

Enhancing women's representation in parliamentary institutions- The institutional and legal framework

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In 2015, the United Nations Commission on the Status of Women will carry out a review and appraisal of the implementation of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995) and the outcomes of the twenty-third special session of the General Assembly (2000). This will mark the 20th anniversary of the two internationally adopted declarations that stress the need to ensure equal rights of men and women¹.

The inclusion of women, youth and marginalized groups in political processes and institutions is key to ensure proper representation and to meet the expectations of the constituencies. As a broader range of citizens take part in the political process, institutions become more responsive to the needs of all citizens. Expanding women's political participation leads to tangible gains for democratic governance.

This brief sets out a framework in which to address the objective outlined in Millennium Development Goal (MDG) 3, which aims to promote gender equality and empower women. Of the three targets set for this goal, one relates to political empowerment of women as measured by the proportion of seats held by women in national parliaments. In this paper we set out the key arguments for the importance of women's representation in democracies. We then assess the obstacles and strategies for increasing numerical representation through mechanisms such as quotas all the while highlighting the importance and relevance of women political participation.\

¹ <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/BeijingPlus20-GuidanceNote-en.pdf>

Women in politics: current trends and challenges

Inclusive and effective political institutions (parliament, constituent assemblies, and political parties) are critical to respond to citizen's expectations for voice, development and accountability: this requires a constant engagement with political actors on the ground, a high level of trust-building measures, responsiveness to quickly deliver on very technical demands and adaptability to volatile and highly fluid political environments².

My own experience has taught me that there is no limit to what women can do. If we are to achieve the Millennium Development Goals, we must do even better in tapping into women's strength, women's industry, and women's wisdom³.

Michelle Bachelet, speech launching UN Women, 24 February 2011

The international community has repeatedly stressed the need to ensure equal rights of men and women. The **Beijing Declaration** and the **Platform for Action** at the United Nations Fourth World Conference on Women (1995) committed the world's government to removing obstacles facing women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural, and political decision-making. The Convention on the Elimination of all forms of Discrimination against Women (**CEDAW**) reinforced this commitment, mandating that there be equality between women and men in terms of access to, and equal opportunities in, political and public life, including the right to vote and stand for election. The Millennium Development Goals (**MDGs**) also call for representative democracy as the key to good governance. MDG 3 in particular, specifically aims at promoting gender equality and women empowerment. In 2011, the UN General Assembly voted a **resolution on women and political participation (A/RES/66/130)** to recognize the central role of women in decision

²http://www.agora-parl.org/sites/default/files/lessons_learned.pdf

³ <http://www.unwomen.org/en/news/stories/2011/2/un-women-launch-remarks-by-usg-michelle-bachelet/#sthash.VTf4Mrz1.dpuf>

making and commit to concrete action to give women better access to leadership positions and elected office.

Women in parliaments: The years in review

Although a milestone has been reached in women's participation in parliament in 2012, with one in five MPs in the world being women⁴, the statistic felt far short of the 50 per cent that women represent in the global population. 2013 was marked as a year of records where the global average of women in parliaments is now at 21.8 per cent, up from 20.3 per cent in 2012 and 11.3 percent in 1995.. This represents a gain of 1.5 percentage points in a year. Women's share exceeds 30 per cent in 39 lower houses and in 16 upper houses and today stands at over 40 per cent in 15 of those chambers. At the other end of the scale, the number of chambers seating fewer than 10 per cent women remained more or less the same: 34 lower houses and 13 upper houses. The number of all-male chambers fell to five (down from 7)⁵.

In total, women secured 3,036 seats, accounting for 26.4 per cent of all members elected or appointed to parliament in 2013 in 49 countries. Another high in 2013!
Women in parliaments, 2013

This represents steady progress yet only two dozen countries worldwide have achieved the 30 percent target for women in decision-making positions set by the 1995 Beijing Platform. Yet, even with this slow rate of progress, developing countries, and many developing ones in fact, will not reach parity (where neither sex holds more than 60% of seats) until 2045. Since its mention in the Beijing Platform for Action in 1995 to its inclusion as a target in MDG3, the goal of reaching a critical mass of women in national legislatures around the world, which would mean having women in 1/3 of seats, has been the center pin of global efforts to achieve gender

⁴ IPU: Transforming the Parliament to redress the gender deficit: <http://iknowpolitics.org/en/2012/10/ipu-transforming-parliament-redress-gender-deficit>

⁵ <http://www.ipu.org/pdf/publications/WIP2013-e.pdf>

equality. These international conventions acknowledge that women leaders are more likely to represent the interests of women citizens, and that they will therefore introduce women's perspectives into policymaking and be able to achieve greater gains for women as a result. What this means, essentially, is that we are aiming for more than just equality of opportunity in national decision-making: we are aiming for equality in results from those decisions.

