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## Regional Organizations, Gender Equality and the Political Empowerment of Women



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# Regional Organizations, Gender Equality and the Political Empowerment of Women

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## Preface

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International IDEA is committed to developing resources in support of sustainable democracy worldwide. Our aim is to inspire dialogue to reach consensus on the actions needed to tackle the main issues that affect democracy. We believe that increasing participation in politics and securing access to public life is of particular importance to the consolidation of democracy.

The pursuit of democracy is incomplete without policies, measures and practices that seek to reduce inequalities between men and women in all spheres of life. Democracy is expected to transform power relations between men and women by promoting the equal distribution of power and influence. We are committed to ensuring that gender equality is integrated into democracy building. Properly addressing issues related to gender equality and the political empowerment of women is key to the consolidation of strong democracies. This has become more evident with the adoption of the 2030 Agenda for Sustainable Development, particularly with the strong commitment that the global community has made on the advancement of Sustainable Development Goal (SDG) 5, to ‘achieve gender equality and empower all women and girls’.

Beyond this highly specific goal, gender has been recognized globally through agreements and legal instruments as a cross-cutting component that is crucial to creating an enabling environment for achieving sustainable development and strengthening democratic institutions at the global, regional, national and local levels. In this context, all actions aimed at achieving prosperity, security and political and economic stability, as well as fostering the protection of our valued natural and human resources are mainstreaming gender as a key element of success in these endeavours.

International and regional organizations have been given a renewed prominence both as supporters of their member states and as designers and implementers of key initiatives oriented towards facilitating the achievement of the 2030 Agenda. Regional organizations have the ability to bring together the political will, expertise, advocacy skills and human capacity to inform decision-making processes at all levels around these crucial issues. This allows them to increase the impact and promote better actions to tackle, among other things, the following challenges:

- the lack of gender action plans at the local and national levels;
- increasing the quality of gender analysis and developing gender-disaggregated data;
- the implementation of quota systems or other mechanisms that promote gender equality;



- the need to design cost-effective joint efforts between international institutions and local stakeholders, such as civil society and national parliaments, to promote women in politics;
- the involvement and support of men in the advancement of women's political and economic empowerment; and
- increasing young people's awareness of and interest in the importance of gender equality and the political empowerment of women.

Some of these challenges were identified while consulting global actors on the main issues and obstacles to the advancement of gender equality. This report discusses these challenges from a regional perspective, based on stakeholders' experiences in the field. International IDEA, together with the Community of Democracies and the United Nations Development Programme (UNDP), has been working to gather the views and perspectives of key stakeholders on the broader topic. The consultation process involved regional meetings with civil society and grassroots organizations, government officials, representatives of regional organizations, academics and experts in the field in Africa, the Americas, the Arab World, Asia and the Pacific, and Europe.

We hope that this report contributes, through its policy recommendations, to the ongoing discussion on the 2030 Agenda. We also hope that its references to the legal and policy instruments currently in place for the advancement of gender equality and the political empowerment of women make it a relevant instrument to inform further discussions with global and regional organizations, governments, civil society and citizens in general. Our expectation is that those stakeholders that greatly contributed to the report will return to it to cross-reference the actions set out at the regional level, and learn from successful practices, replicating those elements that can inform and strengthen actions in their own particular contexts.

This report was made possible by the support of the European Commission through its Instrument for Democracy and Human Rights (EIDHR). Its contents are a result of collaboration brought about by the Inter-Regional Dialogue on Democracy (IRDD), a unique platform led by International IDEA that aims to engage and work together with global and regional organizations to exchange best practices and identify channels of cooperation on the strengthening and promotion of democracy. International IDEA, through the IRDD, is also highlighting the importance of bringing on board other key partners, such as civil society organizations, as instrumental allies in the advancement of the work of our institutions. We recognize the importance of joining forces with the main beneficiaries of the hard work deployed by our Member States for the well-being of our societies.

It is our hope that this report reaches a broad audience and that it will help inform and inspire policymakers and advocates interested in advancing gender equality as a key element of democratic sustainability in the framework of the 2030 Agenda for Sustainable Development.

*Yves Leterme  
Secretary-General  
International IDEA*

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We would also like to express our gratitude to the authors who contributed to this publication, as well as to the African Union, the Association of South East Asian Nations, the Council of Europe, the European Union, the League of Arab States, the Organization of American States, the Pacific Islands Forum and the South Asian Association for Regional Cooperation. These organizations recognize the value of being part of the IRDD, and have reaffirmed their commitment to the platform by working tirelessly with us in the production of this publication, including the development of chapters and policy recommendations on gender and the political empowerment of women, as well as their active participation in the Regional Consultations organized in the framework of this initiative.

The development of this publication also included a process of regional consultations that was possible thanks to the financial support of the Community of Democracies through a generous grant from the Government of the Republic of Korea. We would also like to extend our appreciation to all the experts, practitioners and representatives of civil society organizations and foundations that were part of this process, and that helped build the set of policy recommendations that are included at the end of each section of this report.

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# Introduction: Regional organizations, gender equality and the political empowerment of women

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**Karin Gardes and Luis J. Consuegra**

International and regional organizations play a very important role as norm- and standard-setting bodies. In this context, they are among the leading proponents of processes and institutions that promote and can contribute to the achievement of gender equality and the political empowerment of women. In response to the mandates given by the organizations' member states and in the continuous support of their members, regional organizations—including the African Union (AU), the Association of South East Asian Nations (ASEAN), the Council of Europe (CoE), the European Union (EU), the League of Arab States (LAS), the Organization of American States (OAS), the Pacific Islands Forum (PIF) and the South Asian Association for Regional Cooperation (SAARC)—have established norms and standards, as well as legal frameworks and specific mechanisms, to strengthen gender equality and women's political empowerment in their regions. All have a dedicated body, in the form of a committee, commission or directorate, responsible for mainstreaming and spearheading efforts on gender equality and women's political empowerment.

Regional organizations are vocal regarding the shared challenges they face in this field. Integrating inter-regional cooperation, promoting the identification of common policy solutions and enhancing efforts for peer learning can contribute to the achievement of gender equality worldwide. The Inter-Regional Dialogue on Democracy (IRDD) is a platform that recognizes these common challenges and aspirations and effectively promotes policy dialogue and exchange of best practice. Many of the issues surrounding the themes of gender equality and the political empowerment of women go beyond national borders. Strengthening this inter-regional interconnectivity creates important platforms for exchange, effective knowledge sharing and better understandings of the root causes of progress and regress in women's political participation.

