lobby to lift the reservations placed on CEDAW and advocate for gender-sensitive policies and legislation as well as for easier access for women to the justice system.

Concrete examples

1. The NWM in Lebanon was able to affect parliamentary decision making through its attendance at all the sessions of parliamentary committees that address women's issues. The Lebanese NWM also lobbied parliamentarians for their support for the amendments to article 568 of the Penal Code relating to honour crimes and, in particular, to address its impunity clause.
2. The NWM in Egypt succeeded, through its strong links with the parliament, in changing the nationality law, the Khule law, to give women the right to initiate divorce; the social pension law and the tax exemption law. It also succeeded in initiating two laws: the family court law and the alimony fund for divorced women. All these laws were passed by parliament after a long process of negotiation with parliamentarians. Currently, the NWM is lobbying parliamentarians to lift its reservations on CEDAW.
3. The NWM in Turkey has achieved many things in cooperation with parliament. It succeeded in lifting Turkey's CEDAW reservations; in convening a parliamentary commission to inquire into the issue of the status of women and offer solutions to achieve the full implementation of CEDAW; in harmonizing national legislation with CEDAW and amending article 90 of the Constitution to place CEDAW above national legislation; in working with NGOs to provide input into the Civil Code Commission and the new civil code that came into force in 2002; in amending article 41 of the Constitution to redefine the family as an entity based on equality

between spouses; in proposing a change to the decree on the international operation of parliament to allow the establishment of a Commission on Gender Equality; and in drafting law to replace part of maternity leave with paternal leave.

4. The NWM in the Palestinian Authority, which is a ministry, worked with the parliament to draft a new penal code as well as gender-sensitive laws on the civil service, local election law, retirement rights and military service. It also worked with NGOs and parliament to review the law on local government.
5. The NWC in Jordan, in cooperation with NGOs, lobbied parliament and succeeded in introducing a gender quota system in 2003. It also managed to raise the legal age for marriage. It organized a programme of action and dialogue between parliamentarians and women to lobby for changes to the personal status law and the penal code. The NWC organizes meetings with Islamist parliamentarians to discuss changes to laws relating to nationality, pensions and honour crimes. These laws have not been changed yet but there is an ongoing dialogue with parliamentarians. It also lobbied parliament to enact new legislation relating to the alimony fund for divorced women.
6. The NWM in Syria lobbied parliament to re-examine and lift its reservations on CEDAW.

Conclusion

NWMs lobby parliaments more effectively when they coordinate their work and cooperate with NGOs. There should be a formalization of the relationships between NWMs and parliaments. NWMs cannot work miracles. Other things need to be in place such as a strong Gender Equality Act, ombudspersons for gender equality, and parliamentary commissions for gender equality. ■



**WORKING WITH OTHER PARTNERS
TO SUPPORT COMMITTEE WORK**

3

Overview and Debate

Overview of the session

The third session focused on how committees relate to other partners in order to enhance their work. The discussion paid particular attention to two main questions:

- How can committees liaise with non-governmental and/or research organizations to enhance their work?
- What role can the media play to enhance the work of committees?

The panel for this session consisted of Ms. Gilberte Zouein, Chairperson of the Committee on Women and Children, National Assembly, Lebanon; and Ms. Colleen Lowe-Morna, Executive Director of Gender Links and Chair of the Gender and Media Southern Africa (GEMSA) Network, South Africa. In her presentation, Ms. Zouein outlined the role of the Parliamentary Committee on Women and Children and documented the ways in which it had collaborated with NGOs and civil-society to promote gender equality in Lebanon. Ms. Lowe-Morna also provided an overview of how NGOs can support the work of parliamentarians by presenting findings of a study on women in politics in Southern Africa. Both panellists emphasized the importance of a close partnership between civil society and parliamentary gender bodies, and noted that collaboration is crucial for the promotion and protection of women's rights.

Ms. Zouein began by highlighting that **collaboration with civil society** and expert groups is vital for the achievement of gender equality objectives. This is particularly true in Arab countries, where parliamentary committees set up specifically to deal with women's issues are not very common. She also noted that in Lebanon, committees worked closely with international organizations and NGOs to, among

other things, address the impact of the conflict on women and children and to develop strategies to assist women affected by war. Ms. Zouein underscored that peace is a prerequisite for gender equality, and the honouring of obligations stipulated under international treaties and resolutions, for example CEDAW and UN Security Council Resolution 1325.

Ms. Zouein also discussed the role that civil society and pressure groups could play in addressing issues pertaining to civil legislation. In this regard, NGOs have proved to be instrumental to the **reform of discriminatory laws**, such as laws on tax relief, child custody and marital rape. As such, "the social landscape in Lebanon is actually dominated by intensely active women's associations". These NGOs are giving a new impetus to combating violence against women.

NGOs are crucial because of the awareness-raising and capacity-building work they do, and because of their efforts to educate women about their rights and how those rights may be enjoyed.

There are several reasons why it is important to **coordinate with NGOs and civil society**. First, parliamentarians need to have access to the wealth of information accrued by NGOs through their linkages with the grassroots. Second, the role of NGOs with their close links to civil society is an aspect that parliamentarians rely heavily upon and thus seek to conserve. NGOs also act as intermediaries, allowing for the follow-up, implementation and strengthening

of action undertaken by groups both within parliament and civil-society. Lastly, NGOs are crucial because of the awareness-raising and capacity-building work they do, and because of their efforts to educate women about their rights and how those rights may be enjoyed. Ms. Zouein underscored one challenge facing parliamentarians which is how to coordinate the vast number of NGOs and their different agendas. Lebanon is trying to address this situation through the establishment of a central organizational unit, the High Council on Women.

Ms. Lowe-Morna addressed the importance of **fostering partnerships with civil society and the media** for mainstreaming gender in parliaments. Women have both a “quantitative and qualitative” right to be represented in decision-making bodies, and there is now a “culture of zero tolerance for no women in politics”. The media has an important role to play in fight for achieving gender equality. She noted that a “love-hate relationship persists between all politicians and the media . . . particularly between women politicians and the media”, and co-operation often becomes a bridge-building exercise that allows the two sides to communicate their issues and demands. Effectively utilizing the media is thus needed to assist parliamentarians and civil society to reach mutual understandings.

Ms. Lowe-Morna emphasized the importance of maintaining a close relationship with the **media** when she described how GEMSA utilized its links with the media in order to mount advocacy campaigns ahead of scheduled elections. In this case, news-room trainings were conducted, which enabled the NGO to engage with approximately 564 journalists over a two-year period. Such opportunities were afforded to press journalists to report on gender equality matters – on both the current situation as well as on normative questions relating to potential reforms. Ms. Lowe-Morna explained that it was now possible to see a change in media coverage even prior to the start of the advocacy work, from a situation where the media had tended to be “gender blind” to one where women candidates throughout Africa were receiving attention as never seen before.

Ms. Lowe-Morna then highlighted some of the findings of the research she had conducted on women in politics in the Southern African region. She noted that one of the benefits of **working at the sub-regional level** is that there is a “push-me-pull-you

factor” which stimulates progress and competition between countries within a defined region. New protocols have been drafted between SADC States to strengthen the relationship between governments and civil society, and between countries at the sub-regional level. These are proving to be important tools for ensuring accountability. Recent studies have demonstrated that **women can make a difference** to policy when a critical mass works in enabling environments. Despite all of the work done by NGOs, however, Ms. Lowe-Morna pointed out importance of political will. Links to women’s movements were crucial in this regard, but the achievement of gender equality in parliaments was nonetheless “essentially about whether or not governments have the political will to increase women’s representation.”

Plenary debate

Several points were raised in the plenary debate. **Communication** between parliamentary groups and NGOs was underscored as it is important for creating a common strategy, as “without favourable sailing conditions, one would simply go adrift.” It was also highlighted that gender committees are well-placed to establish a relationship between the parliament and NGOs. In Spain, NGOs participate in the development of gender equality plans at the regional and local levels. Issues such as gender-equality are cross-cutting: coordination at the local, national and regional levels is essential.

Participants also highlighted the importance of ensuring that **civil society** has access to parliament. In South Africa, for example, the media plays a crucial role in helping parliamentarians reach out to people, where the media has a “duty to inform, a duty to educate”. The income gap in certain countries also means that only those who are rich enough have access to the media. It was therefore important to assist in bridging the gap between the rich and the poor to ensure that communication flowed between both. As such, more efforts should be made to promote community newspapers and the radio in order to reach those who most needed information. That could only be done “if parliament and media speak one language.”

Lastly, it was noted that a **holistic approach** to forging a relationship between and within the various sectors of society and government is important.

The executive and legislative branches of government, for example, need to work together. Parliamentary committees are also good for building a strong relationship with NGOs. “No amount of work can be

done by the NGOs in isolation of the legislative arm, because if that happens, who then legislates? Who then can close the gaps?” Coordination between all branches of the State was essential. ■

Working with Civil Society: Lebanon's Committee on Women's and Children's Affairs

Ms. Gilberte Zoueïn Chair of the Committee on Women's and Children's Affairs, Lebanon

The Lebanese National Assembly Committee on Women's and Children's Affairs is one of the few parliamentary committees that deals with such issues in the Arab world.

Since its founding on 14 October 1999, the Committee has worked to bring forward legislation and to scrutinize government activities in respect of women and children. The Committee is composed of 12 deputies, who are elected for renewable terms of one year during the four-year parliamentary term. The Committee works in partnership with various groups in parliament, the administration, non-governmental organizations (NGOs) and the United Nations. It also maintains contact with other parliamentary committees, particularly those that deal with human rights and legal affairs, and the ministries of Social Affairs, National Education, Health, the Interior, Justice, and Labour.

To illustrate its working methods in practice, the Committee held an emergency meeting during the Israeli-Lebanese conflict to issue an urgent appeal to Arab countries and the international community, and to explain the situation and the effect of the conflict on women and children—who represented more than 25 per cent of its victims. It then organized seminars in cooperation with UNDP and relevant NGOs and ministries. These seminars provided an opportunity to discuss projects to assist the women and children who were physically and psychologically affected by the conflict.

It is important to stress that, in general terms, the Lebanese Government attaches great importance to gender equality. Even before ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996, the country had made progress on several fronts including: (a) political rights for women in 1953; (b) the right for married women to choose their nationality in 1963; (c) the

requirement for spousal authorization to travel was abolished in 1974; and (d) equal treatment for men and women in respect of the retirement age and retirement benefits was introduced in 1984.

In short, women now participate in electoral processes, and are increasingly represented in the fields of government and justice as well as in the liberal professions. Although still a minority in parliament, their numbers have doubled since 2000—albeit to only six out of 128 deputies.

To return to the committee's work, there is close collaboration with civil society over issues pertaining to civil status, marriage laws, paternity, maternity and inheritance. Religious pluralism remains a major factor, however, and each religious community follows its own laws with regard to the above, which can result in discrimination against women.

It is a particularity of the Lebanese political system that it recognizes the autonomy of different religious communities with respect to civil status. This means that different communities have different provisions in respect of marriage, filiation, adoption and guardianship. When CEDAW was ratified in 1997 a number of reservations were entered precisely in relation to civil status and naturalization.

The Committee cooperates with the numerous women's organizations that are active in the social, humanitarian, cultural, and other fields. Intense activity by women's NGOs is in fact pervasive throughout Lebanese society. The new NGOs with which the Committee now works focus their activities on combating violence against women in all its forms. Women's NGOs generally operate on the basis of their own agendas. Real progress has been made in recent years on heightening awareness among women of their rights and ensuring that they are able to take advantage of them.

The Committee is committed to working closely with NGOs engaged principally in: (a) heightening awareness of and providing training to support anti-violence efforts (fourteen such programmes were ongoing in 2005–2006); (b) providing support and refuge for abused or marginalized women in four refuge centres, which provided accommodation for a total of 153 women in 2005; and (c) measures to eliminate discrimination. In January–April 2005 a total of nine such activities were undertaken by Lebanese NGOs on a unilateral or multilateral basis. The agenda of government agencies is to achieve the application of CEDAW and they continue to prioritize matters pertaining to a mother's right to have her nationality accorded to her children and, under certain circumstances, to her husband. The Committee is also working together with NGOs to gain entitlement for women wage earners to the same tax deductions for dependent children as those enjoyed by fathers.

A matter currently before the Committee is a proposed amendment to the Penal Code concerning rape, which is still not recognized as such when committed by a husband against his wife. Lebanese law also remains quite severe on abortion and child custody issues.

While there may not be a case for actual discrimination in political life, participation by women remains marginal owing to the traditional influences of family life. This is reflected inside the structures of political parties and by institutional weaknesses in the election of party leaderships, a situation that could change as parties become stronger institutionally in the years ahead. Measures to support affirmative action have not yet gained the necessary support, despite the recommendation of the Com-

mittee for the Elimination of Discrimination against Women to address discrimination against women using such means (New York, 2005).

Withdrawing the reservation entered by Lebanon in respect of CEDAW article 9(2), on granting national citizenship, is on the agenda of the Committee for Women's and Children's Affairs. The related campaign, which is being conducted in concert with NGOs and pressure groups, has thus far met with resistance, but the Committee and its NGO partners remain hopeful.

The outbreaks of war in Lebanon have clearly hindered progress with the struggle for gender equality. Peace is essential if the rights and issues at stake in this area are to receive the attention they deserve, not least pursuant to CEDAW and United Nations resolution 1325 concerning support for female victims of armed conflict.

It is essential for any parliamentary committee on women's issues to work in close partnership with civil society organizations in promoting and protecting women's rights. Parliamentarians need access to information gathered by NGOs through their presence in the field and their close contact with people on the ground. These organizations also provide an essential voice in support of parliamentary efforts and can play an important role in monitoring and following up measures agreed by the Committee. This is a process in which both partners can complement each other in advancing the interests of women.

That said, coordination with NGOs has often proved difficult, mainly because of the large number and diversity of the organizations concerned. Such coordination is facilitated in Lebanon, however, by the presence of a Superior Council for Women. ■

Mainstreaming Gender in the Work of Parliament: Partnerships with the Women’s Movement and the Media

Ms. Colleen Lowe Morna Executive Director of Gender Links, Chair of the Gender and Media Southern Africa (GEMSA) Network, South Africa

As the only non-Member of Parliament on the programme of this seminar it has been very reassuring to hear the Chair of the Human Rights Committee from Ukraine speak warmly about the work of non-governmental organizations (NGOs) and to suggest that CEDAW reports should be checked with NGOs before they are sent out; and to hear my colleague from Egypt talk about the study on national women’s machineries, as well as the innumerable occasions on which reference was made to NGOs, almost as though they are part of the national women’s machineries in some cases, and that they have been more or less incorporated into that structure.

This presentation is about forming partnerships with the women’s movement but is also specifically about working with the media, which is an area of work that Gender Links is engaged in. To take a step back, the issue is how to move from an old boys’ network—we know how the old boys’ network works and we know it works very well—to begin to create a girls’ network. The Australians talk about ‘sisters in suits’, ‘femocrats’, and so on. How can all these different structures be permeated and a network be formed that works together for gender equality?

Another key question is: how to move from just the idea of jobs for the girls and getting more women into decision-making positions, to ensuring that gender equality is being delivered in our respective countries and in the world? In other words, from representative politics to actual delivery of policies and services that will deliver gender equality. One thing that can probably be agreed on is that the most effective politicians, in fact the most effective leaders, are not necessarily those who know everything, but those who know how to leverage in the resources around them, one of which, for women in politics, is the women’s movement—a resource that is there and available to be used.

This case study looks at the work of Gender Links and the several partner organizations that it works with in southern Africa. It starts by putting the region and the work of Gender Links briefly into context. A lot has been done on the numbers front—the 50/50 campaign and particularly work with the media—but, to look a bit beyond numbers, some work and research has been undertaken on how to go beyond representation, as is stated above, to deliver gender equality. Specifically, the Southern African Development Community (SADC) Protocol on Gender and Development is a sub-regional instrument that is currently being worked on and looked at. Gender violence is a specific area in the protocol on which women in politics and NGOs have worked very closely together.

Background

Gender Links is a southern African NGO based in South Africa. The organization works in the areas of gender and governance. There is a gender justice programme and a gender media programme; it works closely with a lot of partner organizations across the region (about 40 of them), is a founder member of the Gender Media Network, and coordinates a group of about ten NGOs in the Southern African Gender Protocol Alliance.

In southern Africa, to give a quick snapshot, there are 14 countries and these are very politically diverse. There are two monarchies: Lesotho and Swaziland. Several countries, such as Malawi and Zambia, have come through a history of being one-party states and moved to a two-party or multi-party system. There are countries that have fairly well-established democratic traditions but that could be classified as socially conservative, such as Botswana and Mauritius.

There are countries emerging from conflict, such as the Democratic Republic of Congo. There are also what might be called the old-struggle countries; several of the countries in the region went through a history of struggle against white settler rule before gaining their independence, the older of these being Zimbabwe, Mozambique and Angola, and the newer ones South Africa and Namibia. As can be seen from this tapestry, there are many different countries and many backgrounds.

In terms of the women's movement, the Beijing Conference provided a very important rallying point for the women's movement in all countries and regions. In 1997, soon after the Beijing Conference, and as a result of a lot of lobbying from civil society groups, the southern African heads of State signed the Declaration on Gender and Development, a sub-regional instrument that tries to bring home all the provisions in the Beijing and other international declarations. The Declaration set one very specific target (it was exemplary in actually setting a target and a time frame): that party Governments would aim to achieve a 30 percent representation of women in all areas of decision making by 2005. At that time, the average level of women's representation in parliament was 17 per cent, although there were a lot of differences between countries.

Ringling up the changes in southern Africa

In preparation for the elections in a number of countries in the region in 2004 and 2005, Gender Links, together with a number of partner organizations, conducted a comprehensive study called *Ringling up the Changes: Gender in Southern African Politics* to examine the quantitative and qualitative changes taking place. In the foreword to this book, Gertrude Mongella makes the point that men do not have to demonstrate that they make a difference in order to be in parliament. Women, unfortunately, have to do this but are not afraid of doing so because they can show that, where there are women in critical numbers, they do make a difference—and this helps with advocacy when impact beyond just numbers can be demonstrated. This is very much what the study was about.

The study looked at six countries, four of which had very high representation and were close to achieving a so-called critical mass of women, and two of

which had not, in order to investigate whether there was any difference. The starting point was that there are both quantitative and qualitative reasons for women to be in decision-making positions. It was argued that, even if women did nothing at all, they still have a democratic right to be represented in parliament. It was also argued, however, that women have issues and interests that are different to men, that it is important that these are represented in public decision-making bodies and that this will make a qualitative difference.

With regard to the numbers in the region it is possible to demonstrate that there are a range of different political systems in terms of electoral systems, and in terms of both voluntary and legislated quotas, and that these have yielded different kinds of results. Of course, where there is a system of proportional representation or either a voluntary or a legislated quota, this can lead to a fast increase in women's representation. Fundamentally, however, it is about political will because there are also countries that have a constituency system, such as Tanzania, and have adopted a constitutional quota and been able to achieve rapid increases in women's representation. Essentially, it is about whether governments have the political will to increase women's representation.

When it came to measuring whether women made a difference, there were a number of methods used. To highlight just a few, the project looked first at institutional transformation—what difference did it make to institutions that were previously predominantly male when women joined in? These differences were simple things, such as changes to parliamentary meeting times to synchronize the parliamentary calendar with school holidays to enable women to juggle these two things. The project looked at personal transformation not only for women, but also for men. What difference did it make in these institutions for men who were not used to working with women at the decision-making level to have women in these institutions? It also looked at the more traditional measures such as the laws and policies that affect women and service delivery.

In a nutshell, the findings were that where there are women in substantial numbers working in enabling environments, they do make a difference; and it is possible to measure this in terms of institutional culture and norms, changing male attitudes, and the breadth and depth of support for gender justice reforms—in terms of the number of political cham-

pions that there are for gender mainstreaming, and in terms also of the increased accessibility to decision-making structures for women on the ground. It was also possible to show that numbers are important in terms of the critical mass. In South Africa, for example, since the advent of democracy in 1994 there has been a tenfold increase in the number of women in parliament, a massive amount of new legislation passed, and legislative reform has taken place. The study was also able to show that links to the women's movement are critical. For example, Zambia has a relatively low number of women in parliament and the women's movement has made a deliberate effort to get women elected. It has campaigned for particular women to be elected, and those women have come from inside the women's movement, gone to parliament with a specific agenda and performed very well.

A southern African campaign: Targeting the media

Moving on from the study, but before all the elections took place, Gender links mounted an advocacy campaign that contained several different aspects, one of which was to increase women's representation leading up to the 2005 deadline set for achieving the 30 per cent target. As a group with close links with the media, newsroom training was conducted in the ten countries about to hold elections. The training took place three or four months before each election, and in actual newsrooms rather than in workshops.

Over 550 journalists were engaged with over that two-year period, and the first thing that would be done, on going into the newsrooms, was to give the journalists and media people a quiz. They would be asked if they knew how many women politicians there were in parliament; the proportion they formed of the total number; and if they knew who they were. Finally, they were asked if they knew how many women ministers there were. The majority did not have a clue whether it was 10 per cent, 20 per cent or 30 per cent. They did not know because whether this was a factor had not even entered their consciousnesses.

They were also asked:

- Should there be women in politics?
- How do you, as media practitioners, understand democracy?

- What are you doing to promote this cause?
- Are there any gender issues in the election?
- Is gender violence a political issue?
- Is gender violence something that should be discussed and debated in the election?
- Are you reporting on it?

A lot of time was spent with women parliamentarians because this was seen as a bridge-building exercise. It is fair to say that there is a love-hate relationship between all politicians and the media, but there is often a particular love-hate relationship between women politicians and the media and the ice needs to be broken by, literally, getting editors and women politicians across the table from each other and asking them to tell each other what they think about each other, sometimes in quite heated ways. From there it is possible to begin to build relationships and understanding.

There are a number of examples of how there is beginning to be a change in media coverage from before Gender Links began this kind of advocacy. A typical kind of article that might have been seen—this happens to be from a newspaper in Zambia at the time of the previous election—writes about “People's wide expectations from a new President”. A close examination finds that all these people are, of course, men and everyone who is quoted is a man. The subtitle to this article is “the best man for the job”. There were actually two women candidates in that election but it was like they did not exist. For those schooled in gender, it is the typical kind of gender blindness: it is like women are not even there.

There is beginning to be some change. To take a few examples, first from South Africa in 1996, the newspaper headline was: “All the President's women”. It was the time when Mandela was President and all the President's women were his wives—his ex-wives and his wife. Eight years later, the same newspaper and the same headline but a very different story. After the 2004 elections: “All the President's women: Mbeki leads the way in Africa as females earn more clout in cabinet”. This was the top story after the selection of a new cabinet—about 40 per cent of the cabinet were women. That was one of the key talking points. During the election the issue of gender featured when talking to voters about women having more clout in terms of voting, when looking at the number of women candidates, and when looking at the new cabinet.

In other countries as well, in Malawi for instance during the election there, special supplements were published about women candidates who were featured in a way that had never happened before—in radio talk shows and so on. In Botswana, the only country which witnessed some backsliding, there was uproar in the media when there was a fall in the number of women in parliament after the election.

Women in politics

Women in parliament

A 2005 update of the first study contained an audit of progress with regard to women in parliament. The numbers show that three countries had achieved the 30 per cent target and that at least one other was close to doing so. Several countries, however, were still sitting somewhere between 10 and 15 per cent, so the picture was very uneven. The fact is, however, that some countries had been able to achieve the target. One of the great values of cooperation at a subregional level is that countries can be compared against each other in a very graphic way: there is a kind of push-me-pull-you factor. It could be demonstrated that there had been forward movement in all countries except Botswana and there had been significant movement in some of the more conservative countries such as Mauritius and Malawi—Malawi, for example, increased representation of women from 5 per cent to 17 per cent in one election. It was very important to be able to show that. Overall, there had been a 5 per cent increase, from 17 per cent to 22 per cent, and the SADC region is now second only to the Nordic countries in terms of the representation of women in parliament. So this kind of advocacy begins to really make a difference.

Cabinet

Another area that is seeing a substantial difference is in the make up of cabinets where, of course, heads of State can move much more quickly than parliaments because they make appointments. Two deputy presidents in the region are women, and as is mentioned above, 40 per cent of the cabinet are women in South Africa. The Speaker of the House of Assembly, Baleka Kgositsile-Mbete, puts it very nicely when she says: “There is now a culture of zero tolerance for no women in politics”. It is impossible to think

now of constituting any structure without women and avoiding some form of outcry from somewhere. This is a very important advance. There is a lot of unevenness, however, and there is still the question that we have to keep asking ourselves: does representation mean gender equality, and what are the requirements beyond that?