[Video: Women's Leadership – Be Part of the Solution!](#)



The number of women represented in **Viet Nam's** National Assembly has been declining over the past decade. Although 50% of its population is women, only 24% of elected positions are held by women. Women's under-representation in the decision making process make it difficult to ensure gender equality. If the current decline in the number of women in parliament and leadership in Viet Nam continues, the country could be in danger of stagnating in its socio-economic development

This video captures some practical solutions to reversing the declining trend and increasing women's representation rate from 24% to 35% in 2016 election. It is based on an extensive research with current and retired members of the National Assembly, the Women's Union, the Fatherland Front, the Government and civil society in Viet Nam. It calls for action to encourage women to take part in the decision making process.

I- Why women still under represented and what are the obstacles they face in entering politics?

Over the past few decades, considerable efforts have been made at national, regional and international levels to enhance women's range of opportunities in public life. Women remain globally under-represented in decision making bodies, both in elected and appointed positions. The comparatively low representation of women in elections is the result of many factors, namely but not limited to⁶:

- National legal frameworks that do guarantee equality of access and opportunity to participate in elections in all areas, including as candidates;
- Electoral systems are also not necessarily gender neutral; however, proportional systems offer a greater incentive for parties to draw up a diversified list of candidates;
- Practical or cultural obstacles to women's participation.

Additionally, economic dependence along with a lack of access to economic resources and employment, abuse of religious and traditional practices, patriarchal societal structures, prejudice and cultural stereotypes / perception about the role of women, limited education and political knowledge of women, lack of adequate funds and resources to engage in politics and run as candidates, violence against women in politics, and discriminatory institutional, political, legislative and electoral frameworks have discouraged and disadvantaged women in their quest for equitable political participation.

II- Constitutional and parliamentary mechanisms: entry points & opportunities

There are a number of constitutional and parliamentary mechanisms and opportunities that can address the barriers that prevent women from participating in politics and create an enabling

⁶ Promoting women's electoral and political participation through UN electoral assistance

http://toolkit-elections.unteamworks.org/?q=webfm_send/520

environment to promote equally effective participation of men and women in all governance institutions, including elected and appointed bodies.

1.1. Constitutional reform

Political rights and civil liberties for women embodied in the national constitution establish the broadest context for political gender equality. This is especially true for voting rights, the right to hold public office, and the right to exercise public functions, removing any residual forms of sex discrimination or limits to equal citizenship. Constitutions can also incorporate positive action provisions, including specifying reserved seats or the requirement for legal quotas. For example, the new **Tunisian constitution**⁷ is ground-breaking in its provisions to assure women's equality, in explicitly committing to eliminate violence against women, in promoting women's assumption of positions of responsibility in all sectors, and in working towards parity in all elected bodies within the country. Such clear recognition of the importance of equality and of the state's responsibility to enable the realization of equality is rare in constitutions anywhere in the world⁸.

1.2. Gender-sensitive/-responsive parliamentary working conditions and rules of procedures⁹

Parliamentary rules and procedures, and institutional facilities that regulate legislative bodies should be gender sensitive/responsive in order to foster the inclusion of women in all decision-making and leadership roles. Elected bodies should review their internal procedures to ensure inclusion of gender-sensitive policies, rules and code of conduct, structures and working

⁷ Advances for women in the new Tunisian Constitution
<http://www.agora-parl.org/resources/library/advances-women-new-tunisian-constitution>

⁸ Women in the new Tunisian Constitution
<http://www.agora-parl.org/resources/library/women-new-tunisian-constitution>

⁹ Gender mainstreaming in legislature
http://www.agora-parl.org/sites/default/files/ruta_capacidades_english.pdf

methods and conditions including consideration of parliamentary sitting hours such as the hours of parliamentary sitting and the provision of childcare and maternal facilities within parliaments.