The approval of the 2030 Agenda for Sustainable Development (Agenda 2030; UN 2015b) gives regional organizations a key role in following up and reviewing progress towards the achievement of the Sustainable Development Goals (SDGs). It further empowers regional organizations to support their member states in effectively implementing the measures necessary to achieve the SDGs in time. This presents a unique opportunity for regional organizations to enhance further their relevance in the life and well-being of the

citizens of their member states, including by helping to strengthen sustainable and responsive democratic processes in their regions. Regional organizations can substantially contribute to achieving the SDGs—specifically goals 4, 5, 10 and 16 (UN 2015a)—by supporting their member states to achieve or advance gender equality, and by implementing effective monitoring and evaluation mechanisms.

Unequal opportunities and conditions for political participation and representation between men and women persist worldwide. As the 2012 United Nations Development Programme (UNDP) publication, *Empowering Women for Stronger Political Parties: A Guidebook to Promote Women's Political Participation*, highlights, women remain underrepresented in the structures of governance that determine political and legislative priorities (Ballington et al. 2012). These facts are widely recognized and, given that equal participation is essential to the consolidation of strong democracies, should be systematically and continuously brought to the forefront of the public agenda and discourse. All major global agreements and commitments in the past three decades have highlighted the need to acknowledge and address continuing gender inequalities in all spheres of life. Inclusive and responsive political processes are prerequisites for equitable and sustainable development. Put simply, women make up 50 per cent of the population, and therefore require equal access to political power, and equal opportunities to make their voices heard.

Despite decades of efforts by international and regional organizations, as well as by national governments, to eliminate discrimination against and promote the empowerment of women, the low numbers for women's political participation continue. Inter-Parliamentary Union (IPU) data show that women currently hold 23.6 per cent of the seats in the world's parliaments. This is a significant underrepresentation. To understand the quality of political participation and representation for both men and women, there is a need to assess the challenges and opportunities that exist in politics and the policies that determine participation and representation in democratic processes. Numbers matter, but accountability and the quality of 'democratic performance' is in increasing need of transparency for both men and women.

The UN Women *2016–17 Annual Report* shows that the economic and political participation and representation of women is affected by obstacles including unequal pay, the lack of a social safety net and access to childcare, a lack of provisions regarding decent work and empowerment of migrant, indigenous and rural women, and a lack of opportunities for women with disabilities (UN Women 2017). These obstacles, which have caused unnecessary hardship and reinforced existing inequalities, are likely to have negative long-term social, economic and political consequences, and have caused significant reversals in the enjoyment of human rights around the world.

In this light, it is timely to focus on an alternative policy agenda that addresses the root causes of inequality, which means looking at the intersectionality of multiple inequalities and processes of discrimination. In addition, it is fundamental that the efforts and core instruments of the regional organizations—their conventions, resolutions, norms and standards, legal instruments and programmatic agendas—move beyond identification of the causes of and impediments to the achievement of gender equality, to the design and systematic implementation of gender responsive measures and mechanisms to guarantee equality and prevent gender-based discrimination.

Following this logic, regional organizations have developed action plans, work plans and strategies on equality that, if fully implemented, would considerably advance women's rights and bring their member states closer to genuine gender equality. However, regional organizations face a number of challenges that limit their capacity to promote and possibly enforce gender equality in their regions. These challenges are not limited to the availability of resources. They also stem from the scope of their mandates, the political context and the political support and backing of their member states. It is particularly important that



member states increase their efforts in this field, by reforming their constitutional and legal frameworks in order to promote gender equality and increase women's political participation and representation, but also by implementing effective monitoring and evaluation mechanisms to assess progress. For this endeavour in particular, the importance of collecting and compiling high quality gender-disaggregated data cannot be overemphasized.

One major challenge that persists is the gap between norm setting at the regional level and implementation and enforcement at the national and local levels. Agenda 2030, and SDG 5 in particular, give regional organizations yet another instrument for influencing the policies and practices of their member states towards genuine reforms to achieve gender equality.

This report examines existing legal and policy instruments at the global and regional levels to provide relevant analysis of the successes, challenges and opportunities around the broader issue of gender equality. It contains six chapters with a regional focus developed by experts from the regional organizations themselves and other practitioners in the field. It is intended to serve as a global instrument for regional organizations, civil society organizations, practitioners, experts and academics, as well as for a general audience with an interest in such efforts. The aim is that they will learn from the different regional approaches to tackling the challenges related to achieving gender equality and strengthening the sustainability of the political empowerment of women, in line with the SDGs.

In addition, the report is designed to facilitate peer-to-peer exchange among regional and global organizations working in this field. The purpose of the exchange is to allow these organizations to make informed decisions based on an integral view of current actions taking place worldwide, and identify synergies and potential channels of cooperation.

Finally, it gives civil society and grassroots organizations, as well as experts and practitioners, an opportunity to acquire the knowledge and understanding of the global and regional legal instruments and frameworks for the advancement of gender equality and the political empowerment of women. This will allow these key stakeholders to better inform their actions, and find more effective instruments to participate in and contribute to the decision-making processes at the global, regional, national and local levels.

## Structure of this report

This report is structured as follows.

### 1. Africa

Part 1 describes the progress made by the AU, the New Partnership for Africa's Development (NEPAD) and the Economic Community of West African States (ECOWAS) with the translation of gender commitments into effective regional policies. It analyses the current AU mechanisms for fostering gender equality and women's political participation and representation in decision-making; addresses the AU's work in tandem with NEPAD, ECOWAS and civil society; identifies specific challenges; and makes policy recommendations on advancing the elimination of gender gaps and promoting gender equality and the political empowerment of women.

### 2. The Americas

Part 2 analyses the current status of issues related to gender equality and the political empowerment of women in the Americas. This chapter analyses the current status of issues related to gender equality and the political empowerment of women in the Americas. It concentrates on the work of the OAS to promote gender equality as a cross-cutting issue and the efforts of the Inter-American Commission of Women (Comisión Interamericana de Mujeres, CIM) to spearhead this agenda. It also highlights the work of the Follow-up

Mechanism to the Belém do Pará Convention (MESECVI), a systematic and permanent multilateral evaluation methodology.