The 2005 audit did not only look at decision making. Ten different NGOs looked at different sectors including the economy, the social sector, employment and all the different gaps that still existed. It showed that there were still many things that needed to be done. First, the 30 per cent target was just a minimum on the way to 50 per cent. Second, there are other areas of decision making in addition to political decision making such as the military, the police, academia and judges. There are still big challenges in all these areas.

Ongoing challenges

In almost all southern African countries there is still a dual legal system: customary law, on the one hand, and codified law, on the other. These often contradict each other. The reality for the majority of women, most of whom are in rural areas, is that they remain minors from the time they are born until the day they die. In the region, gender violence legislation is beginning to happen but is still very patchy. Gender violence is only now beginning to be tackled and now trafficking is on the doorstep as well. Many of the original statutes and agreements do not cover these issues. Of course, the biggest single issue in the region is HIV and AIDS, which has huge gender implications all around. Finally, of course, it is attitudes and mindsets that underpin all these issues.

A new campaign sprang from this audit; first, to campaign for a move from a 30-per cent target to a 50-per cent target, which should fundamentally be about equality; and, second, to argue that the 1997 Declaration needed to be strengthened from declaration to a protocol. Hence the beginning of the SADC and gender campaign.

To cut a long story short, when SADC heads of State met in 2005 they increased the target from 30 per cent to 50 per cent and now the talk in the region is about not 30 per cent but gender parity. The next elections were the local government elections in South Africa the ANC adopted a 50/50 quota and came

very close to ensuring that the overall target was met, which is a major achievement for that country. Since then, a technical task force has been set up—and just to demonstrate how civil society and government can work together, it consists of members of civil society and the government—to begin to draft a protocol as a subregional instrument to ensure that gender equality is achieved. It is now in draft form and it is hoped that it will be approved by heads of State when they meet in 2007.

A regional Protocol on gender

Why another instrument when there are so many already? Why is the Protocol significant? The sub-regional Protocol is very important for a number of reasons. First, it brings together all the existing commitments—the MDGs, Beijing, CEDAW—into a single set of commitments. It makes government accountable at a subregional level. When you sit in a continent that has 54 countries it is easy to hide, but in a region of 14 countries it is more difficult to hide because the spotlight shines on you much more easily. The new protocol will be an important tool for accountability.

Another important issue about this protocol is that it will actually enhance existing commitments, so, for example, while there are some fairly wishy-washy commitments around women and decision making in the other instruments, the proposals in the protocol will set specific time frames. For example, the proposed time frame for the 50/50 target is 2020: the new slogan is 50/50 by 2020. The protocol will draw on best practice in the region. There are some pockets of very good practice, for example, some constitutions contain excellent provisions around gender equality. The aim is to standardize and to ensure that all constitutions in the region have such provisions on gender equality. There is very good gender violence legislation in some countries but not in all. There should be a target that all the countries will have excellent gender violence legislation. This is the value of cooperation at sub-regional level.

Collaborating for change

How can civil society, working together with decision makers use these instruments? The existing SADC

Declaration on Gender and Development, for example, contains a very detailed addendum on eradicating violence against women. NGOs have used that addendum as a framework for conducting audits on what governments are doing to eradicate violence against women, which examines legislation, services, social and cultural practices, education, awareness, resources, coordination, and so forth. It has been used as a framework to audit and measure progress.

In South Africa there is active engagement between civil society, members of parliament and the other national women's machinery organized around issues of gender violence. For instance, there is a Sexual Offences bill that has been in the making for many years. If it were to be analysed, it could be seen that many NGO inputs have gone into the making of what will be an excellent piece of legislation. For example, when that bill started out, it made no reference to the links between HIV/AIDS and gender violence: now it does. It makes specific provision for survivors of sexual assault to be able to access post-exposure prophylaxis. It did not have reference to trafficking: now it does, because trafficking is something that is with us and needs to be incorporated. There has been joint work on a national action plan to end gender violence, which has involved working with all the different sectors—government, parliament, civil society, traditional leaders and business—to come up with a comprehensive national action plan around ending gender violence.

Similar processes are under way in at least in four other countries in the region. These will feed back into the protocol because it is hoped that the protocol will set out some common measures for looking at gender equality, for looking at what is meant by ending gender violence, and for measuring whether gender violence is being reduced. These will be usable common standards.

Just a reflection on the issue of capacity building because it often comes up in discussions about collaboration between NGOs and decision makers. The issue is dealt with in detail in the study because it is felt that in the past it has been tackled by NGOs in the wrong way. A kind of 'parachute approach' to training has been taken: parachute in, and take people to hotels for workshops, and so forth, rather than work consistently over time. A pilot project with local government was set up working with councillor from the city of Johannesburg. It has been running for three years, trying to tailor specific interventions to

specific moments that are relevant to the work of the councillors. When they are doing their planning, there is a component on gender and planning; when they are preparing the budget, there is a component on gender and budgeting; when they were preparing for the elections, there were communication modules that examined campaigning, debating, writing your own profile and your own story, and so on. From this has come a gender policy and action plan for the city.

One final fascinating example: South Africa is beginning to prepare for Soccer 2010. The work with

the city of Johannesburg, in drawing up plans for the city, is now looking at how to engender Soccer 2010. How can women benefit from the billions of dollars in contracts that will be coming in on the back of Soccer 2010? How can Soccer 2010 be used for advertising, and for messages on gender violence and HIV/AIDS, and so on? This is a real example of what is meant by gender mainstreaming, as well as of the difference that women can make in decision-making positions so that, as is argued above, we move from jobs for the girls to gender equality for Africa and, indeed, for the rest of the world. ■



**LEGISLATIVE AND POLICY OUTPUTS
OF PARLIAMENTARY COMMITTEES
ON GENDER EQUALITY**

4

Overview and Debate

Overview of the session

The fourth session examined the legislative and policy outputs of gender committees. The discussion focused on two main questions:

- What are the key issues being addressed and lessons learned regarding the development of policy and legislation?
- How do committees undertake effective gender-based analysis, e.g. gender budgeting?

The panel for this session consisted of Ms. Mahlangu Nkabinde, Deputy Speaker of the South African National Assembly; Ms. Klatzer, Expert, Gender Budgeting, Watch Group – Gender and Public Finance (Austria); and Ms. Ahlberg, Member of the Swedish Committee on the Labour Market. Ms. Mahlangu Nkabinde opened the discussion with a general overview of the achievements of the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women in South Africa. Ms. Klatzer then provided an overview of how parliaments can mainstream a gender perspective in their budgets, and Ms. Ahlberg provided examples of the work of the Committee on the Labour Market in addressing gender concerns in Sweden. The debate was then opened to the plenary.

Regarding the **development of policy and legislation**, Ms. Mahlangu Nkabinde began by explaining that the development of policy ought to be accompanied by the introduction of “laws, new attitudes and a public culture that empowers women in broader society.” In order to do so, women must have access to the corridors of power traditionally controlled by men. The composition of parliament in this regard must be **representative of society** and therefore cannot exclude women. A number of studies have shown that including women in policy-

making processes leads to the inclusion of a different perspective in decisions, which previously may have given little attention to gender considerations. This has a direct impact on the types of legislation developed. Ms. Mahlangu Nkabinde noted, however, that the extent to which the presence of women can alter policy hinges on a range of factors, including the culture and traditions of a country and the number and ideology of women involved in policy-making.

The development of policy requires an “equal partnership between women and men, which affords equal standing to the needs and interests of both sexes and in which both women and men are able to participate in the pursuit of such needs and interests.”

One of the lessons learned regarding the development of policy and legislation is that there is a specific **set of norms and customs** that shape the way legislation is developed. Since parliaments are traditionally male-dominated structures, women entering the arena face the additional challenge of having to acquaint themselves with these regulations. They should “use their knowledge to change these rules in order to create institutions that are more gender-sensitive”. Such gender-inspired reforms should be made with a view to adjusting parliamentary procedures in order to ensure women’s continued access to, and participation in, parliament. For example, parliamentary recesses have been aligned to coincide with the school holidays in South Africa, creating

an enabling environment for parliamentarians with families. There should also be a drive to include “women’s issues” on the agenda and ensure that the interests of marginalized sectors in society are given due attention.

The **creation of gender forums** can greatly assist in giving a voice to women’s concerns. It was emphasized that engaging with civil society was important, and that the beneficiaries of policies are the women in community. As such, a link must always be maintained between the policymakers and the parliament, and the beneficiaries, namely, the community and women at the grass-roots level. Ms. Mahlangu Nkabine ended by underscoring that: The development of policy requires an “equal partnership between women and men, which affords equal standing to the needs and interests of both sexes and in which both women and men are able to participate in the pursuit of such needs and interests.”

Ms. Klatzer presented the various ways in which parliamentary committees, and parliamentarians themselves, can undertake **effective gender-based analyses**, particularly of the budget. She said that gender-based analysis is a form of analysis that revisits the ways in which policies are constructed by including a gendered perspective. Gender-based analyses, such as gender budgeting, aim to develop policies that mainstream gender and are sensitive to the demands of both men and women. In order to undertake an effective analysis, the responsible committees must examine the assumptions on which policies were based; who they were designed to protect; and the extent to which they take into consideration the differences in situation between men and women. A gendered analysis of the budget should, for example, take into consideration the needs of women and girls as dictated by their socio-economic situation, the role played by “invisible” unpaid work and the impact of policies on shaping gender norms.

Ms. Klatzer explained that **gender budgeting** strives to “mainstream gender in the budgetary process and bring a gender perspective into economic policy making . . . most importantly, it is about changing policies and transforming processes.” This point was emphasized because gender budgeting operates in the sphere of vested interests. Transforming policies often means disrupting the status quo and redressing the balance of power and influence. Since men are in the mainstream, this automatically means competing with them. It must be kept in

mind that gender budgeting is not an end in itself, but rather a tool used to achieve gender-sensitive policies. To operate effectively, it must be adapted to the economic, social and political context of each country.

Parliamentarians and members of committees have a vital role to play in this process. Ms. Klatzer argued that parliamentarians did not necessarily have to be the ones to carry out the analysis; rather they should provide a basis for such projects. It is their job to draw attention to matters of gender equality; enhance participation by encouraging the inclusion of new actors; and make governments accountable for the policies they support. Parliamentarians can ensure that the correct questions are being asked and that governments are held to account. Crucially, parliamentarians can **monitor the progress** and “highlight the interconnections between budgetary policies, macroeconomic policies and gender relations.” Parliamentary committees can further transform what is essentially a political debate into a public one by incorporating interest groups and NGOs. Members of civil society can be used as allies within the process of advocacy and lobbying.

Ms. Ahlberg provided a brief overview of the **integration of gender** equality into the budgetary process in Sweden, where gender mainstreaming is no longer a “project” but is part of everyday parliamentary work. Integrating gender means that a gender equality perspective forms part of all policy debates and formulation, and all policies analyse the impact they will have on men and women. The budget includes an appendix about its economic impact on men and women. Ms Ahlberg cautioned, however, that even though a gender analysis of the budget can be a useful tool in striving for gender equality, there is still a long way to go before men and women have the same economic opportunities.

Plenary debate

It was agreed that there was a clear need for **gender mainstreaming** in every phase of policy development. In particular, the need for gender equality concerns to be mainstreamed into the budgetary process was reiterated. It was also noted that without a comprehensive budget, the equality policies passed by parliaments “are only words”, and in order to transform policies into actions, parliamentary

gender committees should play an active role in scrutinizing the budget. As parliamentarians in many countries are unfamiliar and unable to conduct a gender budget analysis, it was noted that such tools should be explained through information workshops, and also target those implementing budgets at all levels of the State bureaucracy.

It was underscored that women should sit on budget committees so that their perspectives could be included from the very beginning. On this point, several participants highlighted **the cross-cutting nature of gender concerns**. Accordingly, they should elicit responses from parliamentary committees that propose equally cross-cutting solutions. The participants concluded that parliamentarians and committee members have a major role to play in ensuring that a gendered perspective is integrated into the planning of policy and legislation. They should use their status and influence to affect decisions and move the process forward.

Participants provided examples of some of the policy areas that were being tackled in parliament. Some noted, for example, that policies pertaining to development should be **family-oriented**, since women faced the greatest challenges often because of their

personal obligations. Others suggested that various programmes designed to target inequality between men and women should be aimed at social issues with the objective of stabilizing families. While Israel's women's committee had discussed, among other issues, the challenges facing single parents, Spain had focused on combating violence against women and had undertaken gender impact assessment of existing laws. In Angola, some priority areas included programmes focusing on social issues, education, health care, mine clearance and security.

It was also noted that **education** was a key component of developing policies to combat gender inequality. Education is paramount to the creation of gender-equal policies and legislation. Children must be taught to respect each other and both sexes should be raised with a "heightened sense of humanness", and in this regard, education of children was imperative for combating discrimination, as well as violence, at schools and in the home. As one participant noted, "We, the mothers, are oftentimes at fault because we inadvertently discriminate against our girl children. We bring up the boys to understand that they are macho, without being aware of the negative effects that are consequently encouraged". ■

Legislative and Policy Outputs: Achievements of the South African Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women

Ms. Gwen Mahlangu-Nkabinde Deputy Speaker, National Assembly of South Africa

Introduction

In South Africa the struggle for liberation had at its centre the emancipation of women. The celebration of democracy therefore also brings in the celebration of the participation of women in the institutions created by this new dispensation. A new era and a new leadership. A new Parliament and a new way of thinking, and a new mandate to take the people along with us as we legislate. You cannot legislate without educating.

The Preamble of the Constitution of South Africa states:

“We the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to:

- Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- Lay the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- Improve the quality of life of all citizens and free the potential of each person; and sovereign State in the family of nations.

May God protect our people.

Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.

God seën Suid-Afrika. God bless South Africa.

Mudzimu fhatutshedeza Afurika. Hosi katekisa Afrika.”

This Constitution dictates to the elected representative that “We the people” shall be the cornerstone of the legislative process in South Africa. “We the people” shall be the centre of the public participation process.

In South Africa, the pursuit of gender equity has been a key factor in the drafting of legislation, in formulating government policy and in determining development strategies. In this respect, the 1996 Constitution of the Republic of South Africa, lays the foundation for the promotion of gender equality, while prohibiting unfair discrimination on various grounds, including those of race, gender, sex, pregnancy, marital status, sexual orientation and ethnic or social origin.¹ In addition, South Africa is party to various regional and international instruments aimed at creating a framework to facilitate women’s participation in political and public life.²

The former President, Nelson Mandela, said that South Africa will only be free when the women are free. When South Africa and the giants of Africa, such as Kwame Nkuruma and Patrice Lumumba, were engaging for a new Africa free of conflict and war in the 1960s, they did so accompanied by women. Those women are not mentioned anywhere in literature. So if women were so involved, then they must bear the fruit of freedom. Electing women to power and putting them in parliament is therefore a logical conclusion.

Since 1994, South Africa has deliberately increased the representation of women in parliament. To a large extent this has been achieved through the African National Congress' (the majority party) introduction of a one-third quota system for its candidate lists. The commitment to advancing gender equity has paid dividends, translating into significant changes to the demographic profile of the Government. Before 1994, only 3 per cent of parliamentarians were women. After the first democratic elections in 1994, that figure rose to 27 per cent in the National Assembly, and to 30 per cent after the 1999 democratic elections. After the 2004 elections, it increased to 32.8 per cent representation in the National Assembly, and 35.2 per cent in the National Council of Provinces (NCOP)³, formerly the Senate.

The representation of women in parliament is beneficial for numerous reasons, including reasons of diversity and representation. MacGregor argues that a strong representation of women in parliament is a critical step towards the broader goal of gender equality, because:⁴

- Advancing women's issues in parliament ought to lead to policies, laws, new attitudes and a public culture that empowers women in broader society. This is less likely to happen if women do not have a public face and if those in the corridors of power marginalize women's issues.
- It has been shown that setting minimum levels for women's involvement in politics and other spheres forces organizations to examine their attitudes and policies, develop criteria that draw on wider pools of talent and make concerted efforts to attract people they would not normally use, but who prove to be highly talented members of parliament. To this end, the ANC is doing extremely well.
- It is important that parliament is composed of members who are a reflection of the broader society in terms of gender, race and its socio-economic diversity.

Although women are significantly under-represented in parliaments worldwide, they can still make an impact. A survey conducted by the Inter-Parliamentary Union established that respondents agreed that women's contributions could change the nature of political processes and procedures for the better.⁵ The actual impact that women parliamentarians

can make is dependent on a number of variables that differ from country to country. These include:

- The political context in which a parliament operates.
- The number and type of women represented in parliament. While the presence of even one woman can make a difference, it is argued that significant change will only be achieved when there are sufficient women represented in a parliament. In addition, such women must be motivated to represent women's concerns.
- The rules (customs, conventions, informal practices and specific regulations) that govern the way in which a legislature functions. Parliaments are traditionally male-dominated institutions. Consequently, women entering the parliamentary environment need to familiarize themselves with the rules that shape the way in which the institution functions and use their knowledge to change these rules in order to create institutions that are more gender-sensitive. Not only should such changes be aimed at transforming parliamentary institutions and making them more women-friendly, but they should also ensure women's continued and enhanced access to parliament, put women's issues on the political agenda and alter the discourse both within and outside the parliamentary environment so that women's perspectives are mainstreamed in society.

In South Africa, women parliamentarians have, *inter alia*, been instrumental in achieving the following:

- Inclusion of a provision on gender equality in the final Constitution, as negotiated by the House of Assembly with the Senate sitting jointly as the Constitutional Assembly.
- The enactment of key legislation, such as the Domestic Violence Act 116 of 1998, the Employment Equity Act 55 of 1998 and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
- Ratification of CEDAW, as well as the Southern African Development Community 1997 Declaration on Gender and Development, and the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa.

Specific mechanisms to promote gender sensitivity in the Parliament of South Africa⁶

Since 1994, a number of positive changes have taken place to improve the lives of women in the Parliament of South Africa. These include changes in parliamentary procedures, which have a direct effect on women, for example the alignment of parliamentary recess periods with school holidays; the use of gender-sensitive language in legislation; and parliamentary sessions commencing and ending earlier than previously so as to allow parliamentarians to spend more time with their families. Other aspects of the enabling political environment that has been created, within which women can engage and articulate their concerns, include the creation of gender forums, such as:

- **The Women's Parliamentary Caucus:** This is a multi-party caucus whose functions include creating forums in which women in parliament can discuss and debate gender issues. It also provides capacity-building initiatives for women in parliament. Furthermore, it creates an access point for advocacy by civil society and provides a focal point for women parliamentarians to communicate with women's organizations in civil society.
- **Parliamentary Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women:** Initially an *ad hoc* committee, the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women became a permanent committee in 1998. The Committee, which includes members from both the National Assembly and the National Council of Provinces, plays a critical role in formulating and overseeing legislation and policy to ensure that it is gender-sensitive. The Committee was initially set up to monitor and evaluate the progress of the South African Government in honouring its commitment to improving the lives of South African women. As a result of this monitoring function, the Committee oversees the work of government departments in meeting the objectives of gender equality and equity.⁷

The Committee has been successful in facilitating communication between parliamentarians and women's organizations, as well as ensuring that gender issues are placed on the national agenda.

Despite serious resource constraints, the Committee has been instrumental in shaping numerous pieces of legislation (including the Employment Equity Act 55 of 1998), in ensuring that a sexual harassment code was incorporated into the Labour Relations Act 66 of 1995, and that the Jobs Summit targeted employment creation for women, and has consistently engaged with the Department of Finance on the need to engender the country's macro-economic policy and national budget.⁸

Role of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women

The Commission for Gender Equality

The Commission for Gender Equality (CGE) was established as one of the Chapter Nine institutions in the Constitution and the subsequent Commission on Gender Equality Act 39 of 1996. The Commission is an independent statutory body. Its mission is to strive for the transformation of society by exposing gender discrimination in laws, policies and practices, advocating changes in sexist attitudes and gender stereotypes and instilling respect for women's rights as human rights. The Commission's powers include monitoring, investigating, researching, educating, lobbying, advising and reporting on issues concerning gender equality. The CGE is accountable to parliament for the performance of its functions.

Office on the Status of Women

The Office on the Status of Women (OSW) falls under the Office of the President. Its mandate is to support and monitor gender mainstreaming in government departments. The OSW has compiled a National Policy Framework for Women's Empowerment and Gender Equality, which outlines an integrated framework for gender mainstreaming.

The JMC's role in developing policy and legislation to promote gender equality and support mainstreaming

Prioritizing legislation as key to improving women's lives⁹

Since its inception, the Joint Monitoring Committee (JMC) has been successful in facilitating communi-

cation between parliamentarians and women's organizations, as well as ensuring that gender issues are placed on the national agenda. In 1998, the JMC decided that its central focus should be to change the laws of the country in order for women to have equal rights in the workplace, in their homes and in their country. In early 1998, after extensive consultation with non-governmental organizations, the Committee compiled a list of priorities.

The legislation that emanated from areas identified by the JMC as being of priority included the Domestic Violence Act 116 of 1998, the Maintenance Act 99 of 1998, and the Customary Law on Marriages Act 120 of 1998. The latter aimed at changing the minority status of many African women affected by customary marriages. Another priority was to ensure that a sexual harassment code was incorporated in the Labour Relations Act 66 of 1995, the enactment of equality legislation, as well as ensuring that the Job Summit targeted employment creation for women. By the end of 1999, 80 per cent of the legislative changes prioritized by the JMC had been enacted. The Committee was able to achieve this through strategic partnerships with the CGE, the OSW, and other civil society organizations, as well as by communicating its priorities directly to the President, the Deputy-President, every Minister and Deputy-Minister, as well as the chairpersons of every parliamentary Committee.

Monitoring legislation that does not explicitly fall within the "gender" ambit

The JMC has also been involved in monitoring legislation that is not traditionally regarded as falling within the ambit of "gender issues" but, nevertheless, have a significant impact on the quality of lives of women, for example:

- Firearms Control Bill [B 34 – 2000]
- Banks Amendment Bill [B 56 – 2000]
- Convergence Bill [B 9 – 2005]

Engaging with women's organizations and rural women

The JMC has put key gender-related issues onto the parliamentary agenda through its engagement with civil society organizations, women's groups and women in rural communities. In 2001, the JMC initiated workshops with rural women in four rural

provinces of South Africa. The aim of the workshops was to obtain input from women on the Domestic Violence Act, as well as issues relating to inheritance and succession. The JMC included a capacity-building aspect to the workshops, so as to inform women how they could provide input into a bill prior to it being passed by parliament. In this way, the Committee encourages women's participation in the legislative process.

During 2006, the JMC also held public hearings and conducted provincial visits to receive public input on how the Promotion of the Equality and Prevention of Unfair Discrimination Act (Equality Act), Act 4 of 2000, impacts the lives of women.

In addition to engaging broadly with the public on a number of issues, the JMC also conducts regular briefing sessions by women's organizations to hear their views on a proposed bill, how existing legislation is being implemented by government, or other issues that should be brought to the attention of parliament. In this way, the JMC also draws on the expertise of civil society organizations to inform its own work. Since 1998, briefings have been held on several issues, including HIV/AIDS, women's empowerment in State-owned enterprises, gender-based violence, human trafficking and termination of pregnancy.

The Women's Parliament is another initiative whereby members of the JMC, together with other parliamentarians, can engage with civil society on gender-related issues. Initiated in 2004, the aim of the Women's Parliament has been to review the impact of ten years of a democratic parliament on the lives of South African women. The first Women's Parliament sought to provide an opportunity for women in civil society to articulate their stories and experiences of ten years of democracy to members of parliament. The Deputy-Speaker of the National Assembly became actively involved in the project, and in addition to the first, has championed subsequent Women's Parliaments, including the one held in August 2006 to coincide with Women's Month. Since 2004, the Women's Parliament has become an annual event where issues affecting the lives of women are given a platform in the highest institution of the country.

Engaging with the national budget and macro-economic framework

The JMC has consistently engaged with the Department of Finance about the need to "engender" the

country's macro-economic policy and national budget. The Committee consequently attended the Medium Term Expenditure Framework (MTEF) Conference at which the framework for the government was shaped and conceptualized. It also made a presentation in the plenary on "Gender, Macro-economic Policy and the Budget".