Parliaments can also ensure that new women members have equal access to capacity development through induction programs and training on parliamentary rules, legislative drafting skills, and debating procedures.

Parliaments are well placed to champion the goal of gender equality and thus they can take ownership of the Plan of Action for Gender-sensitive Parliaments put forward by the Inter-Parliamentary Union and to implement the plan's strategies at the national level by setting concrete objectives, actions and deadlines suited for their national context¹⁰.

Empowering women by making them true partners in development projects has been the focus of UNDP's work in **Rwanda**. Working through the Women Parliamentary Forum, where female parliamentarians collaborate across party lines, UNDP has been training new female legislators on how the political process works. It is also working with the government to integrate gender dimensions into laws, policies, and budgets.

1.3. Enacting and implementing gender equality legislation related to politics

Gender equality legislation in line with the Beijing Platform for Action, CEDAW and MDG3 provides an important basis for ensuring women's political rights. It includes first and foremost, election, campaign finance, and party laws which are crucial for ensuring women's equal

¹⁰ United Nations General Assembly- A/67/686
<http://www.ipu.org/Un-e/ipu-127-e.pdf>

political participation. Countries with electoral laws guaranteeing proportional representation party lists and mixed electoral systems include on average more women in their lower house of parliament.

Gender mainstreaming within the Legislative Branch is the internal transformation of the institution (“how work is done”), of its results (“what is legislated” and “what content the legislation has”) and of its links (“who it has a dialogue with”, “who it controls”, “to whom is it accountable”).

Other laws that have an impact on women’s involvement in politics include:

-Laws that prevent gender-based violence can encourage women to become more involved in political life;

-Laws that promote a work/life balance creating an enabling environment for women to engage in politics:

1.4. Ratifying international conventions that promote women’s political empowerment

Parliaments can harmonize national laws in accordance with international standards promoting and advancing gender equality, including in the area of politics, for example the Convention on the Elimination of Discrimination against Women (CEDAW).

The UNWOMEN Asia-Pacific Regional Programme “Improving Women’s Human Rights in Southeast Asia” focuses on knowledge generation and exchange, stock taking and priority setting for advancing the implementation of CEDAW in the region. The programme covers eight countries including Cambodia, Indonesia, the Lao People’s Democratic Republic (Lao PDR), Myanmar, the Philippines, Thailand, Timor-Leste and Vietnam. During 2013, the programme made notable progress in several key areas namely improved understanding of inter-agency coordinated implementation and monitoring on CEDAW by parliamentary, judiciary and executive arms of governments at national and subnational levels in several counters¹¹.

¹¹ <http://asiapacific.unwomen.org/focus-areas/cedaw-human-rights#sthash.ugdVC42j.dpuf>

1.5. Parliamentary gender commissions and women's caucuses

Alliances across party lines can help build a culture of gender equality in political life and strengthen the presence and voice of women in legislative bodies.

Gender equality commissions and women cross-party caucuses in parliament have proven to be key mechanisms to monitor gender equality political achievements. Not only do they have an impact on public policies that effectively respond to women demands and interests, but they also have an effect on the consolidation and progress of women's political leadership. The work of many gender caucuses often sponsor programmes, meetings, activities and workshops to help women in parliament become stronger political actors, acquire skills and legislate efficiently, understand and work within internal parliamentary rules, bring about change in male political cultures and practices, and build solidarity and gender awareness.

*In **Pakistan**, a major success achieved by UNDP's is the establishment of the Women's Caucus which has become a powerful platform that cuts across party lines, allowing to build consensus on priority issues concerning women and ensure that gender concerns are addressed through legislation, policies and programs.*

1.6. Parliamentary outreach to civil society

While there have been some breakthroughs during the past decade in terms of more concerted efforts to achieve increased women participation in the political life through legal instruments and institutional mechanisms, women parliamentarians still require further support to develop their capacities to be more effective in their roles and to overcome barriers and obstacles in taking up political leadership. As representatives of the citizens, women parliamentarians need

to be empowered to bring their voices to public forums and to develop their capacities to promote an agenda that fosters a representative, transparent, accountable, and effective government. In this context, mobilizing and capitalizing on knowledge and capacity available within civil society organizations can be a driving force for nurturing a new generation of efficient women leaders.