### 3. The Arab World

Part 3 outlines the recent and planned gender-sensitive policy initiatives of the LAS. The most significant of these are the Cairo Declaration for Arab Women; the Post-2015 Agenda (2014), which has informed the more recent Executive Action Plan on UN Security Council Resolution 1325 (2015); and the forthcoming Charter to Combat Violence against Women in the Arab Region. Through a review of these documents and a reflection on earlier LAS gender-related initiatives, it argues that the League is taking a significant and unprecedented regional lead in addressing concerns about the status of women and girls in the region. In taking this lead, the LAS assumes much of the responsibility for translating these policies into concrete action that will result in a significant transition and transformation.

### 4. Europe

The two chapters in Part 4 describe the roles of the EU and the Council of Europe (CoE), respectively, in the promotion of gender equality and the political empowerment of women. In a comprehensive review of internal and external EU policies, the EU chapter discusses the incorporation of gender equality into EU primary legislation and high-level political commitments; gender equality in the EU's core policies, especially the EU internal market and anti-discrimination; EU strategies, such as gender mainstreaming; roles and responsibilities; the implementation of gender equality through the provision of financial resources; and the EU's development, enlargement, neighbourhood and foreign policies. The CoE chapter discusses the gender-related achievements and challenges and recommendations for the CoE.

### 5. Asia and the Pacific

The two chapters in Part 5 analyse the experiences of ASEAN and SAARC, and the PIF, respectively, including their roles and progress made in translating gender commitments into effective regional policies, legal instruments and mechanisms to foster gender equality and the political empowerment of women.

### Conclusion

The Conclusion serves as an overarching review of how global instruments are guiding the discussion on gender equality and the political empowerment of women, as well as the role of regional and global organizations in advancing this agenda. It presents Agenda 2030 as the global framework for sustainable development, focusing particularly on SDGs 5, 10 and 16, while also touching on previous global instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Declaration of the Elimination of Violence against Women (1993) and the Beijing Declaration and Platform for Action (1995). It also analyses the commonalities among the various regions and the related policy recommendations on the way forward.

### Regional consultations

To support women's participation in politics, in 2016–17 the Permanent Secretariat of the CoD implemented the Advancing Women's Political Participation project, funded by the Republic of Korea and organized in cooperation with UNDP and International IDEA. Through dialogue, the project provided an opportunity for participants from all over the world to discuss and compare the challenges and successes that women face in politics and look for ways to propel the idea of women's political participation forward. It consisted of



regional consultations organized in 2016–17 in Strasbourg (France), Johannesburg (South Africa), Tunis (Tunisia), Bali (Indonesia) and Mexico City (Mexico).

The consultations served as platforms created to enhance a multilateral dialogue regarding the challenges and opportunities in the implementation of the legal frameworks, as well as the exchange of best practices to take specific actions to address the main issues related to the advancement of gender equality and political empowerment of women. Each part of this report includes a set of policy recommendations based on proposals by the participants in the regional consultations. The full reports from each regional consultation are available on the CoD website.

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## 1. Africa

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## 1.1. The role of African institutions in promoting gender equality and the political empowerment of women

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Olga Martín González

### Introduction

This chapter describes the progress made by the African Union (AU), the New Partnership for Africa's Development (NEPAD) and the Economic Community of West African States (ECOWAS) in translating gender commitments into effective regional policy. It partially updates an earlier paper (Martín González 2013) on the same topic. First, it analyses the current situation regarding the AU's mechanisms for fostering gender equality and women's political participation and representation in decision-making and evaluates the AU's work and capacities. Second, it addresses the work of the AU in tandem with NEPAD, ECOWAS and civil society. The chapter concludes by identifying achievements and specific challenges, and making policy recommendations to advance the elimination of the gender gap, and promote gender equality and the political empowerment of women.

There were important milestones in the global and continental agenda for gender equality and women's empowerment in 2016. The AU commemorated 36 years since the adoption of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). It also celebrated the 30th anniversary of the African Charter on Human and Peoples' Rights and the 21st anniversary of the 1995 Beijing Declaration and Platform for Action, which is the key global policy on gender equality. The adoption of the AU's Constitutive Act in 2000, the Solemn Declaration on Gender Equality in Africa (AU 2004) and NEPAD all reaffirmed Africa's commitment to promote and protect human rights, gender equality and women's empowerment and put gender mainstreaming at the centre.

The AU has made progress in advancing the gender agenda by recognizing the importance of women's contributions to development, reducing maternal mortality and promoting basic education for girls. It declared 2015 the 'Year of Women's Empowerment and Development towards Africa's Agenda 2063', and 2016 the 'African Year of Human Rights with a particular focus on the Rights of Women'. With these declarations, African leaders demonstrated their political will to address gender inequality and to overcome economic, social and political barriers.

### Gender equality: key concepts

#### Gender

The socially and culturally constructed differences between men and women, and boys and girls, which give them unequal opportunities and life chances (Kabeer 2003). Can also refer to typically masculine and feminine characteristics and abilities; and expectations about how women and men should behave in society. These characteristics are time bound and changeable.

#### Gender equality

The absence of discrimination on the basis of sex in the allocation of resources, benefits or access to services.

#### Gender equity

Fairness and justice in the distribution of benefits and responsibilities between men and women.

#### Empowerment

The process of generating and building capacities to exercise control over life by expanding choice. Empowerment is linked to inherent self-confidence, knowledge, skills, attitudes and voice. It is a function of the individual that is backed up by institutional change.

#### Mainstreaming gender

The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's and men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

*Source: African Union Gender Policy (2009)*

Nonetheless, while progress has been made, African women continue to face discrimination in both formal law and customary practice: 80 per cent of agricultural production is undertaken by women in rural areas, who do not have access to or control over productive resources or land, while just 15 per cent of landholders are women. Furthermore, women have limited access to financial services and suffer violence, which remains a serious barrier to women's full participation in economic, social and political life (Africa Gender Equality Index 2015).

On women's representation in national parliaments, in Africa as in other regions there are significant differences within and across countries. Figures show a direct correlation between the policy measures put in place and the increase in the number and level of representation of women in national parliaments. According to a 2015 report, the proportion of seats held by women in national parliaments had risen in North Africa from 4 per cent in 2000 to 25 per cent in 2015. In sub-Saharan Africa, the proportion of seats had risen from 13 per cent in 2000 to 23 per cent in 2015. Over the same period, the global average rose from 14 to 22 per cent, making Africa a leader in women's representation in national parliaments (United Nations 2015: 122).