The JMC has taken a particular interest in how the country's budget is allocated, especially in terms of spending on issues such as poverty, gender-based violence and HIV/AIDS. Some of the new women parliamentarians became members of the Finance Committee after the 1994 elections and initiated the Women's Budget Initiative. They recognized that the budget could be an important tool for addressing gender equality. Thus, the JMC, together with the Community Agency for Social Enquiry (CASE) and the Institute for Democracy in South Africa (IDASA), started the Women's Budget Initiative (WBI). The Initiative used research and advocacy to argue that the budget must be spent in ways that advance gender equality. It argued that every programme of every government department in the national, provincial and local spheres should be examined for its impact on women, men, girls and boys, and should take into account the different burdens and needs of men and women and try to balance the allocation of resources. Unfortunately, this project is no longer active but the main stakeholders are currently engaging in discussions geared towards the revival of this project.

Politics should involve an equal partnership between women and men, which affords equal standing to the needs and interests of both sexes and in which both women and men are able to participate in the pursuit of such needs and interests.

The Committee is actively involved in the annual Appropriation Bill as it is convinced that the underlying issues affect large numbers of South African women and, moreover, tend to affect persons that are most disadvantaged. In engaging with the National Treasury, the Committee highlighted the need for Departments to make better use of indicators and

targets in Estimates of National Expenditure, since it is considered to be a concrete tool that parliament and civil society can use to monitor government's achievements. The JMC has called for departmental briefings on the budget and how it impacts women. In addition, in order to support parliamentarians in their understanding of how budgetary processes impact the lives of women, the JMC has requested that the parliamentary research unit include an analysis of gender when examining departmental budgets.

Conclusion

Although the bulk of the Committee's work takes place at the parliamentary and government levels, women in communities should eventually be the main beneficiaries. Hence the need for the Committee to consult with communities about their concerns. This can be done through advocacy campaigns, where members of the committee can hear first-hand the views of their constituencies.

Politics should involve an equal partnership between women and men, which affords equal standing to the needs and interests of both sexes and in which both women and men are able to participate in the pursuit of such needs and interests. This principle of gender equality has been enshrined in numerous treaties, including the United Nations Charter, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and its protocol, which was ratified by parliament, and the Beijing Declaration and Platform for Action. However, statistics indicate that many parliaments throughout the world are still dominated by male representatives, and are, thus, neither gender-balanced, nor gender-sensitive.

In conclusion, I am aware that all South Africans are committed to ensuring that we achieve gender representivity in all spheres in our society. However, some of the key challenges relate to what we do once we get there. We need to make a difference, move from commitment to implementation and lift other women as we rise. Remember, it is very lonely up there and one would need a foundation of people that will form a support base so that when the challenges that come with the territory make you trip and fall, there are warm hands to catch you and encourage you to rise again. We need to qualitatively change the lives of those who are most vulnerable. Gender equity means that we need to raise our boys to be

the champions of fairness and equity. It also means that we need to impress upon our girl children that abuse is wrong and must be challenged at all times. More importantly, there is greater need to raise strong girl and boy children who have a heightened sense of “botho”/“ubuntu”/humanness, respect for each other from an early age to ensure a future that is better than the present. ■

Endnotes

- 1 Section 9, Constitution of the Republic of South Africa, 1996.
- 2 These include the Southern African Development Community (SADC) Declaration on Gender and Development, the African Charter on Human and Peoples' Rights and the Protocol on the Rights of Women in Africa, the Universal Declaration on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Beijing Platform for Action (BPA). The SADC Declaration on Gender and Development has a minimum target of 30% women in political and decision-making positions by 2005. As a member of the African Union (AU), South Africa played a significant role in the 2002 Durban decision of 50% of women in the Commission of the AU, which was extended to all components of the AU in 2004. Republic of South Africa, The Presidency. *Beijing +10 Report. Progress Report on the Implementation of the Beijing Platform of Action.*
- 3 Statistics sourced from Watson, J. *Representation of Women in Political Decision-Making Positions.* Parliament of the Republic of South Africa: Research Unit. 2004; Republic of South Africa, The Presidency. *Beijing +10 Report. Progress Report on the Implementation of the Beijing Platform of Action.*
- 4 MacGregor K., “The Politics of Empowerment: Women in Parliament.” *Indicator South Africa*, Vol. 16 No 3, pp. 26–33. No date.
- 5 Inter-Parliamentary Union. 2000. *Politics: Women's Insights.* Series on “Reports and Documents” No 36. IPU, Geneva.
- 6 Sourced at Parks, M. & Dawood, S. 2005. *Women in Parliament: A Review of the Current Situation.* Parliament of the Republic of South Africa: Research Unit.
- 7 Watson, J. and Rhoda, L. *Women and Lawmaking. A Study of Civil Society Participation.* Parliament of the Republic of South Africa. 2002.
- 8 Watson, J. and Rhoda, L. 2002.
- 9 Sourced from speech delivered by Pregs Govender, former chairperson of the JMC, 6 August 2001.

References

- Albertyn, C. 1995. “National Machinery for Ensuring Gender Equality” in Liebenberg, S (ed.), *The Constitution of South Africa from a Gender Perspective*, The Community Law Centre, UWC, Cape Town.
- Govender, Pregs. *Speech delivered on 6 August 2001.* Retrieved from the Worldwide Web on 29 November 2006 from: <http://www.speakout.org.za>
- Inter-Parliamentary Union. 2000. *Politics: Women's Insights.* Series on “Reports and Documents” No. 36. IPU, Geneva.
- Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women. Annual Report, 2003. Parliament of the Republic of South Africa (unpublished).
- Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women. Quarterly Report 2006. Parliament of the Republic of South Africa (unpublished).
- Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women. Annual Report, 2002. Parliament of the Republic of South Africa (unpublished).
- Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women. Minutes of Meetings, 1998–2006. Retrieved from the Worldwide Web on 28 November 2006 from: <http://www.pmg.org.za>
- MacGregor K. “The Politics of Empowerment: Women in Parliament”. *Indicator South Africa*, Vol. 16, No. 3, pp. 26–33. No date.
- Mbere, N. 2001. *Report on the First National Gender Summit*, Commission for Gender Equality, Johannesburg.
- Parks, M. & Dawood, S. 2005. *Women in Parliament: A Review of the Current Situation.* Parliament of the Republic of South Africa, Research Unit.
- Parliament of the Republic of South Africa, Public Education Office. 2002. *Women & Lawmaking – A Study of Civil Society Participation.*
- Report of the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women, January–April 2006.
- Republic of South Africa, The Presidency. *Beijing +10 Report. Progress Report on the Implementation of the Beijing Platform of Action.* No date.
- Silkstone, C. 2005. *Gender Sensitive Parliaments: Structures, Roles and Opportunities.* Research Unit, Parliament of the Republic of South Africa.
- Watson, J. and Rhoda, L. 2002. *Women and Lawmaking: A Study of Civil Society Participation*, Public Education Office, Parliament of the Republic of South Africa.
- Watson, J. 2004. *Representation of Women in Political Decision-Making Positions.* Parliament of the Republic of South Africa, Research Unit.

The Role of Parliaments in Gender Budgeting

Ms. Elisabeth Klatzer Expert, Gender Budgeting Watch Group:
Gender and Public Finance, Austria

Gender budgeting is crucial and it is very important to have parliaments involved in both the debate, and evaluating the results that come out of gender budgeting activities. This has to be seen in the context of the pivotal role that parliaments play in the budgeting process not only in passing the legal phases of the budget, but also in ensuring a public debate, ensuring transparency and arranging for regular reporting on how the executive spends the money: in short, ensuring that governments are accountable for what they are doing. Gender budgeting has to be discussed in this context.

Gender budgeting is a new strategy to bring gender equality objectives into budgets and into financial policies. Its objectives are not new but gender budgeting is a new instrument in the fight for gender equality. There is a worldwide movement of people becoming interested in gender budgeting from different perspectives and it is important to take advantage of this movement, and this interest in order to promote gender equality goals.

At its most basic level it is about mainstreaming gender in the budgetary process, bringing a gender perspective to economic policy making and, most importantly, changing policies and transforming processes. The latter is the hardest part and is very difficult to achieve because it takes people into the areas of vested interests and of power and influence. From a gender perspective, processes, policies and institutions must be changed. Gender budgeting is a tool—an overarching strategy—that could help to achieve this. In general, there is a great diversity of gender budgeting initiatives rather than one specific instrument. There are instruments that have to be adapted, among other things, to the social context, to the country context, to the objectives and to the way the budgetary process is set up.

Gender budgeting consists of a thorough gender impact analysis. The analysis is at the core of the approach; it is necessary to know how government spending, for example, affects women and men. Any example of analysis shows that there are different effects according to women's different positions in society and to the economy. This analysis should take account of the gender differences in the socio-economic situation, especially the needs and priorities of women and girls. At the moment policy making is very focused on the mainstream—the mainstream still being the male mainstream. The analysis has to take into account both paid and unpaid work. It is very difficult for economic theory and economic policy making to take account of unpaid work, such as household work and care work, and especially for it to be treated as economic activity. Economic theory has helped make people blind to this issue. It is just not part of the thinking of the economic process, so it is a huge challenge to include unpaid work and to investigate the effects public expenditure, public income and taxes have on the amount of unpaid work. Another avenue is to investigate and highlight the impact on gender norms and roles. Finally, gender budgeting is an approach that aims to broaden its scope to include a further participatory dimension. In South Africa, for example, the community is included more in discussions and this is very important—especially when talking about women's perspectives.

It is important to remember that gender budgeting is not something that is done voluntarily. There is a requirement—an obligation—for governments to undertake gender-based analysis and make the necessary changes. There have been legal commitments at the international level such as the Beijing Platform for Action, which includes gender budgeting, as well as the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW). There are commitments to gender equality at the national level but also at the regional level. For example, in Europe the European Union Amsterdam Treaty obliges the mainstreaming of gender in any policy. So there is a sound basis, and that is important for legislators to know. Governments have to be made accountable—it is not the voluntary choice of an administration, it is a requirement.

There is a broad range of instruments and tools that then have to be adapted to the specific or the country context. It is not the role of parliaments to do the analysis. The role of parliaments is much more to be an actor in the process of making sure that this analysis happens and that subsequent changes are implemented. Parliaments have a role in initiating the process. Sometimes this is done against the will of the executive; for example, in Switzerland a resolution was passed by parliament obliging the executive to implement gender budgeting even though the executive did not want to take it up and made a recommendation not to. In the event, it was shown to be very useful.

Parliament's role is to provide a basis—to focus attention on gender issues in budgetary debates. Again, the example of South Africa, where there have been successes in bringing this about, is a good one. The next point is enhancing the participatory dimension, bringing in new actors, making governments accountable not only for reaching gender goals, but also for setting up an adequate gender budgeting process as a strategy to achieve gender equality. For example, it is important in this context to see that governments publish meaningful reports. Reports on gender equality or gender mainstreaming are often just lists.

Parliament's role lies in initiating gender budgeting. It can initiate the topic, it can pass resolutions and laws to demand that the executive carry out gender analysis in the budgetary process. On the other hand, it can provide ongoing gender budgeting initiatives with new perspectives and new focus as well as making sure that the process is kept on track and that the relevant questions are asked about how specific policies contribute to gender equality, and about how much money is spent on women's interests and on women's needs.

There are some countries where the legal basis, mentioned above, has been created. For example in France there is a legal requirement to publish annually with the budget document an additional docu-

ment showing the level of resources spent on affirmative action, on support for women and on gender equality policies. The French Parliament each year receives a fairly thick report, which provides the basis for its discussion. It is often necessary to take advantage of a window of opportunity; for example, in many countries there are changes taking place to the legal basis for budget making, such as a change to performance-oriented budgeting. Budgeting that does not include the gender aspect is not performance-oriented. Using these new public management tools to promote gender equality concerns is very important and can be far-reaching. Performance needs to look at what happens to women and men, that is, how much they get.

Gender issues can be brought into any budgetary debate. It is possible to ask the relevant questions and to analyse and highlight the interconnections between budgetary policies, macroeconomic policies and gender relations.

Gender issues can be brought into any budgetary debate. It is possible to ask the relevant questions and to analyse and highlight the interconnections between budgetary policies, macroeconomic policies and gender relations. It is possible to focus on an analysis of individual expenditure and income items in the budget, but it is also important to examine the macroeconomic environment to see what that does to gender concerns. For example, the latest tendency to introduce restrictive budgets—making budget cuts throughout the world, be it in Canada, in Switzerland, in South Africa, and so on—has been analysed. Wherever the effects of budget cuts are examined closely, it can be seen that they are primarily at the cost of women. Women overwhelmingly bear the cost of restrictive fiscal policies. Again, it is important to highlight these interconnections and put them on the table when discussing budgetary decisions. When discussing the allocation of money, and in the budgetary debate, it is crucial to take the debate beyond parliament and to bring it into the public arena using outside media contacts to make sure that there is a broader debate on this issue.

As is stated above, the participatory dimension is important in the gender budgeting process. There are new actors emerging in society and parliament has an important role in involving these actors in the debate. This can be done in several ways. Parliamentary Committees and individual parliamentarians can consult with NGOs, and hold hearings with NGOs and researchers. This is a way to give a stronger voice to groups that have little representation in the policy process. Civil society can be used as allies in the processes of advocacy and lobbying. In most countries there are civil society groups that have a deep knowledge and understanding of the gender implications of the budget. These can be used by parliamentarians as a source of information. Many groups would be more than willing to prepare briefs, comments and even legal drafts, in order to make it easier for parliamentarians to bring them into the process. The busy life of a parliamentarian makes it impossible to undertake such analyses alone, but it is possible to draw on the resources that are available.

Another very important task for parliaments is to monitor progress. Gender budgeting is a kind of worldwide movement but, while many governments have taken up gender budgeting, there is already a tendency to make it quite a tame instrument by not going really deeply into the issues to examine, for example, the question of unpaid care provided by women—which is often left out. Parliamentarians have a role to play in monitoring and follow up—to tell governments what to do, ask the right questions and ensure that the quality of the analysis is meaningful and that it obtains the information required for a proper discussion. The setting-up of a system of monitoring indicators would be especially useful, including core indicators on gender equality in budgets, so that every year would produce a table—

a sort of scoreboard—to indicate the achievements of administrations and governments. Of course, initially, this will require effort and resources, but it will pay off in the longer term, provided that a good quality monitoring tool has been developed.

This presentation covers at length the role of parliament as a whole. In terms of the division of work among different committees in parliament, from the general point of view of someone who is not an insider, it seems that there is a crucial role to be played by gender and women's affairs committees, which might have to take the initiative to move the process forward, but, on the other hand, it is impossible to do this without the support of people on the financial committees. It is well known that, with the division of power, there is some inequality between committees. It is important to make an effort to maintain good working relations with the people on the financial committees. The issue of gender budgeting would be a very suitable one for organizing joint committee meetings about in the course of the budget debate. In the process of the budgetary debate, it would be very helpful to have a common debate or to organize joint public events, and joint hearings, where there can be some interchange. Of course, it is the informal channels that are the most important ones.

Gender budgeting is a new, transformative—even revolutionary—process because the aim is to change the core masculine ways of making policies and of doing things. New ways and new methods are needed—so use anything there is. One suggestion with regard to governance mechanisms for gender budgeting is that governance mechanisms, in terms of steering mechanisms and steering committees to lead the whole process, should usually be located inside government—inside its administration—because it is the role of government to undertake the analysis. ■

Gender Budgeting and Sweden's Committee on the Labour Market

Ms. Ann-Christin Ahlberg Member of the Committee on the Labour Market, Sweden

This presentation gives a broad outline of how a gender perspective is included in the budget in Sweden. The “Equal Money” project was a starting point in 2002 of an attempt to integrate gender equality into the budgetary process. The project developed methods that could make such integration possible, and studied the areas where competences needed to be developed. The project also assessed and documented the levels and types of experience necessary to make a budget with a gender equality perspective. Today, integrating gender equality into the budgetary process is no longer a project but a part of everyday work.

In Sweden the integration of gender equality means that a gender equality perspective should form part of all stages of a decision and of all policies. All policies should contain an analysis of the impact they will have on men and women. The budget also includes an appendix about its economic impact on men and women. Some of the headlines are:

- Wages;
- The unequal division of paid and unpaid work;
- Divisions in the labour market;
- Pensions;
- Economic resources;
- Men's share of parental leave; and
- Living standards for women in single households.

The Swedish Bureau for Statistics produces a manual, *Talking about men and women*, which is used for debate and discussion.

Currently, the political debate in Sweden is focused on a forthcoming major change to the unemployment insurance system. The Government wants to

introduce a law that may have more harmful effects for women than for men. The Government even admits in the proposal that this will be the case. There is clear political disagreement on this matter. The debate continued in parliament and between the trades unions.

The Social Democrats in Sweden have promoted gender equality for a long time. Many believe that Swedish political parties in general agree on gender policy. This is not the case. Social Democrats oppose the Swedish Government's proposals on unemployment insurance because they believe them to be unfair and discriminatory. Social Democrats do not want to subsidize domestic services such as cleaning as the right-wing parties do. Good access is required to high-quality childcare facilities and pre-schools to make it possible for both men and women to balance family life and work. Men and women should share equally the responsibilities for children and domestic work.

Mainstreaming gender policies in the budgetary process is one way to make sure that a gender perspective is incorporated into all policies, at all levels, by the actors who are involved in policy making. If the Government's budget shows that a proposal will affect men and women very differently, but the Government still wants to go ahead with the proposal, this speaks volumes about how gender equality is prioritized and treated. The gender budgeting method must be followed up by decision makers who dare to use gender analyses to promote change. Gender mainstreaming of the budget process is a successful strategy for achieving gender equality, but there is still a long way to go before men and women have the same opportunities. ■



**IMPLEMENTING INTERNATIONAL AND
REGIONAL LEVEL INSTRUMENTS**

5

Overview and Debate

Overview of the session

The fifth session focused on the role of parliamentary gender committees in implementing international and regional legal instruments related to women's rights. The discussion focused on two main issues:

- What is the role of parliamentary gender committees in implementing international and regional legal instruments related to women's rights?
- What role can committees play in overseeing the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)?

Ms. Patten, an expert member of the United Nations Committee on the Elimination of Discrimination against Women, and Ms. Diaz Delgado, Senator and Chairperson of the Mexican Committee on Equality and Gender, gave presentations. Ms. Patten provided an overview of CEDAW, including its purpose, principles, and process of reporting, and went on to outline the action parliamentarians could take in order to facilitate the implementation of the Convention. Ms. Diaz Delgado gave a presentation about the legislative work that was ongoing in Mexico in partnership with the National Institute for Women.

Ms. Patten said that members of parliamentary gender committees could assist the **implementation of international and regional legal standards** in several ways, from awareness building and providing information to parliamentary colleagues, to directly monitoring the way in which provisions were implemented and reflected in national laws. She noted that providing training to parliamentarians was important because they needed to understand the rights and obligations that are conferred onto them by legally binding treaties. Without a sound understanding of

the treaties, and the government's position regarding their incorporation into domestic law, implementation of the various provisions was impossible. Ms. Patten also highlighted that human rights are only effective if they are implemented. Parliamentarians should thus lobby for the ratification and implementation of international conventions like CEDAW and its Optional Protocol, and for accession to these treaties with a minimum of reservations.

The **challenge of implementing** international human rights treaties was raised—often there was a wide gap between the “formal guarantees laid down [in CEDAW] and the extent to which the rights are actually enjoyed in practice.” Ms. Patten noted that this situation could only be resolved if political will existed on the part of States Parties to effectively implement the Convention. Parliamentary committees must therefore strive to harness political will and ensure follow-up by monitoring and overseeing implementation. Committees have a crucial monitoring role to play insofar as they assess national legislation, and some are able to propose new legislation in order to address any discrepancies (and to ensure compliance) with international conventions.

In her presentation, Ms. Diaz Delgado referred to the **coordinating function** that parliamentary committees could play, such as in Mexico, where the Committee on Equality and Gender works in partnership with the National Institute for Women (INMUJERES). She highlighted some of the ways in which parliamentarians in Mexico are pushing for reforms of legislation at all levels—municipal and federal—in order to bring them in line with the obligations of treaties and international standards for the protection of women's rights.

Ms. Diaz Delgado also underscored that **women's forums could provide a medium** for parliamentarians at different levels to interact and harmonize their laws with the view to achieving a common

goal: “. . . fora that allow women parliamentarians to learn about and implement common projects in order for the women of Mexico to stand united in a common goal”.

Parliamentarians also have a role in **monitoring the State reporting** procedure, which is crucial in the implementation process of international conventions. Parliamentarians can not only ensure that reports are submitted on time, but they can also participate in the preparation of reports and oversee the implementation of concluding comments to ensure that all issues are addressed and guidelines respected. In this regard, the IPU was invited to collaborate with the Committee on the Elimination of Discrimination against Women to address the issue of State reporting. The presenters proposed that not only parliaments, but also civil society should review all reports before they are submitted to the responsible treaty bodies to ensure that the reports accurately reflect the diverse views of all components of society.

National legislation may contain embedded **discrimination**, which must be identified and corrected. Ms. Diaz Delgado suggested that there is a need for parliamentarians to work within a framework of “prevention” in order to properly address issues of discrimination. She pointed to “the disintegration of the social fabric that many of us are experiencing in several countries for different reasons”, and said that parliamentarians should continue to work together address the challenges and strive for gender equality in all laws.

Plenary debate

In the plenary debate, it was noted that there is a particular **need for harmonization**—parliaments have a responsibility to their constituents to work together to implement international standards for the protection of human rights. The implementation of international treaties is contingent upon national legislation in order for their intended objectives to be achieved. National legislation needs to be brought in line with the commitments undertaken in international treaties and conventions. One policy area which several participants raised was the need to tackle violence against women in national legislation.

Several participants agreed that the role played by parliaments is crucial in the **implementation of CEDAW** and that more must be done. For example, including a parliamentary perspective in CEDAW reports was seen as desirable, as well as including the views and recommendations of experts and civil society. Another noted that that it is necessary to observe transparency in the **preparation of government reports** which are being considered by the bodies of various international conventions, stressing the important role that independent experts can play in overseeing the drafting of an accurate government report. As was pointed out, “governments always report on successes and never mention failures.” Allowing expert groups within civil society to comment on the reports and provide their own recommendations would hopefully lead to a more balanced assessment. ■

The Role of Parliamentary Committees in Overseeing the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Ms. Pramila Patten Member of the United Nations Committee on Discrimination against Women

Introduction

CEDAW has been included in this seminar because it is a tool that parliamentarians can use to legitimize their demands for gender equality, to emphasize the international obligations undertaken by their respective countries, and ultimately contribute to the improvement of their national legislation.

CEDAW brings together, in a single comprehensive human rights treaty, the provisions of previous United Nations instruments concerning discrimination on the basis of sex and extends them further to create a tool dedicated to the elimination of all forms of discrimination against women.

The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

Gender mainstreaming and gender analysis are vital and are the basis for moving forward as women, as leaders in our communities and as the mainstay of our families. Gender analysis recognizes that women's and men's lives (and therefore their experiences, needs, issues and priorities) are different and that different strategies may be necessary to achieve equitable outcomes for women and men and different groups of women. If these differences are not identified in the policy-making process then there is a real concern that the policy itself could be based on incorrect assumptions and stereotypes.

The Convention can be a major tool for change. CEDAW helps us to understand discrimination in its broadest sense. It provides recognition for those

types of discrimination that are not so obvious or direct.

CEDAW was adopted in 1979 by the UN General Assembly; it is the most comprehensive legal instrument addressing women's rights and it is often described as an international bill of rights for women. As of 2 Nov 2006, 185 countries had ratified CEDAW.

The provisions of the CEDAW Convention encompass all dimensions of women's lives and draw on principles of *equality*, *non-discrimination* and *State obligation*.

The Convention establishes the Committee on the Elimination of Discrimination against Women, a body of 23 independent experts, responsible for overseeing the effective implementation of the Convention and monitoring progress made by States in implementing the Convention.

Rights and provisions of CEDAW

Article 1 defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Article 2 obliges States Parties to condemn discrimination against women in all its forms and to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. Article 2 goes further by setting out the measures that States Parties should take and include:

- To embody the principle of equality of men and women in their national constitutions or other appropriate legislation. (The Committee recom-

mends to State Parties that they adopt the definition of discrimination under Article 1).