For example, in Georgia the Gender Equality Advisory Council, made up of members of parliament, representatives of governmental and civil society organizations, established with the support of the UNDP project 'Gender and Politics' in the South Caucasus, ensures that gender legislation is passed based on international agreements and conventions related to gender equality and women's empowerment. Gender commissions and caucuses also often offer an entry point to civil society groups seeking to increase their influence in parliament.

Through cooperation and frequent contact with grassroots movements and organizations interested in gender issues, parliamentary groups and political parties can mobilize and capitalize on knowledge and capacity available within civil society organizations to promote gender equality and women's empowerment in the political arena, nurture a new generation of women leaders and even gain voter support for the re-election of women legislators

1.7. Political parties

Political parties' rules and norms, along with the country's social culture and electoral system affect the recruitment and selection process at different stages and influence the degree of openness to women candidates. Among the most important criteria for enhancing women's representation in the parliament are the nomination procedure (patronage vs. bureaucratic based) design of electoral system (proportional vs. plurality/majority system), type of electoral list, setting of clear rules for candidate selection to name a few.

Political parties can:

- create discussion and lobbying platforms for women;
- set aside special funds for women;

- establish women wings and committees;
- establish women only parties.

For instance, in **Spain**, the Socialist Workers' Party (PSOE) sponsored the passage of a gender equality law and sought to mainstream gender into the policy-making process. Since 2004, the PSOE has introduced several pieces of legislation, including on agricultural reform, dependent care, and legislated candidate quotas¹².

In 2005, **Mexico's** 'Institutional Revolutionary Party' established a parity quota for leadership positions was established.

In some cases, like in **France**, governments have even adopted punitive measures against parties not abiding to mandatory representation of women.

1.8. Temporary Special Measures

Given the legal commitments of states and the practical necessity to produce de facto or substantive equality of women with men in more speedy and consistent manner, additional measures may be required. It is against this background that temporary special measures (TSMs), among other appropriate measures, can be effective in enhancing women's electoral and political participation. Gender quotas are a mechanism used to increase women's participation in politics and power sharing positions. Over the years, gender quotas have become increasingly popular as a means to promote the equal representation of women in politics. They exist in various shapes and sizes, ranging from voluntary party quotas to the official quota laws that are currently in place in many parliaments.

The end goal of parity laws is equal representation of men and women in politics, sustainable without gender quota yet they are no quick fix for the underrepresentation of women in politics. Although they may be a promising first step towards gender equality, the design and implementation of such laws need constant if they are to be successful.

¹² https://www.ndi.org/files/Empowering-Women-PolitParties-ENG_0.pdf

*When the transition process began in **Tunisia**, UN Women made available an expert to help the newly formed electoral commission as it deliberated special measures to achieve political parity. Advocacy and evidence on the best options for special measures led to consensus that women must comprise 50 percent of candidates for Constituent Assembly elections¹³.*

Global experiences so far denote that the process to ensure an equal and representative proportion of women in elected bodies encompasses a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources as well as social customs and political reforms to back up these mechanisms so that, in the end, they will no longer be needed¹⁴.

So, **WHY** women in politics? The positive impact of women in politics is undeniable. Kofi Annan noted, "Study after study has taught us, there is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity or to reduce child and maternal mortality. No other policy is as sure to improve nutrition and promote health, including the prevention of HIV/AIDS. No other policy is as powerful in increasing the chances of education for the next generation Further, as Madeleine Albright has stated, the world is wasting a precious resource in the dramatic underrepresentation of women in leadership positions, often resulting in the exclusion of women's talents and skills in political life¹⁵.

For more information, please visit [AGORA](http://agora-parl.org) the Portal for Parliamentary Development or contact us at info@agora-parl.org.

13 http://unwomen.se/download/pdf/un-women_the_gender_dividend.pdf

14 <http://iknowpolitics.org/en/knowledge-library/expert-responses/consolidated-response-experiences-implementing-parity-laws>

15 WHY WOMEN IN POLITICS? National Democratic Institute handout