This sustained progress is thanks to the existence of legislated or voluntary quotas, increases in educational opportunities and advocacy undertaken by women's movements, which have had a positive impact on the share of women in national parliaments. The biggest gains in women's representation have been made in Rwanda, where 61.3 per cent of the



national parliamentarians elected in 2013 were women, followed by Senegal, which registered a 42.7 per cent share of women in its national parliament (IPU: 2017).

As of February 2016, the Central African Republic and Liberia had a female head of state or head of government. However, the election of female heads of state or government has not translated into increased women's parliamentary representation. According to a study by Afrobarometer, 72 per cent of Africans agree that women should have the same chance of being elected to political office as men. The majority opinion on equality is not shared in some countries on the continent. While 74 per cent of people in East Africa and 73 per cent in Southern Africa believe in equality for women, only 50 per cent do so in North Africa (Chingwete, Richmond and Alpin 2014).

In 2013 the AU set out Agenda 2063, which envisages several measures on the integration of targets into national planning frameworks (AU 2014), as well as regular progress reports. It represents an opportunity to reflect on existing gaps, emerging issues and strategies for implementation of existing commitments on women's rights made by AU member states, and to focus on the implementation of concrete actions and practical solutions that will provide measurable results for women. The Regional Economic Communities (RECs) and AU member states have been asked to accelerate domestication of the Agenda into regional and national development plans.

## African Union commitments on gender equality

### Main international institutional and legal framework on gender equality

The AU's approach to the advancement of women's rights and gender equality has been informed by United Nations frameworks and juridical instruments. The UN's commitment to the achievement of gender equality can be traced back to 1946, with the creation of the UN Commission on the Status of Women (CSW), and 1948, with the adoption of the UN Charter and the Universal Declaration on Human Rights (UDHR), which states that rights and freedoms will not be limited by a person's gender and recognizes the political right of women to participate in public and political decision-making processes.

The first instrument of international law to recognize and protect the political rights of women was the Convention on the Political Rights of Women of 1953. The International Covenant on Civil and Political Rights entered into force in 1976 and CEDAW, described as the 'international bill of rights for women', was adopted in 1979.

In addition, several UN conferences on women took place with the aim of removing all obstacles in all spheres of public and private life based on a full and equal share in economic, social, cultural and political decision-making. The first was in Mexico City in 1975. This was followed by the 1976–85 UN Decade for Women: Equality, Development and Peace. The second conference was in Copenhagen in 1980 and the third in Nairobi in 1985. The fourth conference, in Beijing in 1995, launched the Beijing Platform for Action.

The AU member states made progress on the Millennium Development Goals (MDGs) and lessons can be learned from 15 years of implementation experience. We now have better knowledge of how countries have fared on selected aspects. Nonetheless, trends and patterns are difficult to monitor in some areas owing to the lack of data and limited reporting. The positive experiences of MDG 3 (to promote gender equality and empower women), reflects the good practice that has accelerated progress, including quotas, while the challenges reveal areas where further efforts must be made. For example, women's political participation was only captured at the national level, whereas participation in democracy should also include the regional and local levels. The assumption was that progress on education would contribute to progress in other areas. In fact, progress on other measures has been slow. UN Women has estimated that, at the present pace of change, it will take 50 years to achieve parity in parliaments and 80 years to achieve equality in the economy.

### Box 1.1. The African Union and the Regional Economic Communities

The African Union (AU) was established in 2001 and is currently composed of 53 member states. The AU is the successor to the Organisation for African Unity. Its Secretariat, the AU Commission, is based in Addis Ababa, Ethiopia.

The eight African Regional Economic Communities (RECs) are the Arab Maghreb Union (UMA), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel–Saharan States (CEN–SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

*Source:* African Union, ‘Regional Economic Communities’, [n.d.], <<https://au.int/en/organs/recs>>.

One criticism of the MDG 3 indicator on women’s participation was that numerical participation in parliaments alone does not indicate meaningful involvement in decision-making. Studies and reality have shown that the positions women hold in government, parliament and decision making institutions are important indicators of influence and effective participation (Kabeer 2015).

The MDGs informed the implementation of the post-2015 development agenda and the Sustainable Development Goals (SDGs), which the UN General Assembly adopted on 25 September 2015 along with the 2030 Agenda. The 17 SDGs and 169 targets seek to complete what the MDGs did not achieve. Under the new agenda, gender equality is focused on SDG 5, to ‘achieve gender equality and empower all women and girls’, and one of the targets is to ‘ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life’. The proposed indicators for this target are the proportion of seats held by women in national parliaments and local government, and the proportion of women in managerial positions.

#### The African Union’s institutional and legal framework on gender equality

The AU is composed of 53 member states and eight RECs (see Box 1.1). Some of the RECs have adopted gender policies and established gender units. For example, ECOWAS and the Intergovernmental Authority on Development (IGAD) adopted gender policies in 2004, while the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community (SADC) did so in 2008. In addition, key programmes and instruments, such as NEPAD and the African Peer Review Mechanism (APRM) reflect the commitment of Africa’s leaders to gender equality. The AU Commission (AUC) is the key organ that ensures gender mainstreaming in all the programmes and activities of the AU, ensures effective follow-up and monitoring, and conducts proper assessments and evaluations of the impact of gender instruments. The AU’s priority areas are maternal health, ending child marriage and female genital mutilation, the impact of conflicts on women, and increasing female representation in office.

In regard to female representation in office, the Constitutive Act of the AU requires gender parity in the allocation of posts and this has become the standard for African states to meet. The AUC is a good example: four of the eight Commissioners are women. In addition, the Chair of the AUC became the first woman to head the Commission in 2012. Furthermore, for the first time, a Special Envoy is now in place to advise the AUC Chairperson on women, peace and security matters, and works closely with the gender, peace





and security programme and other departments of the AU to ensure that gender is mainstreamed.

At the regional level, the AU has encouraged its member states to adopt, ratify, implement and domesticate treaties, conventions and decisions; and has established a consensus on gender equality issues among member states. It also plays an important role in supporting research on gender issues and collecting regional data and statistics.