- To adopt appropriate legislative and other measures including sanctions prohibiting all discrimination against women;
- To establish legal protection against discrimination through national tribunals and other public institutions;
- To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions also act accordingly;
- To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- To take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- To repeal all national penal provisions which constitute discrimination against women.

Article 3 requires States Parties to take all appropriate measures in all fields to ensure the full development and advancement of women.

Article 4 provides that the adoption of temporary special measures to accelerate de facto equality between men and women, such as affirmative action measures, shall not be considered discriminatory. Such measures may last for as long as the inequalities exist and shall be discontinued when equality of results has been achieved.

Article 5 requires States Parties to modify social and cultural patterns of conduct of men and women in order to eliminate prejudices and practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.

Other areas covered by the CEDAW Convention include:

- Article 6: Trafficking in women and exploitation of prostitution
- Article 7: Political and public life
- Article 8: Participation at the international level
- Article 9: Nationality
- Article 10: Education
- Article 11: Employment
- Article 12: Health care and family planning
- Article 13: Economic and social benefits
- Article 14: Rural women

- Article 15: Equality before the law
- Article 16: Marriage and family relations

Articles 17 – 22 : Part V of the Convention deals with the establishment of the CEDAW Committee, outlines the reporting obligation of States Parties and addresses the Committee’s meeting time, venue and reporting obligations.

Articles 23 – 30 deal with the administration and other procedural aspects related to the CEDAW Convention such as participation in the treaty, reservations, a dispute resolution mechanism and authentic texts.

CEDAW – A tool for change

Guiding principles of CEDAW

The overall object and purpose of the Convention is to eliminate all forms of discrimination against women with a view to achieving women’s de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms. States Parties to the Convention are under a legal obligation to respect, protect, promote and fulfil this right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men.

Three obligations are central to States Parties’ efforts to eliminate discrimination against women and these obligations must be implemented in an integrated fashion as they extend beyond a purely formal legal obligation of equal treatment of women with men.

First, States Parties have an obligation to ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination—committed by public authorities, the judiciary, organizations, enterprises or private individuals—in the public as well as the private spheres by competent tribunals as well as sanctions and other remedies.

Second, States Parties have an obligation to improve the de facto position of women through concrete and effective policies and programmes.

Third, States Parties have an obligation to monitor prevailing gender relations and address the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.

Principle of non-discrimination

CEDAW goes beyond the earlier human rights conventions, beyond the concept of discrimination used in many national and international legal standards and norms. While such standards and norms prohibit discrimination on the ground of sex and protect both men and women from treatment based on arbitrary, unfair and/or unjustifiable distinctions, the Convention focuses on discrimination against women, emphasizing that women have suffered, and continue to suffer from various forms of discrimination because they are women. It addresses the pervasive and systemic nature of discrimination against women, and identifies the need to confront the social causes of women's inequality by addressing "all forms" of discrimination that women suffer, not just discrimination based on sex.

The Convention targets discriminatory dimensions of past and current societal and cultural contexts which impede women's enjoyment of their human rights and fundamental freedoms. It aims to eliminate of all forms of discrimination against women, including the elimination of the causes and consequences of their de facto or substantive inequality.

Other important points that can be derived from Article 1 are:

- In accordance with the CEDAW Convention, all women should be protected from discrimination: there is no distinction between individual women or groups of women. Also, women cannot be discriminated on other grounds (e.g. marital status, race, caste, age, religion, nationality, health and economic status).
- The Convention seeks the realization of all human rights on the basis of equality among men and women.
- The Convention seeks to promote the realization of all human and fundamental freedoms in all fields. There is no separation of women's civil and political rights from women's economic, social and cultural rights.

The principle of "substantive equality"

The CEDAW Convention promotes a model of "substantive equality" that encompasses:

- Equality of opportunity;
- Equality of access of opportunity; and
- Equality of results.

Equality of results is the logical corollary of de facto or substantive equality. In the Committee's view, a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. The Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming under-representation of women and a redistribution of resources and power between men and women.

The application of temporary special measures in accordance with the Convention is one of the means to realize de facto or substantive equality for women, rather than an exception to the norms of non-discrimination and equality. In pursuing CEDAW's goals, States Parties are encouraged to introduce measures of affirmative action designed to promote gender equality.

The principle of State obligation

When a country becomes a State Party to the CEDAW Convention, it voluntarily accepts a range of legally binding obligations to eliminate all forms discrimination against women and ensure equality between men and women at the domestic level.

A reading of Articles 2 to 4 shows that on ratifying CEDAW, a State Party undertakes obligations of means and obligations of results.

General recommendations

The Convention is a dynamic instrument. Since its adoption in 1979, the Committee has contributed through progressive thinking to the clarification and understanding of the substantive content of the Convention's articles and the specific nature of discrimination against women and the instruments for combating such discrimination.

Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States Parties.

General recommendations are authoritative statements by the CEDAW Committee on the meaning of the provisions in the Convention with respect to the rights of women and obligations of the State Party. They deal with issues related to specific articles and areas contained in the CEDAW Convention. They are very useful in analysing how the meaning and extent of the provisions of the Convention have expanded over time and accordingly it is important that the text of CEDAW and the general recommendations be read together.

To date, there are 25 general recommendations. The last general recommendation, No. 25 on temporary special measures, was adopted in 2004, its aim being to clarify the nature and meaning of Article 4, paragraph 1, in order to facilitate and ensure its full utilization by States Parties in the implementation of the Convention.

The Committee's general recommendations have interpreted rights progressively and developed new standards. For example, although gender-based violence against women is not addressed in the Convention, in General Recommendation No. 19 on gender-based violence against women, the Committee has made it clear that freedom from violence is a fundamental right. It has noted that gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Consequently, States Parties are required to include information relating to all forms of violence against women in their periodic reports, which includes domestic violence, sexual violence, honour killings and other discriminatory practices. This is an example of how, through interpretation, the rights encompassed in the Convention have been expanded upon, and can continue to be.

The Committee has issued more detailed and comprehensive general recommendations which offer States Parties clear guidance on the application of the Convention in particular situations. Apart from the one on violence against women (No. 19), comprehensive general recommendations have been adopted on equality in marriage and family relations (No. 21), women in public life (No. 23), access to health care (No. 24) and temporary special measures (No. 25).

Statements adopted by the Committee

With a view to assisting States Parties to the Convention, the Committee adopts statements to clarify

and confirm its position with respect to major international developments and issues that have a bearing on the implementation of the Convention. These statements have dealt with issues such as gender and racial discrimination, solidarity with Afghan women, gender and sustainable development, discrimination against older women, and the situation of women in Iraq and Lebanon.

Implementation of CEDAW

a) The Reporting Procedure

Article 18 of the Convention imposes a reporting obligation on States Parties. States Parties have to submit a report on the legislative, judicial, administrative or other measures that they have adopted to implement the Convention within a year after its entry into force and every four years thereafter or whenever the Committee so requests.

Following consideration of each State Party report, the CEDAW Committee formulates concluding comments which outline factors and difficulties affecting the implementation of the Convention for the particular State Party, positive aspects, principal subjects of concern and suggestions and recommendations to enhance implementation of the Convention.

b) The Inter-State Procedure

Article 29 of the Convention provides that two or more States Parties can refer disputes about the interpretation and implementation of the Convention to arbitration, and if the dispute is not settled, it can be referred to the International Court of Justice. The Convention explicitly entitles States Parties to declare on signature, ratification or accession, that they are not bound by this provision. A number of States have submitted such reservations and to date the Inter-State Procedure has never been used.

Challenges to the monitoring of CEDAW

The importance and significance of CEDAW is not matched by its implementation strength. Like other international human rights treaties, the gap between the formal guarantees laid down in CEDAW and the extent to which the rights are actually enjoyed in practice is frequently a wide one. Human rights are only as effective as their ability to be implemented.

Once again, for the effective implementation of CEDAW, strong political will is needed on the part of States that are parties to the Convention.

While a significant number of reservations have been made to the Convention, the Committee has limited powers to promote its implementation. Unable to declare a State Party in violation of CEDAW or impose a remedy for violation, the Committee is limited to consideration of regular reports by States Parties, which are often submitted late and substantially inadequate.

Strategies to encourage reporting by States Parties

The Committee has adopted a number of measures to address the challenges posed to the treaty monitoring process by the significant number of outstanding and overdue reports. On an exceptional basis and as a temporary measure to encourage States Parties to honour their reporting obligations under Article 18 of the Convention as well as to address the backlog of reports awaiting consideration, States Parties are invited to combine all their outstanding reporting obligations into a single document. Reminders are also sent to States Parties whose initial reports are more than five years overdue. The United Nations and other entities are encouraged to provide technical assistance in order to support States Parties, at their request, in fulfilling their reporting obligations under the Convention. The Committee reviews these measures and modifies them as appropriate.

Concluding comments and follow-up

The Committee has no means of ensuring any follow-up to its concluding comments.

The consideration of reports takes the form of a constructive dialogue with representatives of the reporting State, the aim being to improve the situation pertaining to Convention rights in that particular State.

The Committee adopts concluding comments on the reports of States Parties that it considers and the concluding comments are transmitted to the State Party concerned promptly after the close of the session. Principal areas of concern and recommendations are presented in the order of importance of the particular issues to the country under review and provides concrete proposals on the concerns identified.

All concluding comments include a recommendation relating to dissemination, requesting the wide dissemination of the concluding comments in the State Party concerned. There is also a paragraph requesting that information be included in the State Party's next periodic report on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review. They also note that States Parties' accession to the seven major international human rights instruments enhances women's enjoyment of their human rights in all spheres of life, and encourage States to consider ratifying those to which they are not yet party. The concluding comments also set the date when the State Party's next periodic report is due.

Reservations to CEDAW

A significant number of reservations or declarations of understanding were made by States upon ratification of or accession to CEDAW. The Convention permits ratification subject to reservations, provided that the reservations are not incompatible with the object and purpose of the Convention. So far, the number and extent of the reservations to the Convention bear testimony to the fact that many States are not ready to abandon their sovereignty or religious and cultural customs and traditions which conflict with their international obligations that derive from the Convention.

Article 28, paragraph 2 of the Convention adopts the impermissibility principle contained in the Vienna Convention on the Law of Treaties. It states that a reservation incompatible with the object and purpose of the present Convention shall not be permitted.

Although the Convention does not prohibit the entering of reservations, those which challenge the central principles of the Convention are considered to be contrary to the provisions of the Convention and to general international law. As such, they may be challenged by other States Parties.

Articles 2 and 16 are considered by the Committee to be core provisions of the Convention. Although some States Parties have withdrawn reservations to those articles, the Committee is particularly concerned at the number and extent of reservations entered to them.

The Committee holds the view that Article 2 is central to the objects and purpose of the Conven-

tion. States Parties which ratify the Convention do so because they agree that discrimination against women in all its forms should be condemned and that the strategies set out in Article 2, subparagraphs (a) to (g), should be implemented by States Parties to eliminate it.

Some of the reservations entered are motivated by the conflict between some interpretations of Islam and the notion of sexual equality; others from national religions or customary laws that restrict women's inheritance and property rights; nationality laws that claim that women do not have the same rights as men; domestic laws limiting women's economic opportunities, their freedom of movement and their choice of residence.

Yet neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention. The Committee also remains convinced that reservations to Article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention, and are therefore impermissible and should be reviewed and modified or withdrawn altogether.

Some States Parties that enter reservations to the Convention do not enter reservations to analogous provisions in other human rights treaties. A number of States enter reservations to particular articles on the ground that national law, tradition, religion or culture are not congruent with Convention principles, and purport to justify the reservation on that basis. Some States enter a reservation to Article 2, although their national constitutions or laws prohibit discrimination. There is therefore an inherent conflict between the provisions of the State's constitution and its reservation to the Convention. Some reservations are drawn so widely that their effect cannot be limited to specific provisions in the Convention.

The Committee is fully aware that, on the question of reservations, its mandate is limited and that the control of the permissibility of reservations is and remains the primary responsibility of the States Parties.

However, it continues to draw to the attention of States Parties its grave concern at the number and extent of impermissible reservations and expresses concern that, even when States object to such reservations, there appears to be a reluctance on the part of the States concerned to remove and modify them and thereby comply with general principles of international law.

The Committee has assumed certain responsibilities as the body of experts charged with the consideration of periodic reports submitted to it. The Committee, in its examination of States' reports, enters into constructive dialogue with the State Party and makes concluding comments routinely expressing concern at the entry of reservations, in particular to Articles 2 and 16, or the failure of States Parties to withdraw or modify them.

The Committee in two of the general recommendations and its statement on reservations has called on the States to re-examine their self-imposed limitations to full compliance with all the principles in the Convention by the entry of reservations. It has stressed that removal or modification of reservations, particularly to Articles 2 and 16, would indicate a State Party's determination to remove all barriers to women's full equality and its commitment to ensuring that women are able to participate fully in all aspects of public and private life without fear of discrimination or recrimination. States which remove reservations would be making a major contribution to achieving the objectives of both formal and de facto or substantive compliance with the Convention.

Interaction with specialized agencies and bodies of the United Nations

Since its second session, the Committee has invited specialized agencies of the United Nations system to cooperate in its work. The Committee and the pre-session working group invite specialized agencies and United Nations bodies to provide reports containing country-specific information on States Parties whose reports are before them. Representatives of these entities are invited to address the Committee in a closed meeting at the beginning of each of its sessions. They are also invited to address the pre-session working group. The Committee finds it most beneficial to be given written reports, the content of which are highlighted by the representatives of the specialized agency or United Nations body concerned during the closed meetings with the Committee or working group. The Committee has adopted guidelines for the reports of specialized agencies and United Nations bodies in order to enhance its cooperation with them.

The Committee recommends that specialized agencies and other entities of the United Nations system

with field representation work with non-governmental organizations to disseminate information on the Convention and on the work of the Committee. The Committee continues to explore cooperation in relation to field-level activities and to develop further ways of integrating the Convention into the work of the United Nations system.

Participation of non-governmental organizations in the activities of the Committee

Since its early sessions, the Committee has invited non-governmental organizations to follow its work. In order to ensure that it is as well informed as possible, the Committee invites representatives of national and international non-governmental organizations to provide country-specific information on States Parties whose reports are before it. National and international non-governmental organizations are also invited to provide country-specific information to the pre-session working group on those States Parties whose reports are before the group.

Such information may be submitted in writing at any time, preferably in advance of the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second week of the session, to enable representatives of non-governmental organizations to provide oral information. The pre-session working group also provides an opportunity for non-governmental organizations to provide oral information. The Committee encourages international non-governmental organizations and United Nations organizations, funds and programmes to facilitate attendance at Committee sessions by representatives of national non-governmental organizations.

Call on IPU

At its session in August 2006, the Committee noted the important role of parliamentarians in the implementation of CEDAW and follow-up to concluding comments and in this regard encouraged the IPU to submit country-specific information pertaining to the implementation of CEDAW in States Parties.

I would like to seize the opportunity at this meeting to echo once again the wish of the Committee to have more meaningful and sustained interaction with the IPU.

The Optional Protocol to CEDAW

The human rights guarantees contained in the CEDAW Convention are far-reaching. However, the gap between the promise of the Convention and the reality of women's lives remains wide. The Optional Protocol to CEDAW goes a long way towards bridging this gap. Its purpose is to strengthen the enforcement mechanisms available for the rights enshrined in CEDAW.

The Optional Protocol to CEDAW was adopted by the General Assembly on 6 October 1999. It entered into force in December 2000 following the ratification of the tenth State Party to the Convention. It is a separate treaty that must be independently ratified or acceded to by States that are already parties to CEDAW. It has been ratified by 83 States to date.

The Protocol contains two procedures:

1. A communication procedure that allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention.
2. An inquiry procedure that enables the Committee to initiate inquiries into situations of grave or systematic violations of women's rights.

In either case, the States must be a party to the Convention and the Protocol. The Protocol includes an "Opt-out clause", allowing States up for ratification or accession to declare that they do not accept the inquiry procedure. However, Article 17 of the Protocol explicitly provides that no reservation may be entered to its terms.

The Optional Protocol to CEDAW is the first gender-specific international complaints procedure. As well as putting CEDAW on a par with human rights treaties which have complaints procedures, it enhances existing mechanisms by specifically incorporating practices and procedures that have been developed under other complaints procedures.

The Optional Protocol to CEDAW does not create any new substantive rights. It improves on and adds to existing enforcement mechanisms for women's human rights, i.e, the reporting procedure. It introduces procedures by which rights contained in the Convention can be claimed by women. It is of tremendous importance because of its capacity to ensure and enhance the realization of women's rights.

First, the Protocol can stimulate States to take steps to implement CEDAW. It encourages States to

implement CEDAW to avoid complaints being made against them. The possibility of complaints being made is also an incentive for States to provide more effective local remedies.

Second, it can improve States' and individuals' understanding of CEDAW. Under the communications procedure, the Committee focuses on individual cases and is able to tell a State what is required from it in individual circumstances. This helps States to better understand the meaning of the obligations they have undertaken by ratifying CEDAW.

The Protocol can also serve to stimulate changes in discriminatory laws and practices as the Committee will be able to request the State Party concerned to take specific measures to remedy violations of CEDAW. Requests may include:

- The amendment of legislation;
- Stopping discriminatory practices; and
- Implementing affirmative action measures.

Articles 2 to 7 of the Optional Protocol set out the conditions and procedures by which an individual complaint may be lodged and considered by the Committee. Articles 2 and 3 set out the pre-admissibility requirements. Article 2 stipulates that communications may be submitted “by or on behalf” of “individuals and groups of individuals” who are within the jurisdiction of a State Party and who can claim to be victims of violation of the rights set out in the Convention. Article 3 establishes that a communication must be made in writing, shall not be anonymous and must concern a State Party to the Convention and to the Optional Protocol. Article 4 sets out the admissibility criteria. Article 4(t) requires that a complainant must first exhaust domestic remedies.

Recommendations to parliamentary committees

I agreed to participate at this seminar because I really do endorse its objectives. I am extremely pleased at the efforts being made to review the role of parliamentary committees, to revisit their mandate and to address the role they can play in ensuring that international treaties and obligations, including CEDAW, are adhered to and implemented in domestic law.

a) Training of parliamentarians

Many MPs around the world do not have a legal background and may lack the time to access and fully understand the implications of international legislation whose texts are often lengthy and complicated. It is vital that parliamentary committees devise ways and means to train parliamentarians in CEDAW and its Optional Protocol, to ensure that they have a comprehensive understanding of these legally binding instruments, which will help them significantly when they raise gender issues. Training should also focus on the obligations undertaken by States that have ratified the Convention.

International human rights law is often seen as inaccessible and irrelevant to women's rights. Parliamentary committees can engage in work that will make international law a potential tool that can be used to improve women's lives in concrete ways. Parliamentarians can play a major role in legitimizing international human rights norms.

b) Ensure incorporation of CEDAW in domestic law

The aim is to ascertain the system and domesticate CEDAW if necessary. There are two general theories about the relationship between domestic law and international law: the adoption theory and the transformation theory. Under the adoption theory, international law is automatically part of domestic law; that is, without an act of incorporation. The transformation theory states that international law only becomes part of domestic law once it has been incorporated into domestic law. Which of the above two theories has been adopted by a State must be determined on a country-by-country basis and it is important for you to ascertain what is the position in your country.

c) Making government accountable/ Focusing on State obligation

At the national level, there is a misconception regarding the responsibility of all government agencies and local government with regard to the implementation of the CEDAW. Often, it is only perceived as the sole responsibility of the national machineries of women. Parliamentary committees can play a major role in changing this perception and in making government truly accountable.

In most societies, there is a lack of awareness about CEDAW, the role of the CEDAW Committee and the Optional Protocol especially among all branches and agencies at the government level. Parliamentary committees could encourage parliamentary debate on the matter.

The Optional Protocol requires States to publicize the Protocol and its procedures and this is unfortunately not being done. Greater human and financial resources need to be committed to carry out such efforts. Parliamentarians can contribute significantly to building greater awareness about the human rights of women and their realization. Public awareness about CEDAW and its Protocol is crucial to secure full implementation of the CEDAW Convention. As parliamentarians, you should ensure that information on CEDAW and its Optional Protocol is widely publicized by ensuring that the text of CEDAW and its Protocol is translated into national language(s) and widely distributed.

d) Monitor implementation of CEDAW

Like other international human rights treaties, the gap between the formal guarantees set forth in CEDAW and the extent to which the rights are actually enjoyed in practice, is frequently a wide one. Strong political will is needed on the part of States that are parties to the Convention for effective implementation. Parliamentary committees can play a critical role in monitoring the effective implementation of the Convention by regularly assessing national laws and introducing the necessary changes in order to comply with the spirit and the letter of the Convention. You can also make use of your parliamentary right to introduce legislation to address discrepancies between CEDAW and national legislation.

e) Reporting procedure

Monitor the reporting obligation: Many States fail to comply with their reporting obligations under the Convention. (The concluding comments set the date when the State Party's next periodic report is due). Accordingly, parliamentary committees can contribute by:

- Playing an active role in the preparation of reports;
- Ensuring that the reporting guidelines are followed (Often there is a lack of interest among States

Parties to submit comprehensive information on implementation of all articles of the CEDAW, in particular their economic, social and cultural rights. The Committee has pointed out the fact that the human rights of women are often still considered as a low priority in some countries).

- Insisting on making a presentation of the report before parliament and holding a discussion thereon before its submission to the Committee;
- Lobbying to include the presence of parliamentarians in the delegation before the Committee; (The Committee very much encourages and welcomes parliamentarians in the delegation).
- Ensuring that the concluding comments are tabled before parliament; and
- Monitoring implementation of concluding comments.

f) Withdrawal of reservations

All reservations have a negative effect on women's equality. If the reservations in question, put into practice, would inevitably result in discrimination against women on the basis of sex, this would be contrary to everything the Convention stands for. Since in most countries the ratification of an international convention and the possible reservations entered have to be approved by parliament, parliamentary committees should take a leading role in working towards the withdrawal or narrowing down of reservations. Working as a network could be useful to achieve the results desired.

g) Ratification of the Optional Protocol

MPs should monitor progress made in the ratification of the Optional Protocol and should lobby for its ratification. In most countries, the ratification of an international convention has to be approved by the parliament. As legislators, overseers of government action, political leaders and representatives of the people, parliamentarians have a role to play to ensure ratification of or accession to the Optional Protocol to the CEDAW Convention. If your State has not yet taken any steps to ratify or accede to the OP-CEDAW, even though it may have signed it, you can consider initiating a parliamentary debate on the OP-CEDAW and mobilizing public opinion. You should propose ratification or accession without "opting-out" of the procedure.

Conclusion

The theme of this meeting is of great interest to a large number of women who suffer violations of their rights. However, while it may be too much to hope that many women victims will come to know of CEDAW and/or resort to the Optional Protocol, it is not too much to hope that committed individuals like yourselves will find it a valuable tool in your invaluable cause.

To quote Nelson Mandela, “Freedom cannot be achieved unless the women have been emancipated from all forms of oppression. All of us take this on board that the objectives of the Reconstruction and Development Programme will not have been realized unless we see in visible practical terms that the conditions of women in our country has radically changed for the better, and that they have been empowered to intervene in all aspects of life as equals with any other member of society.” ■

Mexico's Committee on Equality and Gender and CEDAW

Ms. Blanca Judith Díaz Delgado Chairperson of the
Committee on Equality and Gender, Mexico

This presentation is a brief summary of legislative work underway in Mexico in partnership with Mexico's National Institute for Women (INMUJERES).

Since the start of the legislative process, and in pursuance of international treaties signed by Mexico, the men and women who make up Mexico's Senate, working through the Committee on Equality and Gender, have undertaken to mainstream gender, heighten public awareness about gender issues, and to work continuously to eliminate all forms of discrimination—and all forms of violence—against women.

Decrees have been drafted on various issues and general legislation has been enacted to create a national system for the Prevention and Eradication of Violence against, and Protection and Assistance for, Women and Children. Most of these initiatives arise from the fact that women and children are vulnerable to violence, which can lead to insecurity, physical or psychological illness, depression, anxiety, social isolation, incapacity, impaired mental and physical functioning, and sometimes even death. This has led to the creation of the National System for the Prevention and Eradication of Violence against, and Protection and Assistance for, Women and Children.