At the subregional level, the AU has provided guidance to the RECs on complementing and harmonizing global and regional frameworks by integrating and translating various resolutions and commitments into their policies and plans of action. It should also be noted that most instruments adopted by the AU since 2003 make provision for gender equality and women's participation. The current mechanisms for enforcement and implementation include reporting, fact-finding missions, and advice and recommendations on implementation mechanisms. Various bodies have been established to effectively enforce these instruments, such as the African Commission on the Charter on Human and Peoples' Rights and the African Court. Although all these instruments are mutually reinforcing, and have enabled member states and the RECs to advance their own legal, administrative and institutional frameworks to make progress on women's rights and gender equality, many lack political backing and resources, which inhibits the use of these tools and the implementation of strategies.

The African Charter on Democracy, Elections and Governance reinforces the commitment of the AU member states to democracy, good governance, development and peace. Its adoption in 2007 was an important milestone for democracy on the continent and for women's political participation. The Charter contains several specific references to gender equality. For example, article 2.11 promotes gender balance and equality in the governance and development processes, while article 3.6 promotes gender equality in public and private institutions. According to article 8.1, 'States parties shall eliminate all forms of discrimination, especially those based on political opinion or gender, ethnic, religious and racial grounds as well as any other form of intolerance.' In addition, article 29.1 states:

1. States parties shall recognize the crucial role of women in development and the strengthening of democracy.
2. States parties shall create the necessary conditions for the full and active participation of women in decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.
3. States parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

However, the Charter has not yet entered into force, as 15 ratifications are still required.

## Pillars of the African Union's gender architecture

The AU gender architecture has been conceived in consultation with stakeholders, member states and the civil society forum, and is constituted by six pillars.

### 1. Constitutional framework

The Organization of African Unity (OAU) was created in 1963 to foster regional integration among African countries. The OAU established a Women's Division with the objective of mainstreaming gender. However, the division lacked the backing of a legal framework, as well as financial and human resources, and gender mainstreaming did not take place. The OAU was transformed into the AU when the Constitutive Act was adopted at Lomé, Togo

on 11 July 2000 (AU 2000). Among the objectives and principles set out in articles 3 and 4 of the Charter are to ‘promote and protect human and peoples’ rights’ and the ‘promotion of gender equality’, respectively.

## 2. Legal framework

The African Charter on Human and Peoples’ Rights (ACHPR) entered into force in 1986, as an international human rights instrument intended to promote and protect human rights (OAU 1986). It has been criticized for the omission of women’s rights from its provisions (Viljoen 2009). Only in article 18(3) does it stipulate that states ‘shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions’.

The ACHPR established the African Commission on Human and Peoples’ Rights in 1987 to promote and protect human and peoples’ rights and interpret the Charter. In 1999, the African Commission appointed a Special Rapporteur on the Rights of Women in Africa in recognition of the need to place particular emphasis on problems and rights specific to the region. Lucy Asuagbor was appointed the Special Rapporteur at the 57th Ordinary Session in November 2015.

The 2003 Protocol to the ACHPR on the Rights of Women in Africa (the Maputo Protocol) entered into force in January 2005 having being ratified by the requisite number of AU member states. At the continental level, it has been hailed as a positive instrument with the potential to transform unequal power relations. It will be useless, however, if it does not contribute to substantial change in the situation of African women.

The Protocol guarantees comprehensive rights to women, including the right to take part in the political process, to social and political equality with men and to control of their reproductive health, as well as an end to female genital mutilation. It is a binding instrument on states parties. Any failure by a state can be challenged in the national courts and, if required, at the level of the ACHPR and/or the African Court on Human and Peoples’ Rights. The target of the Protocol is to achieve full enforcement and ratification by 2015 and domestication by 2020. Article 2 (1c) obliges the states parties to integrate a gender perspective into their policy decisions, legislation, development plans, programmes, activities and other spheres of life. Article 9, on the right to participate in the political and decision-making process, states:

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life through affirmative action, enabling national legislation and other measures to ensure that: (a) women participate without any discrimination in all elections; (b) women are represented equally at all levels with men in all electoral processes; (c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 26, on implementation and monitoring, stipulates:



1. States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realization of the rights herein recognised.
2. States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognized.

The impact of the Maputo Protocol on the participation and representation of women is difficult to measure accurately. States that have not signed the Protocol feel that their national laws and other international instruments to which they are signatory are either more or equally progressive, and that there is no rush to ratify the Protocol. Reservations to the Protocol are mostly linked to article 14, which makes provision for sexual and reproductive health rights, as well as article 21 on land inheritance. A major obstacle, however, seems to be misinformation about what exactly the Protocol allows, which further emphasizes the need for sensitization.

### 3. Reporting framework

The Solemn Declaration on Gender Equality in Africa is a non-binding commitment adopted in 2004 that covers six thematic areas: health, peace and security, governance, human rights, education and women's empowerment. Heads of state and government have committed themselves to report annually on their progress on gender mainstreaming in these areas. Despite these reporting obligations, no state has reported comprehensively on implementation and there have been no studies to date evaluating the Protocol (Kombo, Sow and Jama Mohamed 2013).

In addition, the Chair of the AUC, Nkosazana Dlamini Zuma, must submit an annual progress report on the implementation of the Declaration at the national and regional levels. Zuma believes that the UN should explore with the AU the possibility of harmonizing reporting on the Protocol and CEDAW in order to avoid duplication. According to the 7th report of the Chairperson on the implementation of the Declaration to the AU Assembly of Heads of States and Government, 41 African countries reported on the Protocol compared to 49 that reported to CEDAW in 2013. This represents limited progress, given that 38 countries reported in 2011.

The Assembly of Heads of State and Government is the supreme organ of the AU. One of its functions is to determine the sanctions to be imposed on any member state for non-compliance with decisions of the Union, including decisions on gender equality. During the June 2011 Assembly in Equatorial Guinea, it was decided that Specialized Technical Committees (STCs) would replace Sectorial Ministerial Conferences from January 2013. The Assembly decided that each committee should meet once every two years, although three STCs, including the Committee on Gender and Women's Empowerment, were to meet once a year. According to the AU's website, the first meeting of the STC on Gender and Women's Empowerment took place in Sudan in November 2015 (AU 2015) but there is no record of a subsequent meeting. The role of the Committee is mainly to monitor and evaluate the African Women's Decade, and to report back on the Solemn Declaration on Gender Equality in Africa, and on the Elimination of Female Genital Mutilation Convention.

### 4. Policy framework

The AU Gender Policy and Action Plan were approved in 2009 and adopted in 2010. The main goals of the Gender Policy are to adopt a rights-based approach to development

through evidence-based decision-making and foster the reorientation of existing institutions by making use of gender-disaggregated data and performance indicators. It also establishes measures to hold managers accountable for policy implementation.

The Gender Policy and Action Plan contains policy commitments targeting eight areas. One of the commitments is the creation of an enabling and stable environment to ensure that all political declarations and decisions are geared towards the elimination of persistent barriers to gender equality and women's empowerment. Gender parity in representation is to be enforced in all AU structures. This has already been achieved in the AUC by the appointment of four women and four men. Other commitments are to develop policies that support capacity building and gender mainstreaming; avoid duplication of efforts, resources and interventions; and promote best practices across the continent by facilitating the alignment, harmonization and effective implementation of RECs' and member states' gender policies. The mobilization and allocation of financial and non-financial resources to implement the Gender Policy and Action Plan will be critical.

The Commission initially developed a five-year Gender Mainstreaming Strategic Plan (GMSP). Once the Gender Policy was approved, however, the GMSP was revised and aligned with the Action Plan for the African Women's Decade. It is reviewed periodically through the establishment of gender-responsive political and governance policies, and the adoption of affirmative action programmes, quota shares and representations to increase women's participation in decision-making. The Commission has begun to operationalize the Gender Management System (GMS) as part of the AU STC structure. Only a few AU member states have established a GMS, which according to Part IV of the Policy is an objective to be achieved by 2020.

### 5. Implementation framework

The theme of the African Women's Decade is 'grassroots approaches to gender equality and women's empowerment', which emphasizes the bottom-up approach to development and is based on 10 priority themes that aim to empower women across Africa. Theme 9 focuses on women in decision-making positions in the legislature, judiciary and executive, and achieving the AU parity principle (UN Non-Governmental Liaison Service 2010). At the national level, working committees for the African Women's Decade take responsibility for the development of annual work plans and budgets at all levels and the preparation of annual reports on activities and implementation. At the regional level, the RECs oversee the setting up of the working committees, support advocacy campaigns and prepare annual reports on activities to implement the Decade.

### 6. Financing mechanism: the Fund for African Women

The Fund for African Women was created as a single mechanism to ensure policy implementation as well as the effective mainstreaming of gender into policies, institutions and programmes at the regional, national and local levels. In its first year of operation in 2011, the Fund supported 53 grassroots projects across 27 AU member states. The AU organs, RECs and member states have committed to allocate a budget for the implementation of policy. Member states are requested to devote 1 per cent of their assessed contribution to this Fund. Some member states have contributed more. Since the funds mobilized by this means are insufficient, efforts will be made to strengthen partnerships with international financial agencies and institutions, to increase technical expertise, and to facilitate the exchange of best practices and financial support for the implementation of AU gender policy.



## African Union structures responsible for gender equality and the political empowerment of women

The Women and Gender Development Directorate (WGDD), created in 2002 in the Office of the Chair of the AUC, promotes gender equality in Africa and within the AU, and oversees the development and harmonization of gender-related policies. It designs programmes and projects based on the policies adopted by the AU member states. It also initiates gender-mainstreaming strategies within the Commission and for AU organs and member states; and supports capacity-building by providing training on gender policies and instruments to enable AU organs, the RECs and member states to understand gender and develop the skills to achieve the gender mainstreaming targets by 2020.

The Directorate has two divisions: the Gender Policy and Development Division and Gender Coordination and Outreach. It presents funding projections to the Assembly every year but the funds allocated are not always enough. The WGDD is increasing the capacity of the department through training and has worked closely with the AU Departments of Political Affairs and Social Affairs.

The WGDD also acts as the Secretariat for the AU Women's Committee (AUWC), which was established in 2003 as an advisory body to the Chairperson on gender and development following a decision by the Executive Council of the AU to transform the African Women's Committee on Peace and Development into the AUWC. One of its functions is to watch over progress towards gender equality on the continent, working with government and civil society within the framework of the Solemn Declaration on Gender Equality in Africa and the Women's Rights Protocol.

The WGDD organizes annual AU Gender pre-Summits in collaboration with other departments of the AUC and development partners. Initially conceived as civil society consultation platforms, the Gender pre-Summits now draw participation from the African ministers responsible for gender and women's affairs, RECs, AU organs, AUC departments, the private sector, UN agencies and development partners.

An AU Gender pre-Summit takes place before each AU Summit to bring together the voices of key actors in the gender equality and women's empowerment arena to update and discuss critical developments, and assess the extent to which commitments have been implemented. They also serve as an important vehicle for incorporating a gender perspective into the highest decision-making body of the AU. The pre-Summit should produce a document containing the concrete decisions to be presented to the AU Summit of Heads of State and Government, for their consideration and adoption.

The 2016 Gender pre-Summit took place on 17–21 January 2016 at the AUC in Addis Ababa (AU 2016). Among the objectives were: (a) to assess progress on women's participation in politics, public office and the judiciary, identify the challenges and barriers preventing their effective participation and develop strategies to accelerate women's agency and leading role; (b) to raise awareness and develop a common strategy on the implementation of the 2016 year of Human Rights; (c) to stimulate dialogue between AU member states, regional intergovernmental institutions, civil society organization (CSOs) and development partners on the opportunities, gaps and solutions, and call for acceleration of the effective implementation of commitments; and (d) to engage practitioners, policymakers and activists to review the implementation of the women's political participation agenda, learn from experiences and challenges, and reflect on what is needed to accelerate implementation and monitoring.



## Partnerships

The AU, NEPAD and the RECs have coordination mechanisms in place, most notably the Protocol on Relations between the AU and the RECs, for the development of a better working relationship based on the principles of subsidiarity and partnership. This partnership makes the RECs the building blocks of the AUC, while NEPAD is the development programme, with the AU playing a supervisory and coordinating role. The treaties and mandates of the RECs should reflect and agree with the role of the AU.

### The New Partnership for Africa's Development

NEPAD was established in 2001. One of its priorities is to ensure the economic empowerment of women. It also has an obligation to strengthen the capacity of the RECs. Currently, a Gender Unit works to implement strategies, tools and approaches to mainstreaming gender within all the sectoral priorities, programmes and projects. At its core is the NEPAD/Spanish Fund for African Women's Empowerment, a partnership between NEPAD and the Spanish Agency for International Development and Cooperation, which has provided EUR 20 million. The overarching long-term goal of the Fund is to promote gender equality and increase the capacities and autonomy of African women, specifically linked to improving women's economic, political and social empowerment and the full use of their rights.