A decree was drafted to implement the Gender Equality Act, pursuant to article 72(e) of the Constitution, and was approved by the plenary on 27 April 2006. The record reflects that violence against women is considered a violation of human rights and freedoms and that Senators welcomed the legislative provisions with respect to victim assistance. Since this is a new law, it must be backed up with resources to be effective—particularly for the National Human Rights Commission, which will oversee enforcement of the law.

A noteworthy development during the LIX Legislature was the creation of a Centre for the Advancement of Women and Gender Equity in the Chamber of Deputies, an initiative of the Committee on Equality and Gender to help improve the economic, social and political condition of women and to promote gender equality. Its mission is to conduct studies and research from the perspective of gender equality and human rights for women. This work will in turn serve as an input to legislative and parliamentary work to advance the interests of women and the cause of gender equality in the framework of democratic reform of the state and of human development.

The objectives of the Centre are to:

- Provide technical support and contribute research as well as analytical and scientific information about equity and gender with a view to mainstreaming gender in the initiatives to be considered by parliament and redressing inequalities between men and women.
- Help to ensure consistency between federal, state and municipal legislation and the international agreements and treaties signed by Mexico.
- Help to revitalize social thinking in Mexico and Latin America by promoting a process of continuous debate.
- Promote discussions among representatives of the legislative, academic, and social sectors as well as opportunities for reflection and for the identification, evaluation, and analysis of development issues from the perspective of gender, equal opportunity and equitably representative democracy.
- Compile a documentary, statistical, and electronic database on gender equality, the status of women, the exercise of women's rights, and relevant federal and state laws.

The Centre is currently working to disseminate a publication concerning model legislation on domestic violence developed by INMUJERES, UNDP, and Mexico's National Autonomous University (UNAM). The model is based on a diagnostic assessment of legislation in the civil and criminal fields and on methods to prevent domestic violence and assist those affected in the various states of Mexico, as well as relevant case law. The publication provides state legislators with a tool to help them adjust their legal frameworks, which is urgently required.

On 17 August 2006 INMUJERES led the high-level Mexican delegation in support of the Sixth Regular Report from Mexico on the Application of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As a result of constructive dialogue from that meeting, the CEDAW expert committee has issued its final recommendations to Mexico, which among other things highlight the positive progress achieved in pursuit of gender equality. Among the positive aspects noted, the Committee commended the State party for passing the 2006 Gender Equality Act as well as: (a) strengthening the National Institute for Women as a national mechanism for the advancement of women; (b) raising the Institute's Presidency to ministerial rank; (c) providing additional financial and human resources; (d) enhancing the Institute's influence at the federal, state, and municipal levels; and (e) creating the State System of Gender Indicators.

The Mexican Government recognizes that much remains to be done and has set itself a number of tasks that it plans to undertake as the LX Legislature starts:

- Respond to the observations issued by the CEDAW expert committee, in particular by deploying coordination and monitoring mechanisms designed to achieve harmonization and effective application of gender equality programmes and policies.
- Promote the application of the Gender Equality Act at the federal, state and municipal levels and ensure that the National Human Rights Commission receives the financial resources required for this purpose.
- Respond to requests to accelerate approval of the penal code amendment criminalizing "feminicide".
- Approve without delay legislation providing access for women to lives without violence.

- Harmonize local legislation as well as codes of civil and criminal procedure in states throughout the country in respect of such matters as precautionary measures for victim protection.
- Work towards the goal of developing and enacting a Criminal Victims Assistance Act to help provide compensation for damage sustained.
- Seek to ensure, as it prepares to approve the budget, that programmes for the benefit of women have the resources necessary for their implementation and strengthening.
- Continue efforts in support of the National Survey on Domestic Violence, for which the Chamber of Deputies included funding in the 2006 budget. The goal is to measure progress in this area relative to the findings of a 2003 survey.

All these activities will be conducted in the context of awareness forums for local deputies and joint projects designed to help unite Mexican women behind a common cause. INMUJERES will be conducting national meetings in the near future.

With respect to treaty implementation, the project to achieve full application as reflected in the daily lives of women is a vast undertaking. Mexico's legislative branch, and particularly the Senate Committee on Equality and Gender, will not cease in its struggle to improve living conditions and provide equal opportunities for Mexican women. Only then will there be true democracy.

Action by the Senate of the republic in the case of the feminicides committed in Ciudad Juárez

Between 1993 and 2005 a series of homicides and forced disappearances perpetrated against women, each following a similar behavioural pattern, came to light in Ciudad Juárez, Chihuahua. These crimes, which became popularly known as "*Las Muertas de Juárez*", received worldwide attention. They led many to conclude that more women are murdered in Ciudad Juárez than elsewhere in the country but various indicators on lethal violence against women suggest otherwise.

In 2004, according to the Federal Agency of the National Institute for Statistics, Geography, and the Data Collection, Yucatán was the Mexican state with the lowest incidence of female homicide, at

0.6 per cent. The incidence in Chihuahua, the state in question, was higher at 3.0 per cent, but that figure was equalled by Mexico City and surpassed by Baja California (3.1%), Guerrero (3.6%), México (4.1%), Nayarit (4.2%), Quintana Roo (4.3%) and Oaxaca (4.6%).

The case of the *Muertas de Juárez* involved the death of 379 women and the “presumed disappearance” of 4,456 more over the 13-year period 1993 to 2005. To date, 177 individuals have been arrested and sentenced for these deaths.¹ Regardless of the figures, when *Las Muertas de Juárez* began to receive public attention the Mexican Congress responded by supporting action proposed by the federal government in office at the time, which in 2000 had inherited a festering but unaddressed problem. The government undertook a comprehensive programme of legislation and law enforcement as well as measures to attack the social causes of violence against women, provide assistance to victims’ families and ensure that perpetrators did not escape justice.

The women who died in Ciudad Juárez inspired a wave of proposals for non-binding resolutions, six of which were referred between November 2002 and March 2005 to the Committee on Equality and Gender for review and the issuance of an opinion. Three of these were endorsed by the Committee and adopted by the Senate, which resolved to:

- Request the Office of the Attorney General of the Republic to exercise its authority to investigate and instigate criminal prosecution against the perpetrators of feminicides in Ciudad Juárez.
- Direct the Senate Committee on Equality and Gender to instigate parliamentary proceedings for the subpoena of necessary information pertaining to the probable commission of federal offences in connection with the crimes committed in Ciudad Juárez in compliance with the provisions of federal criminal law; and submit draft legislation to the plenary for the purpose of strengthening federal investigation and law enforcement mechanisms in respect of violence against women, girls and boys.
- Invite the Attorney General of the Republic to appear before the Committees on Equality and Gender, Justice, and Human Rights to discuss the available information on the case, and direct his institution to analyse and review the possibilities for recourse to enticement for the purpose

of investigating these crimes in the framework of the Federal Organized Crime Act.

The interest generated, in the Chamber of Deputies as well as the Senate, by the murders in Ciudad Juárez led to the establishment of special committees in both chambers to oversee and follow up investigations into the feminicides. These committees worked with the Equality and Gender Committee of their respective chambers to propose legislation to support the measures being deployed by the executive branch. These exchanges between the legislative and executive branches proved fruitful, leading to the enactment of the Gender Equality Act in Mexico.

In the Senate, the Committee on Equality and Gender also held meetings with interested civil society groups. In May 2003, for instance, it met with the representatives of several non-governmental organizations (NGOs) promoting the campaign “End the Impunity: Not One More Woman Killed”, offering legislators an opportunity to hear their views on the Ciudad Juárez cases and to inform them of related legislative efforts. This was also the purpose of meetings with representatives of international agencies, for instance, on 23 February 2004 with Yakin Ertük, Special Rapporteur on Violence against Women, its causes and consequences, of the United Nations Commission on Human Rights, and on 18 April 2005 with Ruth Gaby Vermot-Mangold, Rapporteur of the Parliamentary Assembly of the Council of Europe.

By way of conclusion to the case in Ciudad Juárez, the legislative branch in general, and both Committees on Equality and Gender in particular, helped to promote not only legislation but also public policy carried out by the executive branch in response to the tragic events there. This can be summarized as follows:

- The establishment, by decree published in the Official Journal of the Federation on 30 January 2004, of the Special Prosecutor for Crimes Connected with the Feminicides in Ciudad Juárez, Chihuahua. The Special Prosecutor’s Office was responsible for law enforcement, investigation, and prosecution in respect of federal crimes, working jointly and in coordination with local authorities to solve homicides through judicial proceedings in local courts, locate missing women, analyse

all the related case files, and assist the victims' families. It presented its final report in January 2006.

- The establishment of the Committee for the Prevention and Eradication of Violence against Women in Ciudad Juárez, which worked together with the Special Senate Committee on a bill for comprehensive legislative reform consistent with the major conventions on the rights of women and children. This legislation has already been submitted to the Congress of the State of Chihuahua. The legislative branch, its Committees on Equality and Gender, and the Special Committees for investigations into the killings in Ciudad Juárez have had a shared learning experience with this institution, resulting in the publication of the Diagnostic Assessment of Lethal Violence against Women and its dissemination throughout the Republic.

- The creation of the Advisory Council for Administration of the Economic Assistance Fund for the Families of Femicide Victims in Ciudad Juárez.

If the killings in Ciudad Juárez have left a legacy for Mexico and its women it is the creation of a framework that in future will provide the legal tools required for authorities to intervene effectively to solve such grave violations against the rights of human beings who represent half of Mexico's population. ■

Endnotes

- 1 As of December 2006: with respect to the actual number of disappearances, figures which were initially cited without any empirical basis, the Prosecutor's final report indicates that, following the investigation of more than 4000 such cases, only 47 proved to be actual disappearances. Of these, 13 of the victims were located, three had died, and 10 were still alive.



**THE ROLE OF PARLIAMENTARY COMMITTEES
IN ADDRESSING VIOLENCE AGAINST WOMEN**

6

Overview and Debate

Overview of the session

The seminar examined in detail a thematic issue that is being dealt with in nearly all parliaments and their committees, which was the role of parliamentary committees in addressing violence against women. The session focused on the following questions:

- What are the trends in policy development and legislative initiatives to combat violence against women?
- What are the lessons learned from different country experiences and the specific contribution of parliamentary gender committees?

The panellists for this session were Ms. Saghal, Gender Policy Adviser at Amnesty International; Ms. Me, Chief of the Social and Demographic Statistical Division, United Nations Economic Commission for Europe; and Ms. Tinde and Ms. Fehr, both of the Office of the United Nations High Commissioner for Refugees. Country presentations were provided by Ms. Tirath, Chairperson of the Committee on the Empowerment of Women in India; Ms. Martinez, Vice-President of the Joint Committee on Women's Rights and Equal Opportunities in Spain; and Ms. Pehlivan, President of the Advisory Committee on Equal Opportunities in Belgium and member of the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly of the Council of Europe.

All the presentations underscored the fact that violence against women constitutes one of the **biggest challenges** to the advancement of gender equality and the protection of human rights. Ms. Me illustrated the scope of the problem by referring to findings from the *United Nations In-depth Study on Violence against Women*, noting that its prevalence is affecting every country in every region of the world.

While there is heightened awareness of the dangers posed by violence against women, Ms. Saghal pointed to a paradox in that, as a global problem “it is not going away, but at the same time there has probably been more standard setting at the international level and legislation at the national level than perhaps on any other subject in the world.” This issue highlights potential weaknesses in the current approach of legislating to combat violence against women. For example, it was noted that there needed to be a **“zero tolerance” policy** within and among governments, reflected in national legislation. Although the United Nations has come up with a definition of violence, in several instances it still remains ambiguous. Ms. Me reiterated this point by noting that definitions must be operationalized and legislation reformed so that the “concepts” are understood across the board. The understanding that domestic violence is a learned pattern of behaviour should also be reflected in legislation.

Ms. Saghal noted that parliamentary committees are important for **coordination between civil society and legislatures**, to make sure the demands of the former are in line with the policies of the latter. Parliamentary committees can help to combat violence against women by ensuring that formal codified laws are in synch with the “parallel legal systems” of customary law and the general principles and ideologies on which the law is based. Reforms should be made with a view to recognizing the positive obligations of governments, but also to redress discriminatory legislation. In addition, **effective implementation** of international treaties should be ensured in order to “close the gaps between international standards and national laws, policies and practices.” A clear line must be drawn between rhetoric and policy, which can sometimes prove to be a challenge when relying on a rights-based approach.

Ms. Me underscored the importance of **information** when trying to combat violence against women, as it is only with the relevant data that effective national policies and programmes can be developed. The Beijing Platform for Action stresses the need for the collection and disaggregation of accurate statistics. Parliamentary committees could use sex-disaggregated data to help them monitor progress, inform policy, develop strategies and strengthen the “knowledge base”. Ms. Me also raised the importance of **harmonization of efforts** in terms of data collection, in order to have comparable information. Data also has a key role to play in educating all sectors of society on the prevalence of violence against women and the available channels of redress. Ms. Martinez said that the collection and dissemination of statistics from a large number of countries would help enable the formulation of global, or at least regional, objectives. Additionally, more attention should be paid to the media’s role in educating the public and sensitizing the community at large by building awareness.

Strategies to combat violence therefore need to look beyond criminalization and assistance measures, and also look at the environment in which women live, including domestic legislation, health care and housing.

Actions and initiatives need to be taken, including by parliaments, in order to create an environment of equality between the sexes. Violence against women tends to be most prevalent where the roles of women and men are most unequal and where women are viewed by society as being particularly vulnerable to, and affected by, violence. This point was reiterated by Ms. Martinez, who said that violence against women was a manifestation of inequality. Combating violence therefore requires effective coordination between all components of the State, from the executive down to the grassroots. Ms. Martinez explained that although the parliamentary gender committee does not have legislative powers in Spain, it still has an important role in promoting and reforming laws, for example the penal code.

Additionally, emphasis should be placed on the **prevention of violence** in order to address the “root causes”, rather than merely concentrating on how to resolve and deal with incidents when they arise. Ms. Tirath alluded to the way in which articles contained in the Indian Constitution have been transformed into policy initiatives so as to promote gender equity within the family. Legislating in the private domain is very sensitive in most countries, yet it is the sphere where violence against women most often occurs. Strategies to combat violence therefore need to look beyond criminalization and assistance measures, and also look at the environment in which women live, including domestic legislation, health care and housing.

International and regional organizations and associations have an important role to play. It was noted that international organizations, such as the IPU and the United Nations, should be enlisted to help parliamentary committees meet their goals. Ms. Pehlivan also noted that the role of regional organizations, such as the Council of Europe (COE), should not be overlooked. Violence against women undermines the concepts and principles on which the COE was built. As a regional organization, the COE is committed to combating violence against women and has worked tirelessly to foster cooperation among European States.

Several presenters highlighted the need for parliamentarians to take a **holistic approach** to the subject of combating violence against women. There must be sustained, multi-sector coordination at the international, regional or local level. This means that issues pertaining to violence against women must be mainstreamed if they have any chance of succeeding. Ms. Martinez referred to the “multidisciplinary” approach taken by the parliamentary gender bodies in Spain as a very effective working method. States too must **allocate sufficient resources** to combatting violence against women. Requisite financing is vital to the prevention of violence, as well as to dealing with the situations when they occur, and parliamentarians must ensure that the government allocates sufficient budgets.

Ms. Tinde noted that often a persistence of a **male culture** within international organizations could hamper their efforts to address problems of violence against women. In order to overcome this problem, there should be greater recognition of the relationship between parliamentarians and international organi-

zations, which can be mutually beneficial. Just as parliamentarians enlist the support of international organizations, so too can parliamentarians help international organizations to improve their practices.

Plenary debate

Several important issues were raised in the plenary debate. The importance of identifying **benchmarks** to gauge progress being made in States was highlighted. Government progress in combating violence against women needs to be monitored, and the use of **data and statistics** for this purpose was again reiterated. However, the challenge of how to collect accurate gender-disaggregated statistics was again noted. Parliamentarians need to attach “faces to the statistics” so that they are given meaning and can be transformed into meaningful policies that address the concerns of citizens.

The importance of **prevention** or “early socialization” was raised and there was general consensus among the participants that more must be done to target the root problems of violence against women through awareness-raising if true progress was to be realized. In Spain for instance, the law has been used as a tool to raise awareness in society about the problem of violence against women. This was an area needing particular attention in South Africa too, where **education** in schools was not enough, and more needed to be done to teach the most vulnerable sectors of society about their rights and what they can do to combat violence. In the words of one participant, “The challenge lies with the socialization of our people. What has been done in the homes and the schools is not enough to combat gender violence — it goes back to socialization: it is the way we raise our children, it is the way we teach our youngsters

what to do and how to behave that is important. Legislation can never be enough to deal with gender violence.”

The important role played by the law **enforcement** agencies was stressed by several of the participants. A need for efficiency throughout all levels of the justice system was identified—from the international down to the local level. Police must be equipped with the training, resources and power to respond appropriately to acts of violence, and the punishments must be commensurate with the crime. In addition, there must be sufficient facilities, such as shelters and safe houses, in place for victims of violence.

One challenge in combating violence is that women are **often reluctant to discuss acts of violence**, especially if they are themselves victims of such acts. It was noted that there is a need for society as a whole to be educated properly in order to change mentalities and help younger generations comprehend the challenges facing them. Men too need to be involved in the development of strategies. In this regard, collaboration with NGOs can be important. Finally, several participants stressed the need for parliaments and their members to take the initiative to carry out the necessary steps to combat and tackle violence against women head-on. As one participant noted, “People do not like to speak about such problems. It is thought that domestic violence is a private problem that should be kept within the family. . . . It is necessary to organize education for society as a whole, particularly for the young generation. We as parliamentarians should take the personal initiative in these problems and organize our work with human rights or gender policy committees; or establish networks with NGOs, especially with local government, because the problems in society are very closely connected to the local authorities.” ■

The Work of Amnesty International in Combating Violence against Women

Ms. Gita Saghal Gender Policy Adviser, Amnesty International

Amnesty International (AI) has been engaged in a global campaign about violence against women for the past two years, which will continue until at least 2010. The problem of violence against women is not going away but there has perhaps been more standard setting at the international level and legislation at the national level than on any other subject in the world. We are at a time of great change in relation to violence against women and developing an understanding of it. This presentation shares some of the things Amnesty International has learned and some of the understandings it has been trying to reach.

The Declaration on the Elimination of Violence against Women, passed unanimously by the United Nations General Assembly, is regarded by AI as a form of Guthrie international law. Although it is new law and it is soft law, Amnesty International feels that it should be read with other Conventions and treaties. Its radical analysis of gender-based violence as a form of unequal power relations is extraordinary language to take into an understanding of the whole range of rights that must be redressed in order to address the various forms of violence against women, including domestic violence. It is necessary to look at protection, not the protection of women necessarily, but at the protection of their human rights, their civil and political rights, their right to mental and physical integrity, to be free from torture, their right to privacy in their sexual relations and in gender identity, and to safeguard their right to food, adequate housing, health care, and so on. Without addressing this range of rights, we cannot really ensure that women will be free from violence or that they can live in societies free from violence and that we can protect the rights of those women who are currently facing violence.

Definitions of violence have included the many forms it can take—the most obvious being inflicting

physical pain and harm on someone. Violence can take many other forms, however, including sexual violence or creating total economic dependence or psychological abuse. One of the most important aspects, and one which is seldom recognized in legislation or by legislative bodies, is the experience common to virtually all victims and survivors—that of isolation and of being victimized. Parliamentarians should keep that image, of somebody who lives in complete and utter isolation, in mind while working to implement international law and national laws.

Parliamentarians should also be pragmatic. If zero tolerance of gender-based violence is to be achieved, whether there is new legislation or not, then existing legislation as a means of enforcing action against violence against women must not be ignored. Murder is murder and assault is assault—whether it comes under the old homicide laws or specific laws on violence against women. This is something that it is important to recall because work is taking place in many different situations—some under new legislation—which it is important to monitor to ensure that it is being enforced or even understood by judiciaries, the police, and so on, because the definitions that are being used may not be fully understood—and some using existing legislation or existing legislative frameworks, but interpreted in the light of new understandings.

For instance, Amnesty International has encountered two sets of problems in its work on domestic violence. One is where violence is understood as one single major incident rather than as a pattern of incidents, a pattern of controlling behaviour and a number of incidents of violence that may have occurred over many years. In many areas forensic doctors will not look, for instance, even at visible bruising if it is old bruising; they will not look at signs of violence beyond the incident that they have been asked to investigate. So they do not regard an incident as part

of a pattern of controlling behaviour and therefore no case files are built up, either by the medical profession or by the police or prosecutors. Each individual incident may seem trivial and this contributes to the isolation of the woman when explaining her case to the authorities. An understanding of domestic violence as a pattern of behaviour is extremely important and there are examples of legislation that have encompassed this.

Parliamentary committees have a watchdog function in this regard. It is tremendously important to talk to NGOs, to talk to people in the legislature, to talk to people who are working in shelters or other forms of protection, and to find out what the experience of legislative implementation is on the ground.

On the other hand, there is the problem that, where domestic violence has been understood as a pattern of behaviour, some criminal justice systems will ignore the single incident and argue that 'it is only one assault'. Quite often as legislation changes the threshold for defining the violence changes as well. Campaigners are always chasing a distant understanding of violence, that is, it always moves somewhere else. The legislation is changed to try to implement the understandings of various experts, but it does not tend to solve the problem. Parliamentary committees have a watchdog function in this regard. It is tremendously important to talk to NGOs, to talk to people in the legislature, to talk to people who are working in shelters or other forms of protection, and to find out what the experience of legislative implementation is on the ground.

In addition, there are issues that may not pertain specifically to legislation, but relate instead to policy that may be implemented by local authorities rather than the legislature. Here, a major issue is whether the local government has any form of budget for dealing with issues of violence against women. Other issues include promoting forms of housing, for instance—and not just shelters but secure, permanent accommodation—and looking creatively and innovatively,

at a time when in many countries public housing stock is small or is being dismantled, at ways in which forms of social housing can be provided. Amnesty International has no position on privatization or many of the great political issues of the day that are being grappled with by parliamentarians across the world, but governments should look for ways of implementing their obligations to provide adequate housing under international law as creatively as possible. These solutions should be as wide and varied as possible and encompass the different needs of women at various stages as they try to leave violent relationships.

The issue of access to healthcare is extremely important. Here, again, one of the key challenges is that, in order to deal properly with violence against women, a holistic approach has to be taken to the provision of basic services. Some countries have targeted services specifically for women who can prove they have experienced violence and, in some cases, it is possible that this works. In other places, however, Amnesty International has found that the thresholds are again too high. Women cannot prove that they are deserving victims and so they do not have access to the housing, the healthcare—or other services—they need. Parliaments must think very carefully about whether provisions should be widened because women should not have to meet a threshold of being sufficiently deserving in order to access adequate housing, the highest attainable standard of health, and so on.

In addition, as well as recognizing the positive obligations of governments, the discriminatory laws which many countries still have in place, even as they pass new legislation, should also be examined. There is a big debate across the world about shelters and various forms of housing, as is noted above, but, at the same time, many countries have shelters for women who are seen as vagrant or destitute. These may be safe custody houses, they are forms of basic provision for women, but they are not shelters as understood by the violence against women movement. Often, this type of provision becomes a form of detention without any due process or encounter with the criminal justice system. These are all issues that parliamentary committees need to scrutinize in parallel with their scrutiny of new or old legislation on violence against women and how it is being enforced.

In many countries marital rape either is not specifically criminalized or is specifically exempted from prosecution by law. This is a form of directly discriminatory law. There are other much wider systems of

law—such as on inheritance and family law, including religious laws, and customary laws and practices—that the vast majority of women in the world never take through formal court systems because they are subjected to extremely discriminatory laws in both informal religious courts and customary courts. These are also issues that States must begin to examine to ensure that they are attempting to end discrimination not only in their formal legal processes, but also in their parallel customary legal systems.

Progress on the issue of violence against women is never going to be linear; there is not necessarily always going to be progress. It is necessary to look very carefully inside States at the problems that advocates for action against violence against women face either at the local level when setting up a small counselling centre or a shelter or giving advice to victims, or when undertaking national advocacy. In some cases even campaigning for legislation on the Optional Protocol to CEDAW has been attacked—sometimes by religious organizations, sometimes by political bodies—as something that will break up families. As long as this rhetoric exists in parliaments, as long as it is employed freely at the legislative level, there is no clear signal being given by parliaments that violence against women is unacceptable. This has to

be tackled and, again, parliamentary committees can give space to what Amnesty International calls human rights defenders—women working on these issues.

In the women's movement, women working on these issues accept name-calling and humiliation as part of the job. Quite often they do not see themselves as human rights defenders in the way that, for instance, political conscientious objectors or dissidents in other times may have seen themselves. However, they face many of the same problems: they may be called in for questioning by the local police; they may be arrested in the course of their advocacy; they may have their addresses published in the newspapers; and they may be threatened. These are all issues that need to be put at the forefront of the agendas of parliamentary committees.

Finally, the issue of gender budgeting is not something that Amnesty International has done much work on. It is, however, something that it recognizes to be of prime importance, as are the issues of peace-keeping forces and impunity, and the importance of disaggregating statistics and collecting statistics scrupulously to inform research to identify what works and what does not work, and to monitor progress carefully. ■

The Measurement of Violence against Women and the United Nations In-depth Study on Violence against Women

Ms. Angela Me Chief of the Social and Demographic Statistical Division,
United Nations Economic Commission for Europe

When statisticians go to meetings they usually meet with other statisticians and they often think of people who make laws and sit in parliament as people who can make a difference. Statisticians perceive parliamentarians as the end users of the statistics they produce but also as people who can influence the kind of statistics that are produced.

Statisticians face a number of issues when they attempt to produce data on violence against women. The recently published United Nations study on all forms of violence against women would deserve a meeting on its own. Brief highlights are presented here which, hopefully, will raise interest and encourage people to read it in more depth.

What is basically the first sentence of the report says that 'violence against women persists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality'. For parliamentarians who work on gender issues, this could seem an obvious statement, but the power of this statement is that it is in a United Nations document although, for many people, it is not obvious. It is a message that must be brought to the attention of the world, especially to those people who might not believe it. It is important to underline that the message applies to every country in the world because there are people in some countries who think that violence against women is an issue that concerns only other countries with a different culture or a different attitude to women. It is difficult sometimes to convince such people that this is an issue we should all be addressing. This can usually be done using the power of the data.

It is possible to select data from countries that are more open in terms of gender equality and the roles of women and men in society. For example, the report contains five-year and one-year rates of spousal

violence in Canada. In two different years (1993 and 1999) 3 per cent of people said that they had been affected by domestic violence, by spousal violence, in the previous year. In 2003, 12 per cent said that they had been exposed to this type of violence in the past five years. This represents a large number of women and shows that violence does not just affect one in a million women and is not something that can be taken lightly or not addressed seriously.

The report also contains data from France. Here the issue arises on what is meant by violence against women—how is it defined? In the report different types of violence are shown in the different columns, including: verbal abuse, emotional blackmail, repeated psychological pressure, physical abuse, rape and other forced sexual acts. The data are sorted into different age groups. The percentages vary but, for example, as many as 35 per cent of women said they had been affected by repeated psychological pressure, which is extremely high. Usually, when this area is raised, there is always a man who asks 'but what about violence and psychological violence against men?' While this should also be investigated, it is violence against women that is being addressed here. The other percentages in the report also demonstrate that consistently high numbers of women are affected by violence.

Data from other countries gives the percentages of all women, and of currently married women, aged 15–49 who have reported violence in different countries and regions of the world. One figure indicates any violence that has ever been experienced and the other indicates levels of spousal violence. The data is also broken down according to violence experienced during a life-time and in the past year. The data show that violence really concerns a great number of women in all countries of the world.

What does the United Nations in-depth study cover and why was it done?

The UN General Assembly asked the UN Secretary-General to carry out the study because, during a discussion in the General Assembly about violence against women, some Member States were not convinced that it was an issue that the UN should address, while others were unclear about how it should be addressed. The study covers six areas, the first of which is the context and causes of violence against women, that is, looking at violence against women as a global issue and at what its contexts and causes are. The report then examines the forms, consequences and costs of violence against women. It looks at the issue of collecting data on violence against women (see below); it looks at the responsibilities of Member States to address violence against women, and it reports some promising practices as well as some challenges for the implementation of programmes and policies to address violence against women. Finally, it draws some conclusions and makes some recommendations. Its 150 pages give the reader an appreciation of the issue as a global issue.

The report calls for countries to exercise leadership to end violence against women. This really means taking strong action to do something to be on top of the issue, and this applies to leadership in all the components of a country: parliaments, governments and non-governmental organizations (NGOs).

The report makes several recommendations at the national level. There are different recommendations for international organizations but the national recommendations are more relevant here. The first recommendation is to secure gender equality and protect women's human rights, because violence against women occurs particularly where the roles of women and men are most unequal and where there is no respect for women and their safety. The first issue is therefore to address the environment where violence can happen.

Another recommendation is to close the gaps between international standards and national laws, policies and practices. There are a number of international documents that address women's needs and how to respond to and prevent violence against women. There are a lot of international 'nice words' that are translated only in a very few countries into laws and programmes. There is also a recommendation to strengthen the knowledge base about all forms of violence against women in order to inform policy and strategy development. This again raises the issue of the need for adequate data.

Another recommendation is to build and sustain strong multisectoral strategies, which are coordinated both nationally and locally. This means that because violence against women is present, it should not be treated as a separate issue in all aspects of the life. The ultimate aim is to allocate adequate resources and funding in order to prevent and address violence against women.

To return to the issue of statistics and data and why they are needed, the UN study argues that ensuring an adequate knowledge base through data collection is part of every Member State's obligation. This is because relevant data is essential to guide national policies and programmes. It is necessary to know where to operate, how many people are affected, where the women who need help are and the kind of programmes that must be designed. Data are also needed in order to monitor the progress of governments with addressing violence against women. It is one of the roles of parliament to monitor what the government does and, in that respect, data can show whether the issue is being addressed.

Data are also needed, however, to provide factual material for efforts to raise awareness about violence against women with decision makers and the public. In many countries this might be the first goal because, as is stated above, sometimes the number of women affected by violence is heavily underestimated and data are required to demonstrate that indeed the issue does not only affect a small number of women.

Again according to the United Nations study, the State should take responsibility for the systematic collection and publication of data inside the framework of official statistics, that is, statistics that form part of the national statistical system.

Again according to the United Nations study, the State should take responsibility for the systematic collection and publication of data inside the framework of official statistics, that is, statistics that form part of the national statistical system. Only a year ago, in a meeting of statisticians discussing violence against women, the head of a statistical office argued that

violence against women was not an issue for official statistics, but an issue for research by NGOs because ‘we really do not deal with this’. Governments do not allow NGOs to deal with the national accounts. Nor do they ask them to produce GDP data—because these are very important issues for a country. People have to realize that data on violence against women is equally important and thus its collection is the responsibility of the State.

There is a clear United Nations mandate: the Beijing Platform for Action called for the collection of data and improved gender-disaggregated and age-specific data about the victims and perpetrators of all forms of violence, such as domestic violence, sexual harassment, rape, incest, and so on. However, the issue is—and again the question often crops up in discussions about gender and about violence against men—how to define violence. There is a definition by the UN General Assembly: ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’. The General Assembly goes on to include a range of acts occurring in different environments such as in the family, in the community and violence perpetrated or condoned by the State. So there is a basic framework.

However, the challenge is in collecting data using this definition. Is it possible to measure such a broad definition? Official statistics in general give a very narrow view of gender-based violence which only looks at rape and intimate partner violence. Other forms of violence are very difficult to measure. How can the UN definition be operationalized? How can the way data are collected be adapted? The selection of indicators is also important when targets are set and need to be monitored. Here again, there is a debate: should prevalence, in terms of the number of women who have ever been affected by violence, or incidence, which is the number of acts of violence that women suffer, be the focus? Should data be collected on attitudes to violence or is it better to collect data on the real experiences of women? All this makes a big difference. In some countries it is very difficult to obtain data on real experiences. What about indicators on State responses to violence against women? If States are monitored, can this be done using indicators?

To return to the issue of how best to measure violence, traditionally, official resources have been

linked to police statistics, homicide statistics and court statistics. These statistics, however, all suffer from one very large shortcoming: they do not measure the acts of violence that actually occur, but only the events that are reported to the authorities. It is well known that women often do not report violence, in particular, domestic violence. Once again taking the example of Canada, women were asked about their experiences of violence and then asked whether they had reported these acts of violence to the police. Only 37 per cent said they had reported the incidents to the police. Therefore, the national statistics held by the police and the court records heavily underestimate the actual occurrence of violence.

Organizations should try to collect data differently. The most reliable methods of collecting official statistics on the extent of violence against women are population-based sample surveys. Instead of waiting for women to go to the police or to health services to report violence, surveys approach women and ask about their experiences. There are challenges in ensuring that women report their experiences through survey interviews, but this really is the most reliable method to assure the highest reporting of violence against women. It is important that when policy makers read statistics they understand its quality, particularly in relation to violence against women because traditional sources provide a very different picture. When politicians look for data, and when they think that data are needed, they need to understand what the advantages and disadvantages of different sources are in order to better understand which ones to use.

Institutional changes will be required because—traditionally—only the statistics that are linked to administrative records are widely used. Often, surveys of violence against women are not seen as part of official statistics. In many countries, however, they are and, particularly in Europe, many countries are in the process of carrying out, or have carried out, national surveys on violence against women. Research is useful and important: it can discover things that the State and the Government cannot. However, the national statistical system should take responsibility, for delivering reliable data on this topic. Surveys on violence against women should be fully integrated into national statistical systems, which means that the collection of data on violence against women should be addressed, for example, in laws that deal with gender or statistics. Every country has a statistics law and many countries have a law on gender.

But there are also national statistical plans where the collection of data about violence against women using surveys should be addressed.

There are many methodological challenges, even when using survey data. For example, Australia collects a lot of data using surveys, but different data tell different stories about the prevalence of physical assaults on women. The way surveys are conducted—the sample size and the way the questions are asked—make a great difference. This is also reflected at international level. Data on the prevalence of sexual assaults or sexual violence from Australia, Canada, France, Germany, Italy, Spain and the United Kingdom on the same issue—show very different results. These data do not reflect large differences between countries; they just reflect a different way of collecting data. The issue of examining the quality of data is very important.

To end with one final message: there is a need to invest a little bit more in how violence against women is measured at the international, regional and national levels. A lot of work has been done, for example, in the World Health Organization, in the Demographic and Health Surveys (DHS), but not much has been done to build this data collection into national surveys in a sustainable way. These are still ad hoc activities. This data is not collected consistently. How can better knowledge about violence against women be gained without collaboration between all the stakeholders?

Only the full collaboration between statisticians, researchers, parliamentarians, and ministries can improve the identification of indicators and the methodology for data collection. A strong commitment is needed in order to regularly collect data on violence against women, to disseminate it and, most of all, to use it. ■

Violence against Women in Conflict Situations

Ms. Gry Tina Tinde Special Adviser to the High Commissioner on Gender Issues, UNHCR

Ms. Wendy Fehr UNHCR

This presentation provides an update on issues related to refugees, internally displaced persons (IDPs) and other persons of concern as well as on violence against women and women in conflict. The United Nations High Commissioner for Refugees (UNHCR) is currently taking care of 20 million people: some eight million are refugees, that is, they have crossed an international border; and some six million are internally displaced persons (IDPs). It is extremely difficult to provide statistics and information on people who are fleeing or who are living in a country other than their own.

Women find themselves more exposed to risk more often than men in conflict situations. There is plenty of evidence for this and UNHCR has the task of developing guidelines and good practice to deal with this situation. At the same time, UNHCR is an emergency-type organization. Its mandate is to protect so it also undertakes large-scale emergency activities.

UNHCR has, like many United Nations organizations, a very dominant male culture. António Guterres, the current High Commissioner, is however a strong advocate of gender equality. In his previous international work he has declared himself publicly to be a strong feminist and a gender activist. This is now affecting the culture of the organization and leading to positive collaborations between him and his advisers.

UNHCR is currently preparing several publications. The *Handbook for the Protection of Women and Girls*, at more than 100 pages, will be a very useful tool. UNHCR has to address the protection of refugees and IDPs from two angles: (a) the protection of the people of concern, those it is there to care for, their issues, the things they bring with them and the conflict area they are in; and (b) the behaviour of UN staff and colleagues. UN staff is bound by international standards, that is the UN

Staff Rules. They are not allowed, for instance, to exchange goods or money for sexual services from anyone who comes into UN care. Such sexual services can be called “survival sex” as it may be the only option a person has to gain income to feed her or himself. Staff have been prohibited from exploitative behaviour since the start of the UN, but the prohibition against buying sex with money or other means has been explicitly explained in the *Secretary-General’s Bulletin*, which is a binding addition to the UN Staff Rules that came into force in 2003 and has been included into the UNHCR Code of Conduct.

The High-level Meeting on Sexual Exploitation and Abuse, which was held in New York in December 2006, came about after several years of inter-agency work on how to punish perpetrators of sexual exploitation and abuse, and strengthen the investigative capacity, and on the possibilities for redress. It addressed how to assist the victims of sexual exploitation and abuse arising from crimes committed by UN staff and UN peacekeepers. Over 100,000 people are involved in UN peacekeeping operations at any one time. The UN only has jurisdiction over 20,000 of them—the UN staff. The peacekeepers themselves are sent by the Member States, and it is local legislation that decides what will happen to someone who is accused of or has been charged with sexual exploitation or abuse while on a peacekeeping mission. This presents significant legal challenges for the UN.

At the same time, the UN is perceived as a single organization in the field: be it UNICEF, a partner organization or a soldier wearing a blue UN helmet, all are seen as one actor. It is therefore extremely important to have the same type of legislation for all—but this is easier said than done. Strong support for this would be required from parliamentarians in all the UN member states.

In recent years there has been heated debate about the legal issues around providing support for victims such as children who are born as a result of sexual exploitation and abuse, for example in the case of a child fathered by a soldier who has been abusing a woman in the Democratic Republic of Congo (DRC) where there is a large UN peacekeeping force. In such a case, that child would not have the right to identity papers or to citizenship if the father is unknown. One cannot demand that a woman admits and acknowledges publicly that her child was born as the result of a rape. It would be uncommon anywhere in the world for a woman in that situation to come forward. In DRC, as an example, she could be ostracized and could even be pushed out of her village—even though she has suffered hugely already. Coming forward to report a rape is very difficult but what about the child who is born as a result of this abuse? Here, the UNHCR must work with national legislation, but it must also work at the level of what the UN does. Should the UN or the individual be held responsible for the results of this type of abuse? Of course, the individual has a big responsibility but that individual is working for the UN, is representing the UN or one of its partners, and it is the responsibility of the employer to prevent such situations from happening, to punish those who perpetrate such acts and to follow up with support for the child.

There is a big focus on children in the draft policy on assistance to victims. They are the most vulnerable and the ones who really must be helped. Identifying and obtaining child support from a father is difficult even in a country with a functioning legal system. Trying to find someone who may have left the country a long time ago and who the mother of the child might not know the nationality of—or perhaps could not even read his identity badge, if he was wearing it at the time—is a huge challenge for the UN.

According to the former Secretary-General of the United Nations, Kofi Annan, the UN is working on a binding treaty to commit all Member States to address the legal aspects of sexual exploitation and abuse. This will take some time but it is an important step and an important statement that has been made.

UNHCR is—usually—responsible for protecting, and has a mandate to protect most of the people who are victims of sexual exploitation and abuse. Fortunately, it is responsible for originating only a tiny fraction of the violations, but it is there for people at risk of being exploited so it has a big responsibility.

The UNHCR Executive Committee and its Standing Committee recently adopted an important document: *Women and Girls at Risk*.

Finally, a law in Austria was recently brought to the attention of the UNHCR Legal Section. They have found this law is extremely useful to people in the care of UNHCR. The Protection from Violence Act, which came into force in 1997, bars the perpetrators of violence from the house of the family member concerned—and there is an automatic reporting mechanism. This is a good example of a law that would really help to protect women against violence.

In Europe there is cooperation between the IPU, the Council of Europe and UNHCR to address issues of sexual and gender-based violence (SGBV) with the people concerned. In 2006, the High Commissioner issued specific instructions to all UNHCR offices on the prevention of, and on responses to, SGBV to ensure that UNHCR reaches its strategic performance targets. The instructions state that by the end of 2007 every country operation must have a standard operating procedure in place to prevent and respond to gender-based violence.

In UNHCR country operations in Europe, where assistance is significant and an integral component of our operations, UNHCR will adopt a comprehensive procedure that includes training for refugees and a referral system, which will look at issues of health, medical cover and the provision of legal advice, as well as reporting and monitoring. In countries where there is a relatively effective national SGBV system, the need for UNHCR material assistance is limited—so UNHCR will aim to strengthen national asylum systems and to support the integration of the most vulnerable refugees. In countries where UNHCR does not provide any material assistance, UNHCR will focus on advocacy and awareness-raising.

UNHCR cooperates with CEDAW and works in collaboration both with the Special Rapporteur on violence against women and the Special Rapporteur on the trafficking of women and children. It also works in collaboration with governments, including such examples as a memorandum of understanding recently negotiated with the General Secretariat for Equality in Greece, to work on issues related to gender-based violence and its prevention.

UNHCR is interested in establishing stronger links with the Council of Europe, with the national task forces and with parliamentarians to ensure that non-nationals and displaced women are included in campaigns to stop violence against women. ■

India: Committee on the Empowerment of Women

Ms. Krishna Tirath Chairperson of the Committee on the Empowerment of Women, India

It cannot be denied that women, the world over, are subjected to violence irrespective of the level of development and political structure. The degree may vary, but the incidence of violence is always there. The violence may take an overt or covert form but its existence cannot be denied.

Any act of gender-based violence, including threats of such acts, coercion or arbitrary deprivation of liberty, that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women whether in public or private life may be defined as “violence against women”. Women are physically or verbally abused and often suffer physical torture and sexual assaults. Although civilization has progressed and societies may claim to have become more civilized and more cultured, the fact remains that violence against women has not abated. In recent times there has been a growing incidence of domestic violence against women everywhere in the world.

Domestic violence is undoubtedly a human rights issue and an obstacle to development. The 1994 Vienna Accord and the 1995 Beijing Platform of Action both acknowledge this. The United Nations Convention on the Elimination of All Forms of Discrimination against Women, in its general recommendation no. XII (1989), recommends that States parties should act to protect women against violence of any kind, especially that which occurs within the family. The phenomenon of domestic violence is highly prevalent but remains largely invisible in the public domain.

The family is a very sensitive and private social institution, making the trauma and torture of domestic violence all the more painful and agonizing. Women not only have to endure the physical and emotional injury, they also have also to suffer silently.

Women have additional responsibilities in bearing and rearing children. When they are subjected to violence it is not only the women who suffer, but also

the children. Their education suffers and they suffer social deprivation. In the final analysis, society at large suffers.

It is incumbent on parliamentarians not only to be sensitive to such matters, but also to sensitize people about the issue and create awareness among all concerned in order to mitigate the suffering of women. Women must be empowered from all sides: mentally, physically, educationally, economically and politically. They must be given strength by making new laws in favour of women.

At the parliamentary level in India, the Parliamentary Committee on Empowerment of Women has thus far presented 15 original reports to the Indian Parliament. To a large extent, the recommendations made by the Committee have been accepted by the government. These all promote the welfare of women inside and outside their homes. In 2006–2007 the Committee has selected the following subjects for detailed examination: (a) insurance schemes for women and working conditions of women employees in the insurance sector; (b) hostel accommodation for working women; (c) the plight of Indian women deserted by non-resident Indian (NRI) husbands; (d) medical facilities for women at the All India Institute of Medical Sciences (AIIMS), a premier healthcare centre in New Delhi, and other hospitals and Primary Health Centres (PHCs); (e) the credit facilities available for women from public sector banks and the National Bank for Agriculture and Rural Development (NABARD); (f) social security schemes for working women in both the organized and unorganized sectors; (g) the social and economic uplifting of tribal women; (h) working conditions and training programme for nurses; (i) security provisions for women who work in call centres; and (j) assistance to fisher women affected by the tsunami and the cyclone.

It is against this background that this presentation sets out the Indian experience of tackling issues pertaining to violence against women.

The Constitution of India provides for special safeguards under its Fundamental Rights and Directive Principles of State Policy to ensure the welfare, protection, development and empowerment of women, and also to remove all kinds of discrimination against women in the legal and public domain. Various Directive Principles are enshrined in the Constitution. Articles 38, 39, 39A, 40, 41, 42, among others, have been translated into various laws and policies for the overall development of women.

Special care has been taken by the government to ensure that the development process includes gender equity as an integral component of the broader strategy. The current approach is to create an enabling environment for women where they can freely exercise their rights both inside and outside the home as equal partners with men.

As well as certain provisions in the India Penal Code against crimes such as rape, kidnapping and abduction, homicide for dowry, dowry deaths or their attempt, mental and physical torture, molestation and sexual harassment, and so on, there are specific provisions in laws enacted by parliament to deal with abuse and violence against women, such as: (a) the 1961 Dowry Prohibition Act; (b) the 1986 Indecent Representation of Women (Prohibition) Act; (c) the 1956 Immoral Trafficking Prevention Act; and (d) the 1989 Sati (Prevention) Act. The government has also taken legal steps to stop female foeticide. In all these areas it is complementing existing legislation with effective implementation measures.

Finally, the Government of India only in 2005 enacted the landmark Protection of Women from Domestic Violence Act. The enactment of this legislation and the framing of rules for implementing the provisions of this Act will go a long way to address issues related to violence against women. ■

Spain: Joint Committee on Women's Rights and Equal Opportunities

Ms. María Antonia Martínez Vice-President of the Joint Committee on Women's Rights and Equal Opportunities, Spain

This presentation outlines Spain's Law against Gender-based Violence. The law is the first to be adopted by the current legislature and fulfils Prime Minister Rodríguez Zapatero's pledge to Spanish women, particularly Spain's many feminist associations. Without his efforts, the law would not have been enacted.

The Act was approved unanimously, as amended, by all the political groups in both chambers and includes, as is acknowledged in its preamble, several measures adopted by the previous government. It is intended to provide a comprehensive response to the kind of violence against women that is most prevalent in Spain: that which occurs inside relationships between a man and a woman, no matter what legal form that relationship takes. According to article 1 'The goal of this law is to act against the violence which, in a manifestation of discrimination, inequality and the power men have over women, is perpetrated against women on the part of those who are or have been their partners or who are or have been linked to them by similar emotional ties, even though they may never have cohabited' . . . 'The gender-based violence referred to in this Law comprises any act of physical or psychological violence, including infringements of sexual freedom, threats, coercion and arbitrary deprivation of liberty' (unofficial translation).

It should be emphasized that, by virtue of this law, the Government of Spain, and with it all the authorities of the Spanish State, have undertaken to fight this human rights violation. Gender-based violence is now a public issue, not a private problem.

Section 1 of the Law establishes comprehensive measures for protection comprising prevention measures to raise awareness, detect violence and take action in various areas; education; health awareness; and advertising in the media. Special Plans are aimed at groups that are more vulnerable such as women

in rural areas, disabled women, migrant women, and so on.

Section 2 addresses the rights of the women who are victims of gender-based violence: the right to information; to comprehensive social assistance (for themselves and for any minors living with them) and legal aid; to labour rights and social security benefits; to civil rights; and to economic rights (social assistance and access to housing or supported residences for elderly women). On average, 6,290 women per month receive the Active Integration Allowance (RAI). There were 9,832 recipients of this allowance at the end of September 2006.

Section 3 establishes institutional protection in the form of two administrative bodies with important functions: the Special Delegation of the Government against Gender-based Violence and the State Observatory on Gender-based Violence. Many similar bodies will be set up at the regional level.

The Law also establishes: (a) special units in the State police and security forces that specialize in prevention and in monitoring the execution of court rulings; (b) a protocol on action between the State police and security forces and the courts; and (c) cooperation between all the administrations involved—health, justice, State police and security forces—and all the gender equality units they comprise on plans of action to prevent or prosecute acts of violence and to provide victim support.

Section 4, on legal protection, introduces penalties which provide a firm and resolute response. Thus, making threats is henceforth punishable as a crime attracting a prison sentence of six months to one year or 31–80 days of community service. Coercion is punishable by a prison sentence of 2–18 months or 31–80 days of community service. With regard to alternative sanctions, as of January 2006 4,282 places were available in which to perform community service. Aggravated assault is more harshly

punished, with penalties of two to five years in prison. Preventive measures have also been adopted, such as: (a) expulsion from the home; (b) limits placed on communication with or suspension of communication with partners; (c) suspension of parental authority and child custody; (d) suspension of visiting rights; and (e) suspension of weapon permits.