Since its inception in 2007, the Fund has helped the Gender Unit to fulfil its role of mainstreaming gender issues, and supported, financially and technically, 77 projects in 35 countries in sub-Saharan Africa executed by CSOs, government institutions and RECs. Under the Fund, a legal handbook, 'A Guide to Using the Protocol on the Rights of Women in Africa for Legal Action', was developed to lobby for countries to ratify the African Protocol on the Rights of Women, and for gender-responsive policies at the municipal, local and state government levels in Ethiopia, Namibia and Nigeria. NEPAD has, however, been criticized for focusing on achieving gender equality through microprojects instead of mainstreaming gender in the rest of its initiatives and sectors (see e.g. Randriamaro 2006).

### The Economic Community of West African States

ECOWAS was founded in 1975. It places gender under the responsibility of the Commissioner for Social Affairs and Gender. A Gender Technical Commission was also established at the ECOWAS Gender Development Centre (EGDC), which was set up in 2003 as a specialized agency on gender and development.

In 2004 ECOWAS adopted a Gender Policy that stipulated regular communication and consultative meetings between the ECOWAS Commission and the national bodies responsible for the advancement of women in member states, and with other regional and international stakeholders (EGDC n.d.). The ECOWAS Commission hosts the Annual Consultative Meeting of ECOWAS Ministers of Women's Affairs and Gender as a side event at the UN CSW meeting and the EGDC has created two regional networks, made up of CSOs, the West African Network of Young Female Leaders, set up in 2009, and the Association of ECOWAS Female Parliamentarians.

The EGDC's mission is to work with member states on the enforcement of the Gender Policy and to provide technical and financial support. It collaborates with the gender machineries of the member states, through its focal points based at the ministry in charge of gender, and works with other line ministries, the private sector and CSOs. For example, ECOWAS has provided technical and/or financial support to five member states for the development and/or implementation of their national gender policies, and provided financial support to four member states to assist with preparation of their National Action Plans on



UN Security Council Resolution 1325. It has also initiated and facilitated capacity building and skills transfer.

The EGDC had intended to prepare an annual report to provide information and data on the gender situation in the West African region and on interventions capable of providing an adequate response to gender needs. However, due to the lack of financial and human resources, and the absence of reporting by member states, its first annual report was only published in 2012.

In 2015, instead of revising its Gender Policy, ECOWAS decided to elaborate a Supplementary Act on Equal Rights between Women and Men for Sustainable Development in the Community Region (ECOWAS 2015), which has already been ratified by 11 heads of state without reservation. The document addresses gender from the angle of human rights and obliges member states to domesticate the Act in order to respect and advance women's rights. One chapter deals with governance and political participation. The document will be disseminated at the regional level in order to start implementation of the action plan.

### Civil society

CSOs often act in close proximity to the intended beneficiaries of development policies, and can therefore make public spending on development more efficient, effective and equitable by influencing policy formulation as well as monitoring policy implementation and evaluating outcomes. Civil society can also act as a necessary constraint on the power of government and facilitate governance improvements through its calls for, among other things, greater transparency and accountability. CSOs are uniquely placed to act as watchdogs over political manipulation of development processes. Access to information, adequate funding and dialogue mechanisms are required in order to ensure their effective participation.

In 2004, the Solidarity for African Women's Rights Coalition, a network of 44 African and international organizations, was established with the objective of pushing for the entry into force of the Protocol on the Rights of Women in Africa. It does this by popularizing the Protocol throughout the continent and advocating for its application at the national and regional levels.

In 2006, the African women's civil society network launched the Gender is My Agenda campaign (GIMAC) dedicated to the implementation of the Solemn Declaration on Gender Equality in Africa. At the 20th African Women's pre-Summit on Gender Mainstreaming in the AU in 2012, GIMAC members insisted on monitoring, evaluating and reporting on AU member states' policies on women's rights, and made a commitment to produce shadow reports and to continue to recognize countries that are performing well (GIMAC 2012). In 2013, at the pre-Summit Consultative Meetings, GIMAC recommended that member states 'Ensure women's equal participation in all spheres of decision-making, and the equitable distribution of resources in the post-2015 development framework' (GIMAC 2013). In the same year, the coalition campaign, Africa for Women's Rights: Ratify and Respect was adopted to call for the continental ratification of the Solemn Declaration and for its effective implementation.

In 2015, at the 25th GIMAC pre-Summit, members proposed that to help measure the progress made towards its implementation, the Solemn Declaration on Gender Equality in Africa should be linked to Agenda 2063; and insisted that civil society produce an alternative report. It was also proposed that all studies and research on good practice and solutions be put on the UN Economic Commission for Africa (UNECA) knowledge-sharing platform (GIMAC 2015).

## Achievements

The AU has made progress in advancing the gender agenda and recognizing the importance of women's contributions to development. Some countries have been able to overcome barriers through innovative approaches and taken steps on legislative and budgetary support in order to enhance women's participation in politics. The gender focal points have become gender cells in almost all countries. However, the target set by the Solemn Declaration on Gender Equality in Africa of 50 per cent female representation in all AU organs, RECs, national governments, parliaments and judiciaries, which was to be achieved by 2015, remains largely unmet, both in Africa and worldwide.

In 2013 the Bureau of the Chair of the AUC in partnership with the UN Development Programme designed an initiative, Building an Enabling Environment for Women's Economic Empowerment and Political Participation in Africa (AU 2013). As one of the major outputs, it sought to enhance leadership participation by women in public and private institutions at both the national and the regional levels by 2016. It also sought to train female politicians on how they can make an impact, whatever their numbers may be, by learning the rules of the game and using this knowledge and understanding to promote women's issues and concerns from inside regional and national legislatures. The programme also aimed to ensure that by 2016 there would be enhanced integration of gender equality into institutional planning, budgeting and monitoring processes at the regional level.

In 2015 the Political Affairs Department of the AUC organized the fourth High-level Dialogue on Women's Equal Participation and Leadership in Political Parties in Rwanda. The dialogue targeted three concrete goals: (a) a renewed commitment by member states to ratify, domesticate and implement AU shared-values instruments that promote gender equality; (b) enhanced synergy, cooperation and collaboration in promoting gender equality and the leadership of women in political parties; and (c) enhanced strategic partnerships between the AUC and the African Political Parties Council on the operationalization of gender equality (AU 2015b).