Section 5 establishes court jurisdiction. Spain has special family courts and special child welfare courts. The Law creates specialized courts to deal with gender-based violence that can take effective and appropriate action in respect of the legal, family and social situation of women who are victims of domestic violence. As of 1 December 2006, 459 such courts have been established, 40 of which have exclusive jurisdiction and 419 of which share jurisdiction. Every judicial territory has such a court. Since the Act's entry into force on 29 June 2005, the number of courts has increased by 150 per cent, and measures have been taken to strengthen nine courts dealing with gender-based violence.

The Law also establishes a prosecutor's office for gender-based violence and 50 dedicated attorneys. Twenty-six criminal investigation units have been established and a protocol for action has been drawn up.

The specialized courts are different in that they have jurisdiction not only in criminal matters, to punish the aggressor, but also, from the moment charges are laid, in all family-related civil matters such as annulment, separation or divorce, and matters concerning minors, such as parental authority, guardianship and custody, and support payments. This means that victims do not have to go from court to court. The courts also hand down Protection Orders, which the judge issues within 24 hours. Protection Orders stipulate the preventive measures that must be taken.

Preventive measures can be converted into security measures either from the outset or during the sentence. The aims of the proceedings and of sentencing are to enhance security and provide an immediate solution to the problems arising from this kind of violence.

The Act is binding on all Spanish public authorities and all administrations, be they central, autonomous or local. Since its adoption, at the state level alone the Council of Ministers has held 25 meetings to adopt agreements enforcing and developing the Act.

The Social Awareness Plan was to be approved at the end of 2006. It contains measures to increase the number of courts and attorneys, as well as the number of State police and members of the security

forces assigned to preventive work and enforcing court decisions.

It is important to the content (and development) of the Law in terms of prevention, especially as concerns educational measures. It is the shortcomings in education about equality and respect for human rights that are to a great extent at the root of the problem of gender-based violence. In order to take effective action against this scourge, it is necessary to change deeply ingrained social habits and customs that make inequality between men and women a matter of fact. This is the most difficult task, and one which requires the greatest commitment from everyone.

The draft law on equality between men and women, which is currently working its way through parliament, will no doubt be a key instrument in attaining this goal, given that it will drive the efforts being made in all areas to attain genuine equality. Twenty-eight years ago, the Spanish Constitution proclaimed that men and women were legally and formally equal. With this draft law, the public authorities are going one step further, telling all sectors that the reach of the Constitution now extends to companies, trades unions, the home and educational facilities, and that measures are now being taken to ensure that such is indeed the case.

The Joint Committee on Women's Rights and Equal Opportunities has played a major role in the preparation and promulgation of the Act, even though it has no legislative authority. Its role was to mobilize society in favour of the proposed law. Before the Act's adoption, the Committee established an evaluation mission on the eradication of domestic violence. The mission operated for two years and submitted its report in early 2003. It was the Committee that held all subsequent consultations on the proposed law, in hearings involving over 30 experts and women's associations.

This is how Spain found an answer to a Spanish problem. It shares this experience with parliamentarians from around the world and is proud of the commitment it has made to shoulder its responsibility in the face of one of the most serious problems facing Spanish women. It is also humbled by its knowledge that women worldwide face a variety of serious problems and that not every State is equally willing to act. It is Spain's hope that its experience will serve as an example of best practice on the long road still to be travelled in order to eradicate violence against women throughout the world. ■

Parliamentary Assembly of the Council of Europe: Committee on Equal Opportunities for Women and Men

Ms Fatma Pehlivan Senator, President of the Advisory Committee on Equal Opportunities, Belgium, and Member of the Parliamentary Assembly of the Council of Europe

This presentation contributes to the discussion of the role of parliamentary committees in combating violence against women. The Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly of the Council of Europe is coordinating the parliamentary dimension of the Council of Europe's campaign to combat violence against women, including domestic violence—a regional initiative which brings together 46 European States.

This Council of Europe campaign was agreed by the Heads of State and Government of the member States at their 3rd Summit in Warsaw in 2005. The launch conference was held in Madrid in November 2006. The campaign will run until March 2008 and focus on: (a) legal and policy measures; (b) support and protection for victims; (c) data collection; and (d) awareness raising.

The campaign has three dimensions: governmental; parliamentary; and local and regional, and also includes non-governmental organization (NGO) activity. The Parliamentary Assembly is in charge of the parliamentary dimension of the campaign, which runs under the slogan “Parliaments united in combating domestic violence against women”. This dimension involves the national parliaments of the 46 member States as well as the three parliaments that enjoy observer status in the Assembly—Canada, Israel and Mexico.

What role for national parliaments?

At the Madrid conference the President of the Parliamentary Assembly recalled that “as parliamentarians, we have the capacity, and the duty, to lead public opinion, raise awareness and denounce publicly and explicitly domestic violence as something that has no place in civilized societies”.

The Parliamentary Assembly has invited national parliaments to join the Council of Europe Campaign and to *take an active role* in combating domestic violence, for example, by: (a) taking a *firm political stand* against domestic violence against women; (b) organizing debates condemning domestic violence against women; (c) monitoring government activities to combat domestic violence and ensuring that they comply with international legal obligations; (d) raising awareness of the issue in civil society as well as in the medical and legal professions; and (e) adopting a solemn declaration stating the determination of national parliaments to combat domestic violence against women. Such declarations have been made by a number of national parliaments, including in Belgium, in recent weeks.

Parliaments can pass appropriate legislative and budgetary measures. For example, they can approve the budgets needed to set up shelters for victims of domestic violence and their children, as well as those for centres to provide guidance and therapy for those who commit domestic violence. It is essential that there is adequate funding for NGOs working to support the victims of domestic violence.

National parliaments can *network* with all the other parliaments in Europe and reach out to parliaments globally. Parliaments can join a European network for exchanging good practice and experience. They can also assist one another at regional level to combat domestic violence more effectively.

After the adoption of Resolution 1512 (2006), national parliaments and regional assemblies, such as the IPU, the European Parliament and the Nordic Council, were invited to appoint a contact parliamentarian to assist with the implementation of the campaign. A complete list of contact parliamentarians is available on the Parliamentary Assembly website. A Parliamentary Day of Action was organized on

the International Day for the Elimination of Violence against Women. Parliamentarians will now be invited to identify two or three objectives that their national parliament should achieve during the campaign. National parliaments will be invited to organize a 'Consultation day' in March 2007 to encourage dialogue with those professionals who confront domestic violence in their daily lives, such as doctors, lawyers and representatives of NGOs.

Going beyond the issue of violence

Domestic violence against women is the result of a situation in which women have less power than men. It leads to serious discrimination against women and girls in communities and families. This unequal distribution of power and opportunities between women and men must be tackled by national parliaments, where the participation of women has still to be increased in many countries. Equal rights and gender mainstreaming must therefore be promoted by law to allow women to find their place in society and to live with dignity and security. The Parliamentary Assembly is continuing, through its Committee on Equal Opportunities for Women and Men, to tackle the root causes of gender-based violence.

Today in Europe, thousands of women are subjected to acts of physical, sexual or psychological violence. Violence against women in all its different forms is still widespread. It is rampant at all levels of society in all the Council of Europe's 46 member States and beyond.

The Council of Europe exists to protect human rights. Violence against women, including domestic violence, undermines the fundamental values on which the Council of Europe is built. The Council of Europe is committed to combating domestic violence because it is a violation of human rights and an assault on human dignity. This is the message it wants to send out worldwide.

At the same time, the Council is very aware that combating domestic violence against women meets resistance all over the world because societies are still very much dominated by a persistent patriarchal culture. This is the challenge that national parliaments have to face. The committees on gender equality have a very important—and difficult—role to play to initiate actions and laws that promote gender equality. It is important that all parliamentarians find the right way to engage their national parliaments in the fight against domestic violence in the spirit of the Council of Europe campaign.

The Inter-parliamentary Union seminar has provided an opportunity to examine experiences and identify the obstacles that often have to be faced. The Parliamentary Assembly welcomed the Resolution adopted by the IPU in May 2006 on the issue of violence against women and is looking forward to future cooperation at the European and international levels. It would be particularly beneficial if some concrete actions could be identified that the IPU, the Parliamentary Assembly of the Council of Europe and national parliaments could undertake together in the near future. ■

Further information can be found at:
www.coe.int/stopviolence/assembly.



**SUPPORTING THE WORK OF PARLIAMENTARY
COMMITTEES ON GENDER ISSUES**

7

Overview and Debate

Overview of the session

The last session addressed the question of how international and regional organizations, or regional parliamentary associations, can support the work of national gender committees. The panellists were Ms. Kolthoff, President of the European Women's Lobby and Mr. Johnsson, Secretary General of the IPU.

Citing examples from the European Women's Lobby (EWL), Ms. Kolthoff illustrated some of the ways in which **regional organizations** have encouraged the development of specific institutional mechanisms on gender equality "as indispensable tools for the implementation of legislation and political commitments in this area", particularly gender mainstreaming. Such mechanisms are often based on a horizontal strategy of involving a range of actors across different sectors, which can benefit greatly from assistance given by actors in both national and international institutions. Ms. Kolthoff noted that it was important to support the work of parliamentary committees on gender issues as they were instrumental to ensuring that gender equality, women's rights and women's human rights were taken into consideration in all national policies. Committees could also serve as a forum for women's organizations to present their views on policy.

In his speech, Mr. Johnsson examined the way in which **attitudes of international organizations** have changed regarding the willingness to support the work of parliaments. Fifteen years ago, such cooperation was extremely rare. Because of the impact of international conferences, such as the Beijing Conference on Women in 1995, and international initiatives promoting the concept of "good governance", that situation had changed greatly and it was now much "easier to obtain assistance for par-

liaments generally and to women and gender issues in parliament specifically."

Mr. Johnsson then outlined the various ways in which **development assistance** was channelled for projects that targeted women and sought to promote gender equality. International and regional organizations and parliamentary associations support the work of national gender committees in different ways and examples of donor agencies supporting such work were highlighted. For example, institutions such as the UNDP and the World Bank Institute provide training and capacity-building programmes and support the work of parliamentary committees. The United Nations Peacebuilding Commission is doing important work in countries emerging from conflict.

The IPU pays particular attention to promoting gender equality activities in post-conflict countries, and with the assistance of the United Nations Democracy Fund, the organization is providing support to parliamentary bodies dealing with gender equality in Burundi. In addition, Mr. Johnsson noted the important work **regional organizations and forums**, such as the European Union and SADC Parliamentary Forum, were doing to support the work of national parliaments. Mr. Johnsson ended by noting that there was room to further strengthen ties between the United Nations and national parliaments. Parliamentarians have an important role in translating the decisions of the United Nations into national laws, budgets and policies.

Plenary debate

The discussion was opened to the plenary and several interesting points were raised. It was noted that parliamentarians could **build bridges between**

cultures and between regions. Such bridges, or linkages, can foster constructive interdependence, which in turn can help to prevent the outbreak of conflict. Women have a particular contribution to make to peace- building efforts, as well as to conflict prevention.

The importance of fostering **regional support** and solidarity was underscored, as in the case of the work being done at the European level with the Council of Europe and the European Parliament. It was noted that in Southern Africa, there was a palpable regional dynamic, with important work being done by the Southern African Development Community (SADC) Women's Parliamentary Caucus. Additionally, meetings are convened for chairpersons of women's caucuses in the sub-region, which provide an important forum for exchanging experiences and tackling key policy areas, such as violence against women and trafficking.

It was also noted that the IPU played an important role in fostering debates, providing comparative experience and building solidarity at the international

level. Parliamentarians are in the best position to see what is happening in their own countries, and because of this it is important for them **to participate closely with each another**, to obtain a global view. The role of international institutions in helping create benchmarks for parliamentary bodies to aid their work in measuring progress was stressed.

All participants expressed a desire to see **greater efforts** made to strengthen parliament's ability to contribute in the international arena, with the hope of promoting gender equality and defending the human rights of both men and women. The IPU was thanked warmly for convening the meeting and providing a global forum to debate key issues affecting women and men around the world. Participants pledged to seek to implement the recommendations emerging from the seminar and to do the best they could as parliamentarians and representatives of the people. Participants agreed that it was important to take the messages of the meetings to the parliaments not present and to continue cooperation on these issues, in partnership with men. ■

The European Women's Lobby

Ms. Kristi Kolthoff President of the European Women's Lobby

This presentation discusses the European Women's Lobby (EWL), its work and its political power and influence. It then discusses gender committees more specifically.

The EWL is a non-governmental organization (NGO) that brings together over 4000 women's organizations working to promote equality between women and men and to ensure that gender equality and women's human rights are taken into consideration in all European Union (EU) policies. The EWL membership is composed of 27 national coordinators of women's organizations in the current EU member States and accession countries as well as 18 Europe-wide and international networks.

Why the European Women's European Lobby? Women constitute 53 per cent of the adult population in the EU and, as is well known, women are mainly responsible for the housework and the family. They earn less than men and hold fewer seats in most of the parliaments in the EU. There is also the important issue of violence against women. We live in a patriarchal society where women are subordinated to and in many cases dependent on men.

It is necessary to tackle issues regarding equality between men and women at the EU level and to get women interested in and to understand the relationship between EU-level and national-level politics. Lobbying has to be undertaken at all political levels: EU, national and local; and through contacts with governments, parliamentarians and civil servants.

The EWL's work programme focuses on: (a) women and economic justice, including labour market issues, employment legislation and social policies; (b) women in political decision-making and institutional roles; (c) violence against women and women's human rights; and (d) issues linked to immigration and asylum. The structure of the EWL is built on a democratic organization with its head office in Brussels where it can follow the everyday

work of the EU institutions and where the expertise of the organization is based—its policy officers. For its lobbying to be effective, the EWL must liaise with and be represented in several EU institutions. In addition, coordination must be carried out at the national level. External liaison and international representation in civil society is also important to our work.

Institutional mechanisms for gender equality

In carrying out its work, the EWL has been promoting and lobbying in favour of specific institutional mechanisms on equality between women and men, which it regards as indispensable tools for the implementation of legislation and political commitments in this area. In particular, the implementation of gender mainstreaming requires strong institutional mechanisms because this horizontal strategy needs coordinated action by a wide range of actors in public institutions. Training programmes are also important in order for implementation to take place.

Parliamentary committees on gender issues are instrumental to ensuring that gender equality, women's rights and women's human rights are taken into consideration in all national policies, and to strengthening the work for equality between men and women.

The EWL does not believe that gender mainstreaming can be effectively implemented without

using the ‘gender budgeting’ tool. A few years ago EWL published a manual on gender budgeting from a European perspective. Gender budgeting should be used during planning and also to show the results that have been achieved from the intentions expressed in the many documents published in the more than 10 years since the Beijing Women’s Conference—with very few obvious results up to the present day.

The Beijing Platform for Action is being followed up by the EWL. It undertakes specific work on violence against women as well as promoting women in leadership and decision-making positions, with the aim of parity and better democracy—an accepted principle of the EU. The EWL wants to get the balance right and has worked since the enlargements of the EU, through broad outreach, to strengthen cooperation between women’s organizations across Europe. Many women who were active in women’s organizations in different countries in Europe are now parliamentarians.

Parliamentary committees on gender issues are instrumental to ensuring that gender equality, women’s rights and women’s human rights are taken into consideration in all national policies, and to strengthening the work for equality between men and women. Parliamentary committees dedicated to women’s rights and/or equality between women and men can—and where they exist do—play a crucial role in advancing gender equality because they are bodies created to focus on these issues and are composed of elected representatives. The EWL therefore regards them as privileged forums for interaction between civil society, particularly women’s organizations, and elected decision makers. It also sees them as playing a central part in legislative decision making in terms of both debating and drafting legislation. They are therefore a forum for women’s organizations to present their views on important policy issues and to attempt to influence the process through technical work with parliamentarians. A crucial and important related issue is that it should be possible for NGOs, especially women’s NGOs, representing civil society to be given funding for their work.

EWL’s work with parliamentary committees at the European level

As mentioned above, the EWL’s objective is to represent the views and positions of its membership to EU institutions. The only European institution that

is directly elected by EU citizens is the European Parliament—a privileged interlocutor for civil society organizations, including the EWL. The EWL follows the work of several committees of the European Parliament (e.g., social affairs and civil liberties) but its main partner is the Committee on Women’s Rights and Gender Equality.

This Committee scrutinizes draft legislation, policies and political actions wherever they affect women. It organizes public hearings and defends the budget for women’s programmes. The Committee is also a vital arena for increasing the visibility of gender issues. It can act, on the one hand, through initiative reports on issues on the agenda linked to women’s rights while, on the other hand, acting in its legislative role to press for the adoption of directives in the area of gender equality. This Committee is of great importance to the EWL in terms of giving it an opportunity to provide inputs into the policy making process. The EWL often contributes to the work of committees of the European Parliament by proposing changes, from a gender-based viewpoint, to texts that are being discussed. This is carried out either at its own initiative, when the European Parliament is discussing an issue or a theme where the EWL has a mandate to act or a position to defend, or at the request of a member of the European Parliament. As an actor in civil society, the EWL is a valued resource for parliamentarians at the European level.

It should be noted, however, that the European Parliament Committee on Women’s rights is only a ‘non legislative’ supplementary committee, that its existence has been called into question several times and that the EWL has conducted a number of campaigns to prevent it from being abolished. All this highlights the need for a stronger status for gender-specific institutional mechanisms.

Experience at the EWL proves that, in order to integrate action or wording on equality between women and men, it is necessary to have committed Members of the European Parliament working with women’s organizations to push and support them—even in such vital areas as human rights. For gender issues and women’s rights to be taken into account in all areas requires constant vigilance as well as concrete work and the availability of committed actors and expertise from civil society. Even then, of course, this kind of action is only sometimes successful.

The EWL believes that its work at the European level can serve as a model for work at the national

level. It follows with great interest the development of national gender committees dedicated to equality between women and men and welcomes the fact that committees are being established in more countries, which it regards as allies for its members and for women's organizations in promoting gender equality. There are also many examples of women parliamentarians organizing themselves at the national level, working together on issues and working together with women's organizations organized in different ways in order to strengthen women's voices.

Conclusions

- The importance of specific institutional mechanisms for the advancement of equality between women and men has to be recognized. This has been highlighted for many years at international level, particularly in the Beijing Platform for Action.
- Inside parliamentary assemblies, it is crucial that committees should be devoted to fostering and monitoring the achievement of equality between women and men in laws and policy, working as actors for political changes to the institutions, as well as working as an asset for civil dialogue and providing a venue for women's organizations to contribute to policy making.
- Gender-specific parliamentary committees should be created in all countries, and given a political legitimacy that gives them the means to work towards the structural and cultural changes needed to achieve gender equality.
- Parliamentary committees should be the allies of women's organizations working for the integration of a gender perspective in all areas.
- More effort, expertise and training is needed in order for gender mainstreaming to become a reality.
- The EWL is committed to continuing to work with parliamentarians at both the European and the national levels in order to achieve equality between women and men.
- It can be seen from the above that there is wide scope for joint work between the EWL and parliamentarians in the future. ■

The Role of International and Regional Organizations

Mr. Anders B. Johnsson Secretary General, Inter-Parliamentary Union

The subject on which I have been asked to speak is one that is very close to my heart: how regional and international support can be given to parliaments, in particular through the committees in parliament that deal with gender equality issues.

When I joined the IPU in 1991, the organization was re-launching a programme to provide assistance to parliaments. At that time, approaching the United Nations and the donor community at large for support for parliaments was an obstacle race. The first hurdle was an argument frequently advanced by international organizations: parliaments were political entities and international intergovernmental bodies could not work with political entities. That would have been tantamount to interfering in very sacred political processes and in the very delicate relationship between the executive and legislative branches of government. Hence, no assistance could be provided, a view that a very senior official reiterated to me in 1992. It had never occurred to that official that by providing considerable assistance to the executive but none to the legislative branch, the organization concerned was already upsetting, in no small way, the delicate balance of power between the two branches of government.

There is much that can be done to ensure that parliament has the wherewithal to advance the equality agenda and defend women's rights.

Moreover, the concept of providing assistance on gender issues, particularly ensuring gender equality and women's participation in politics, had not yet gained the acceptance that it has today. It was even more difficult to persuade anyone to support the IPU,

and parliaments, in assisting women in parliament who were bent on advancing the cause of gender equality.

Development assistance for gender equality

Today, the situation has changed and there are two factors that have contributed to that. First, in the 1990s, the debate on development assistance, which had been ongoing in one form or another for 50 years, started to focus on good governance. In 1997, the United Nations Development Programme (UNDP) held a major conference in New York on Governance for Sustainable Growth and Equity, which was one of the turning points in the history of international development cooperation assistance. At that conference, it was formally acknowledged that in order to achieve development, it was necessary to have sound institutions. It was then relatively easy to take the next step and acknowledge that a solid and effective parliament was the key to having effective institutions. Thereafter, it became significantly easier to obtain international support for strengthening parliament as an institution. Today, for example, the UNDP is involved in providing support, directly or indirectly, to the parliaments of at least half of the developing countries in the world.

The second factor was, of course, the Fourth World Conference on Women (Beijing, 1995) which, more than any other previous conference of its kind, placed the issue of women and politics firmly on its agenda. The Beijing Platform for Action ensured follow-up of the recommendations of the Conference, and assistance programmes were created to provide support more systematically to those working to ensure that women become equal partners in politics and in public affairs.

Since the end of the 1990s, and certainly since the beginning of this new millennium, it has become much easier to obtain assistance both for parliaments and for women's and gender issues in parliament. The IPU has 15 years of experience in seeking assistance, and I would like to share with you some of the lessons we have learned.

Multilateral support

1. Within the entire United Nations system, the **United Nations Development Programme (UNDP)** is the natural partner for most parliaments. Most countries—developed and developing alike—host UNDP offices that manage country programmes of varying importance. The UNDP has the remit, within the framework of its work programme, to strengthen parliaments and parliamentary committees. Programmes of this nature are of course negotiated within the larger context of the United Nations' relations with its Member States.

In the late 1990s and early twenty-first century, the UNDP underwent a decentralization process. From a centralized organization with most of the important decisions being taken in New York, it has become an almost entirely decentralized organization where almost all major decisions are taken by the heads of the UNDP country offices. When seeking support from UNDP, one's first point of contact should therefore be the UNDP Resident Representative in one's country. It may be useful to know the scope of the programme for your country and submit suggestions, if appropriate, on improving it, particularly from a gender perspective.

2. The **United Nations Development Fund for Women (UNIFEM)**—a component of UNDP—deals specifically with women's and gender equality issues. Over the past few years, the Fund has become more active in dealing with issues relating specifically to women and politics. It has been active in the Great Lakes Region of Africa, in the Arab world, in the Gulf States, in Latin America, etc., and has helped organize seminars and workshops, providing funding and resources, in an effort to mobilize women, mainly on women's and equality issues.

3. The **World Bank Institute (WBI)** is a training and capacity-building institute. In recent years its focus has been largely on the budget process in parliament, and on working to strengthen public accounts committees, public enterprise committees and budget committees in parliament. The IPU has collaborated with WBI on many of these projects, and for some years it has joined efforts to develop gender-friendly or gender-sensitive budgets. The WBI and the IPU, together with UNDP and UNIFEM, have organized several seminars together and have jointly produced a handbook on parliament, budget and gender.

4. The United Nations has recently developed two new mechanisms that are also important sources of funding for parliaments: the **United Nations Democracy Fund (UNDEF)** and the **United Nations Peacebuilding Commission**. Both were established at the end of 2005 in the context of the reform of the United Nations. UNDEF has millions of dollars that have been contributed by donors, both in the North and South, which are intended for projects that serve to strengthen democracy in countries.

UNDEF has been supportive in providing assistance to parliamentary projects. In fact, two of the three projects the IPU submitted last year to UNDEF for funding received immediate funding. One of those projects aims to provide support to women in the Parliament of Burundi.

The new United Nations Peacebuilding Commission was set up by the United Nations to examine peace-building processes. Many countries are coming out of situations of conflict and there has been and may still be a strong United Nations presence in some of them. Until recently, the United Nations has focused on securing peace in a country by getting the parties to the conflict to the negotiating table and helping them to agree upon a peaceful resolution of the conflict, which basically amounted to electing a parliament that could lead to the formation of a government. Once that was achieved, the United Nations support tended to dwindle. Any further support the United Nations provided to the institutions of that country was often exclusively geared towards the government, even though the whole point of the process was to elect a parliament.

The Peacebuilding Commission was created in an attempt to change that logic and to make sure that the United Nations continues to provide support beyond the elections and on a multi-institutional basis. With that in mind, we have approached the Peacebuilding Commission and have suggested that they work with the IPU and with parliaments. This was positively met by the Chairperson of the Commission, who has invited the IPU to be part of this exercise.

The role of women is extremely important in peace-building. Women have had to assume responsibilities and play roles that they were most certainly not playing before the onset of the conflict. During the conflict in these countries, women have suffered far more than men. Therefore, there is a political awareness among women of the real impact and consequences of war and conflict and of the need to make sure that the country does not relapse into conflict. Thus, women need to be part and parcel of the peace-building process. That is why, in all of these operations, we insist that, when one talks about building peace in countries coming out of conflict, attention is paid to gender equality issues, to issues of women's participation in the running of the country and the running of public affairs, in politics and in parliament. We need to ensure that this dimension is factored into all projects that the international community is funding to support these countries. Hence my insistence that the work of the Peacebuilding Commission must be adapted so that women's issues and gender equality issues make up a prominent part of its work.

Bilateral support

5. Outside the United Nations system, there is the traditional **donor community**, the bilateral donors. I would like to pay tribute to the Swedish Government, which has a mechanism for development cooperation assistance in the form of the Swedish International Development Cooperation Agency (Sida). For many years Sida has provided generous support to the IPU, including for the Gender Partnership Programme, gender equality issues and women's participation in politics. It has also provided funding for this meeting.

Most bilateral programmes between donor countries and recipient countries do not actually go through parliament. This is regrettable, as parliaments in recipient countries should have a good overview of, and more importantly, provide an input into what kind of development projects are being funded by other donors in their country. I would suggest that you bring this matter up in your parliaments and find out what, if anything is being done to provide support for the parliament itself and for its efforts to ensure gender equality in society.

6. The **European Union** is an entity in a league of its own. It has funds at its disposal for technical assistance. Recently, the European Parliament started to take an interest in what the European Union and the European Commission do in terms of development support. This is a very positive development because the European Parliament has the potential to influence the kind of action the Commission takes by way of support.

Regional support

7. The third category of support mechanisms is **regional parliamentary associations** and assemblies. There are not many in the Asia-Pacific region and the Arab world. However, the Arab Inter-Parliamentary Union was formed a couple of years ago to provide support to parliaments, much of it focusing on gender equality issues, the budget process, etc.

In Africa the situation is different. There is a wealth of parliamentary assemblies, such as the Pan-African Parliament and the Union of African Parliaments, and there are regional and sub-regional structures in place, such as the Southern African Development Community Parliamentary Forum (SADC PF). However, most of them are not assistance providers, with the exception of SADC PF.

In Latin America, the situation is similar, with the exception, possibly, of the Latin American Parliament. In Europe, the European Parliament does not provide assistance and support. It does, however, provide members of parliament and parliamentary staff with on-the-job training in the European Parliament, but will not engage in providing support externally.

IPU technical assistance

When working on technical assistance projects, IPU follows some very simple but highly important principles. The first is that it works with the institution itself, not with different parties or individuals. The relationship is forged between the IPU and the institution of parliament and the assistance is provided for the benefit of the institution of parliament. In other words, the beneficiaries are all the political parties equally and all the members of parliament equally. This makes eminent sense, not only politically, but also from an aid-providing point of view, because it means that although members of parliament may come and go, the benefit of the assistance remains in the parliament.

The second principle is that it is the parliament itself that is in the driver's seat. The IPU does not believe that assistance should be imposed by an outside party. The desire to work with others to strengthen parliament must be expressed by the parliament. This has a number of ramifications. For example, it means that you will not find the IPU coming to a country and establishing large structures and offices for people to come and do the work. We believe it is up to the parliament to do that: parliament has to establish a structure; parliament has to establish a mechanism for making sure that a project can be run; parliament has to assume the responsibility. Our role should only be to provide assistance to parliaments. We should not be running projects for them; they should be running the projects themselves.

In the case of Burundi, for instance, the IPU was asked to make an overall assessment of the parliament, and developed a project of support over a four-year period. This is the minimum period for the parliament to be receiving assistance from the international community and the IPU.

The Transitional Parliament of Burundi played a very important role during the whole transition period. When the political agreements had been negotiated, under former South African President Mandela, and agreements had been reached in Arusha, it was the parliamentarians who went around the country lobbying for popular support through a referendum on the agreement. The international community and the IPU provided support to the Transitional Parliament throughout this period.

Women played a strong and active role during this time and were very forceful in trying to make

sure that they were part of the political process. Their efforts paid off as one-third of the members of the Parliament of Burundi are women. There is a need to provide support to these women, but the project of support should also make sure that parliament as an institution, with all its members, can be effective in addressing gender equality issues.

The project consists of convening seminars in Burundi so that all members of parliament are informed of the international and regional conventions and norms that exist in relation to women's rights and gender equality; holding budget seminars, with a particular focus on gender; providing technical support; and helping create a multi-year work programme or road map for the parliament on gender equality issues. From the contacts we have had with women in the Burundi Parliament, we already know that violence against women is high on their agenda, as is the right to inheritance and to own property. Education also features prominently.

Additionally, we will try to develop a knowledge base so that documentation and information are available to men and women parliamentarians. There will be seminars and workshops to strengthen their capacity as legislators, to make sure that they can seize the opportunity they now have to legislate in this area. There will also be activities that are specifically focused on the women themselves. So we are making sure that there will be exchanges of experience between the women parliamentarians in Burundi and women parliamentarians from other countries, primarily Africa.

Parliaments and the United Nations

I would like to close by saying something about the relationship between parliamentarians, parliament, and the United Nations. One delegate mentioned that no one listens to parliamentarians at the United Nations, and if one looks at the resolutions that are adopted by the General Assembly, there is not much about parliaments in them. The reason for that is very simple. When I talk about the United Nations, I am not talking about the entities, the programmes, the Secretariat, etc. I am talking about the United Nations and its Member States, because it is a Member State-driven organization. Member States at the United Nations are represented by ministers, heads of State, heads of government, ambassadors: the ex-

executive branch of government. For them, parliamentarians do not exist internationally; you only exist at home; you are important at home and they will all pay lip service to that, but they are not comfortable with the thought of you having a role in international affairs.

At one level, one can understand this because diplomacy (if that is how you define international affairs) has traditionally been considered as the exclusive domain of the executive. Diplomacy (and most people associate diplomacy with secret negotiations) cannot be carried out in public; they have to be carried out by government agents. But the world has changed enormously and, today, most issues that parliaments deal with are also dealt with by international bodies, by the United Nations, and other international actors. So, what the United Nations does is extremely important for you, in parliament, and vice versa.

The situation has significantly changed though. When the UN Secretary-General travels, he will almost always ask to be received in parliament. If he can, he will address the whole parliament; if not, he will at least have meetings with the Speaker and with the leadership in parliament, and he will ask parliament to be supportive of the United Nations because whatever decisions the diplomats may take, nothing will happen unless they are translated into national laws, national budgets and national policy.

This is not however a one-way relationship. It is not simply a question of parliamentarians being supportive of the United Nations. Diplomats too are accountable. The same accountability that you demand of the government, you demand of the United Nations. The United Nations is funded by you, by the budgets that you approve. There is no separate currency being printed somewhere to fund the United Nations; it is your money, it is the people from your countries who are paying for this and, therefore, you can hold the United Nations to account. I think that, little by little, there will be a growing understanding of this, and little by little, you will see the word “parliament” creeping into some of the major resolutions at the United Nations.

The first major breakthrough came in 2000 when the IPU brought the Speakers of Parliaments to the General Assembly on the occasion of the Millennium Summit. The Millennium Declaration contains a very clear reference to the need for much closer cooperation between the United Nations and parlia-

ments. It refers specifically to the IPU as the channel of interaction with parliaments. Diplomats have generally been hesitant to any significant involvement of parliaments in international relations within the context of the United Nations, as they see this more as a matter for the executive.

The next step was taken in 2005 when the follow-up Summit made a specific recommendation for strengthening this relationship. This time the notion that regional parliamentary associations and assemblies could also play an important role was added: organizations like the SADC Parliamentary Forum, for example, should also be included in the equation. The 2006 resolution on cooperation between the United Nations and the IPU is very substantive and deals with involving the IPU in the planning process at the United Nations, where the strategic planning occurs in the interest of coherence of the United Nations system.

None of this could ever have happened without you. There is a very clear situation here of cause and effect. The best example of your invaluable role is this: on Monday, 17 October 2006, a draft resolution on UN-IPU cooperation was presented here in Geneva to the Governing Council of the IPU. Later that day, it was formally submitted to the United Nations General Assembly by the delegation of Italy. It had ten sponsors. Four days later, that resolution was adopted by consensus, having received the formal sponsorship of 133 countries—123 had signed up in four days. Most of those who signed up did so because they had received a call from you, and they had been told that this was important to parliament.

So, what lesson do we draw from this? The lesson, in my view, is very simple, and I am going to make a very concrete suggestion in this respect. The Commission on the Status of Women meets once a year; its deliberations lead to the adoption of a report and resolutions. These texts are negotiated during the session of the Commission on the Status of Women. We try to get some kind of recognition at that forum. There has been a modicum of success, a word here or there, the odd concession. In 2007, the Commission on the Status of Women will be meeting at the end of February and in the first half of March. At the end of its deliberations, it will issue a report and resolutions. So, let us put it to the test; let us agree on what we want to see, from a parliamentary perspective and let us ask the parliaments to talk to their ministers. If you do this well beforehand, I am

convinced from past experience that it will be possible to get the much more substantive reference in the text on a role for parliament and parliamentarians.

This is the point that I would like to end on. There is much that can be done to ensure that parliament has the wherewithal to advance the equality agenda and defend women's rights. There are plenty

of funds out there and a wealth of mechanisms and opportunities; but they are not really being recognized as being for your benefit. I think that these resolutions are important opportunities to establish very clearly that there has to be much more focus on parliament and what parliament needs in order to change this political equation. ■

List of Participants

Mrs. Mónica XAVIER

Member of the Senate of Uruguay, President of the IPU Coordinating Committee of Women Parliamentarians

Mr. Anders B. JOHANSSON

Secretary General of the Inter-Parliamentary Union

Guest speaker

Mrs. Anne-Marie LIZIN

President of the Senate of Belgium

Panellists

AHLBERG, Ann-Christin (Ms.)

Member of Parliament, Member of the Committee on the Labour Market (Sweden)

CHACÓN ECHEVERRÍA, Ana Elena (Ms.)

Member of the Legislative Assembly, Chairperson of the Standing Committee on Women (Costa Rica)

CHARALAMBOUS, Sotiroula (Ms.)

Member of Parliament, Chairperson of the House Standing Committee on Equal Opportunities for Men and Women (Cyprus)

DÍAZ DELGADO, Blanca Judith (Ms.)

Senator, Chairperson of the Committee on Equality and Gender (Mexico)

FEHR, Wendy (Ms.)

UNHCR

KHAFAGY, Fatma (Dr.)

Policy/Legal Expert, former Director, Office of the Ombudsman on Gender Equality (Egypt)

KLATZER, Elizabeth (Ms.)

Expert, Gender budgeting, Watch Group Gender and Public Finance (Austria)

KOLTHOFF, Kirsti (Ms.)

President of the European Women's Lobby

ME, Angela (Ms.)

Chief of the Social and Demographic Statistical Division, United Nations Economic Commission for Europe

MAHLANGU NKABINDE, G.L. (Ms.)

Deputy Speaker of the National Assembly (South Africa)

MARTÍNEZ, María Antonia (Ms.)

Senator, First Vice-Chairperson of the Joint Committee on Women's Rights and Equal Opportunities (Spain)

MORNA LOWE, Colleen (Ms.)

Executive Director of Gender Links and Chair of the Gender and Media Southern Africa (GEMSA) Network (South Africa)

PATTEN, Pramila (Ms.)

Member of the United Nations Committee on the Elimination of Discrimination against Women

PEHLIVAN, Fatma (Ms.)

President of the Advisory Committee on Equal Opportunities (Belgium), Member of the Committee on Equal Opportunity for Women and Men of the Parliamentary Assembly of the Council of Europe

QARLSSON, Annika (Ms.)

Member of Parliament, Member of the Committee on the Labour Market (Sweden)

SAGHAL, Gita (Ms.)

Head of the Gender Unit, Amnesty International

TINDE, Gry Tina (Ms.)

Special Advisor to the High Commissioner for Refugees on Gender Issues

TIRATH, Krishna (Ms.)

Member of Parliament, Chairperson of the Committee on the Empowerment of Women (India)

UDOVENKO, Hennadiy (Mr.)

Chairman of the Sub-Committee on Human Rights of the Committee on Human Rights, National Minorities and Inter-Ethnic Relations (Ukraine)

ZOUEIN, Gilberte (Ms.)

Chairperson of the Committee on Women and Children, National Assembly (Lebanon)

Participants**Andorra****GONZALEZ REOLIT, Mariona (Ms.)**

Member of Parliament, Chairperson of the Committee on Social Affairs

RODRIGUEZ, Arantxa (Ms.)

Administrative Secretary

Angola**NGOLO MANUVAKOLA, Eugénio Antonio (Mr.)**

Member of the National Assembly, Chairperson of the Committee on Health, the Environment, Social Work, Labour, Former Combatants, Families, Children and the Advancement of Women

JARDIM, Maria Fatima (Ms.)

Member of the National Assembly

Austria**HLAVAC, Elisabeth (Ms.)**

Member of the National Council

BRINEK, Gertrude (Ms.)

Member of the National Council

LANDERTSHAMMER, Sophie (Ms.)

Secretary to the delegation

Belgium**PEHLIVAN, Fatma (Ms.)**

Senator, President of the Advisory Committee on Equal Opportunities

HAENEN, Viviane (Ms.)

Assistant Advisor, Committee Secretary

Brazil**ROSADO, Sandra (Ms.)**

Member of the Chamber of Deputies

HELENA, María (Ms.)

Member of the Chamber of Deputies

MARANHAO, Bejanmin (Mr.)

Member of the Chamber of Deputies

Bulgaria**LYBCHEVA, Marusya (Ms.)**

Member of the National Assembly, Member of the Committee on Human Rights and Religious Affairs

MARGARITOVA, Svetla (Ms.)

Committee Counsellor

Cambodia**KHLOTH, Tongphka (Ms.)**

Senator, Chairperson of the Committee on Health, Veteran, Youth Rehabilitation, Labour, Vocational Training and Women's Affairs

UNG KONG (Mr.)

Assistant

Chile**CRISTI MARFIL, María Angélica (Ms.)**

Member of the Chamber of Deputies, Member of the Standing Committee on the Family

SEPULVEDA ORBANES, Alejandra (Ms.)

Member of the Chamber of Deputies, Chairperson of the Committee on Agriculture, Forests and Rural Development

Costa Rica**CHACÓN ECHEVERRÍA, Ana Elena (Ms.)**

Member of the Legislative Assembly, Chairperson of the Standing Committee on Women

Croatia

SOBOL, Gordana (Ms.)

Member of Parliament, Chairperson of the Committee on Gender Equality

CAPARIN, Karmela (Ms.)

Member of Parliament, Vice-Chairperson of the Committee on Gender Equality

Cyprus

CHARALAMBOUS, Sotiroula (Ms.)

Member of Parliament, Chairperson of the House Standing Committee on Equal Opportunities for Men and Women

Ghana

OBENG-DAPAAH, Esther (Ms.)

Member of Parliament, Chairperson of the Committee on Gender and Children

ODAI LARYEA, Abraham (Mr.)

Member of Parliament, Vice-Chairperson of the Committee on Gender and Children

MENSAH-AZUMAH, Juliana (Ms.)

Member of Parliament, Ranking member of the Committee on Gender and Children

Greece

KOLLIA-TSAROUHA, Maria (Ms.)

Member of Parliament, Chairperson of the Committee for Gender Equality

MERENTITI, Athanasia (Ms.)

Member of Parliament, Member of the Committee for Gender Equality

Hungary

MÜLLER SZABÓ, Tímea (Ms.)

Member of National Assembly, Member of the Committee on Human Rights, Minority, Civil and Religious Affairs

PETTKÓ, Andras (Mr.)

Member of National Assembly, Member of the Committee on Human Rights, Minority, Civil and Religious Affairs

NAGY, Bernadett (Ms.)

Secretary of the delegation

India

TIRATH, Krishna (Ms.)

Member of Parliament, Chairperson of the Committee on the Empowerment of Women

MADHWARAJ, Manorama (Ms.)

Member of Parliament

UIKEY, Anusuiya (Miss)

Member of Parliament

KUMAR, Abhijit (Mr.)

Deputy Secretary, Lok Sabha Secretariat

SINGH, Swashpawan (Mr./)

Ambassador, Permanent Representative, Geneva

GROVER, M.S. (Mr.)

Deputy Permanent Representative, Geneva

CHANDER, Rajiv (Mr.)

Minister, Permanent Mission of India, Geneva

ILLANGO, K. (Mr.)

Counsellor, Permanent Mission of India, Geneva

TRIVEDI, V.K. (Mr.)

First Secretary, Permanent Mission of India, Geneva

Israel

SOLODKIN, Marina (Mrs.)

Member of the Knesset

LEVANON, Ithzak (Mr.)

Ambassador, Permanent Representative, Geneva

Kazakhstan

KADYROVA, Zaure (Mrs.)

Member of the House of Representatives, Chairperson of the Committee on Social and Cultural Development

TARASSENKO, Yelena (Mrs.)

Member of the House of Representatives, Member of the Committee on Social and Cultural Development

SHALAKHMETOV, Gadilbek (Mr.)

Member of House of Representatives, Member of the Committee on Social and Cultural development

Kuwait

AL-SHIMMIRI, Doaj Khalaf (Mr.)

Member of the National Assembly, Member of the Committee on Women's Affairs

AL-SHAYA', Faisal Fahad (Mr.)

Member of the National Assembly

AL-SAR'AWI, Abdel Abdulaziz (Mr.)

Member of the National Assembly

GHULOUM, Jaafar Ali Abbas (Mr.)

Head of International Affairs

AL-ENEZI, Shihab Jihad (Mr.)

Adviser

Lebanon

ZOUEIN, Gilberte (Ms.)

Member of the National Assembly, Chairperson of the Committee on Women and Children

Luxembourg

BETTEL, Xavier (Mr.)

Member of the Chamber of Deputies, Member of the Committee on Family, Equal Opportunities and Youth

Malta

PULI, Clyde (Mr.)

Member of the House of Representatives, Chairperson of the Social Affairs Committee

Mexico

DÍAZ DELGADO, Blanca Judith (Ms.)

Senator, Chairperson of the Committee on Equality and Gender

Niger

ZAKRI, Aminatou Habibou (Ms.)

Member of the National Assembly

Nigeria

SANI, Saudatu (Mrs.)

Member of the House of Representatives, Chairperson of the Committee on Women Affairs and Youth Development

BELLO SULAIMAN, Mohammed (Mr.)

Member of the House of Representatives, Vice-Chairperson of the Committee on Women Affairs and Youth Development

OGBIMI, Mary O. (Ms.)

Committee Secretary, Administrative Head of the House Committee on Women Affairs and Youth Development

Pakistan

LATIF, Tahira (Mrs.)

Member of the Senate, Chairperson of the Committee on Women Development

ZUBERI, Rukhsana (Ms.)

Member of the Senate, Member of the Committee on Women Development

AGHA PARI, Gul (Ms.)

Member of the Senate, Member of the Committee on Women Development

SIDDIQUI, Semeen (Ms.)

Member of the Senate, Member of the Committee on Women Development

MUHAMMAD KHAN, Takir (Mr.)

Section Officer, Senate

Poland

MIECZYSLAW, Augustiyn (Mr.)

Senator, Deputy Chairman of the Family and Social Policy Committee

TRYBUKA, Zbigniew (Mr.)

Senator

Portugal

SANTOS, Isabel (Ms.)

Member of Parliament, Member of the Sub-committee on Equal Opportunities of the Committee on Constitutional Affairs, Rights, Liberties and Guaranties

PACHECO, Duarte (Mr.)

Member of the Assembly of the Republic

Romania

ARDELEAN, Cornelia (Ms.)

Member of the Chamber of Deputies, Vice-President

of the Committee on Equal Opportunities for Women and Men

RUS, Ioan Aurel (Mr.)

Member of the Chamber of Deputies, Secretary of the Committee on Equal Opportunities for Women and Men

IORGA, Marian (Mr.)

Senator, Vice-Chairman of the Committee for Equal Opportunities

LEPADATU, Lucia-Cornelia (Mrs.)

Advisor to the Committee

DUMITRESCU, Cristina (Ms.)

Head of Division, International Parliamentary Relations Department, Senate

DOBRATER, Lucian-Nicolae (Mr.)

Advisor, Chamber of Deputies

Slovenia

ŠIRCA, Majda (Ms.)

Member of Parliament

South Africa

MAHLANGU NKABINDE, G.L. (Ms.)

Deputy Speaker of the National Assembly

BOTHA, C.S. (Ms.)

Member of the National Assembly, House Chairperson of the Committee on Internal Arrangements

MOROTUA, M. R. (Ms.)

Member of the National Assembly, Chairperson of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women

MABE, E.S. (Ms.)

Member of the National Assembly, Deputy Chair of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women

MDLALOSE, M.M. (Mrs.)

Member of the National Assembly, Deputy Chairperson of the Parliamentary Women Caucus

RWEXANA, Sindiswa (Ms.)

Member of Parliament

RUSTIN, C. (Ms.)

Researcher

PAUW, S. (Ms.)

Secretary to the Delegation

MEYER, F. (Ms.)

Personal Assistant to the Deputy Speaker

Spain

MARTÍNEZ, María Antonia (Ms.)

Senator, First Vice-Chairperson of the Joint Committee on Women's Rights and Equal Opportunities

PÉREZ ANGUIA, Maria Dolores (Ms.)

Member of the Congress of Deputies, Member of the Joint Committee on Women's Rights and Equal Opportunities

FERNÁNDEZ-DELGADO, Belén (Ms.)

Senator, Member of the Joint Committee on Women's Rights and Equal Opportunities

Suriname

RADJKOEMAR, Randjietsingh (Mr.)

Member of the National Assembly

RAME, Amatsoerdi (Mr.)

Member of the National Assembly

FERREIRA, Carmelita (Ms.)

Member of the National Assembly

JARAIM, Soedeshchand (Mr.)

Member of the National Assembly

ABAUNA, Leendert (Mr.)

Member of the National Assembly

Sweden

QARLSSON, Annika (Ms.)

Member of Parliament, Member of the Committee on the Labour Market

AHLBERG, Ann-Christin (Ms.)

Member of Parliament, Member of the Committee on the Labour Market

Ukraine

UDOVENKO, Hennadiy (Mr.)

Member of Parliament, Chairman of the Sub-Committee on Human Rights of the Committee on Human Rights, National Minorities and Inter-Ethnic Relations

Uruguay

XAVIER, Mónica (Ms.)

Senator, President of the IPU Coordinating Committee of Women Parliamentarians

GALVALISI, Carina (Ms.)

Advisor

Zimbabwe

MAHOFA, Shuvai Ben (Mrs.)

Member of Parliament, Chairperson of the Committee on Youth Development, Women's Affairs and Gender and Employment Creation, Member of the Committee on Lands, Agriculture, Water Development, Rural Resources and Resettlement

Observers

Parliamentary Assembly of the Council of Europe

AFFHOLDER, Sylvie (Ms.)

Deputy Secretary to the Committee on Equal Opportunities for Women and Men, Secretary to the Parliamentary Assembly of the Council of Europe

UNHCR

TINDE, Gry Tina (Ms.)

Special Advisor to the High Commissioner on Gender Issues

FEHR, Wendy (Ms.)

Other observers

DAHLERUP, Drude (Ms.)

Professor, Department of Political Science, University of Stockholm

Secretariat

Inter-Parliamentary Union

JABRE, Kareen (Ms.)

Manager, Programme for Partnership between Men and Women

BALLINGTON, Julie (Ms.)

Programme Officer, Programme for Partnership between Men and Women

CHOUKAIR, Zeina (Ms.)

Assistant Programme Officer, Programme for Partnership between Men and Women

SISTEK, Valeria (Ms.)

Administrative Assistant, Programme for Partnership between Men and Women