## Challenges

Regional organizations and CSOs face a number of challenges that limit their capacity to promote gender equality in Africa. Their dependence on donor funding and the competition for funds, the slow progress of change at the legislative and policy levels, the lack of real political backing, and the weak binding power of declarations, protocols and policies over member states make the translation from commitments on gender equality and women's empowerment to concrete policies, programmes and actions very difficult. The fact that there are no sanctions attached to failing to comply with reporting obligations is a major weakness in the enforcement and implementation system.

To date, there has been limited evidence of coordination or exchange of information among the AU, NEPAD, ECOWAS and CSOs. The level of coordination between the AU and the RECs appears limited and among the RECs is almost non-existent. This gap needs to be tackled urgently; there is a need for more transparency and public recording of results. The EGDC is currently developing a website on which to upload key documents and publicize all the work it is doing, and intends to set up an information and documentation centre on gender.

The AU, NEPAD and some RECs have Gender Funds for project implementation. These provide visibility but have only a short-term impact. It is important to shift this approach to become more strategic; and to reinforce the capacities of the member states on project implementation while at the same time enhancing appropriation, according to the principle



of subsidiarity which stipulates that activities should be carried out by the agencies at the lowest level that is both effective and efficient.

Another challenge is harmonizing laws, where positive law establishes equality while customary law tends to disadvantage women. By engaging in politics, women challenge traditional roles; the case of the holy city of Touba, Senegal, provides one example. Senegal signed a gender parity law in 2010, which obliges all political parties to maintain a party list male-female ratio of 50:50. This law was not respected during the 2014 local elections, which led the Supreme Court to cancel the election of a mayor and several deputies in two communes. When Touba presented an all-male party list, however, there were no sanctions (Tøraasen 2017).

## Concrete actions and recommendations

Work at the regional level does not replace work at the national level, but it can complement it and strengthen it by using both top-down and bottom-up approaches. The AUC should provide strategic guidance on the operationalization of gender issues, step up its advocacy, follow-up and monitoring roles, and conduct proper assessments and evaluations of the impact of gender instruments to reinforce the mechanisms in place and track progress.

The AU should continue to develop and use appropriate qualitative and quantitative indicators to report on progress; and embark on a regional assessment of the status of women. The lack of available or up-to-date data is a significant obstacle to identifying trends and documenting progress. This should be an area of extensive research by the AU and the RECs in order to establish a mechanism to track the annual progress of each member state on the domestication of regional conventions. For example, the SADC Gender Protocol Barometer produced by the Southern Africa Gender Protocol Alliance to measure progress annually with the implementation of the SADC Gender Protocol by its member states, could be replicated by other RECs.

The AU in partnership with NEPAD, the RECs and CSOs can make a difference in Africa. As a regional organization, the AU understands the local situation and is often more accepted than outsiders and more committed to engaging for the medium to long term. These institutions should build on lessons learned to expand programmes in the field of women's political participation.

All the RECs should ensure the existence and effective implementation of national gender policies in all member states. Where a REC has no gender policy, the AU should provide support to develop one. Greater attention should be paid to the worst-performing RECs. RECs should base their gender policies on international conventions, especially CEDAW, and adhere to the SGDEA. A comprehensive gender policy coupled with adequate human and financial resources would help address gender issues more fully and meaningfully.

On continental ratification, there is a need to consistently include on the agenda of every AU Summit an item on the status of ratifications, and to remind heads of state and government of the commitments made. Linkages and partnerships between continental and national mechanisms would facilitate accurate, harmonized and effective reporting, and provide a mechanism for cross-country comparisons and peer learning.

An effective coordination and cooperation mechanism is required with the objective of permitting synergies between organizations. At present, there is only one annual meeting, organized by UNECA, with the gender focal points of the RECs. The new AU Gender Director intends to convene such meetings. The AU needs to build a closer partnership with the RECs, which are regarded as the pillars of the AU, and with NEPAD and CSOs. This will enhance efficiency by avoiding duplication of effort and services, and ensure complementary planning and programme delivery that will accelerate the integration of a gender approach into policies, planning, programming, monitoring and evaluation. It will

also help to manage competition for scarce resources and put in place creative strategies for resource mobilization.

The AU, NEPAD and ECOWAS should work more closely with CSOs, which have greater capacity to mobilize public support and solidarity. For example, to ensure the implementation of the Women's Protocol at the national level, it will need to be disseminated widely. Women's organizations have an important role to play in lobbying governments to ratify the Protocol and bring it into force.

In addition, the three regional entities should more actively promote women's political participation, since they are in a position to bolster national efforts by facilitating dialogue, coordination and consensus building. Promoting initiatives and sharing experiences among political parties and women parliamentarians in Africa, as well as among the RECs, and fostering South–South cooperation and supporting institutional capabilities for gender mainstreaming and equality, would facilitate the expansion of programmes in the field of women's political participation.

## Conclusions

Progress made on women's political participation has not been evenly distributed across Africa. Despite commitments to gender equality, discrimination against women and a lack of effective participation by women in decision-making persist. Legal and policy commitments will always need to be accompanied by measures to combat gender inequality.

Regional organizations have easier access to a wider range of media and are better placed than national institutions and some international organizations to address transnational issues. It is also easier for them to obtain buy-in from government representatives. Due to its wide membership, the AU can act as a catalyst to promote gender equality and women's rights, and has the potential to influence policies, agendas and practices at the regional and national levels, have a multiplier effect and create peer pressure among member states in order to advance the gender agenda. AU member states should mobilize and allocate more resources in order to strengthen the gender architecture and achieve gender equality.

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## 1.2. Recommendations from the African consultation



During the African consultation, held in Johannesburg on 9–10 March 2017, organizations and activists working in the African region shared examples of best practices on how to effectively increase women’s political participation (Community of Democracies 2017a). The consultation generated numerous insights on what direction government, organizations and civil society should take in order to promote gender equality and women’s political participation in the African region. Participants produced the following set of recommendations.

1. Gender stereotyping and discrimination on the basis of social and religious norms need to be addressed. The fundamental role of education was underlined as the means of empowering women and girls and preparing them for future leadership roles. Training in and the use of information and communication technologies (ICTs) was highlighted as an essential tool in education and training efforts, in particular to overcome the digital divide between men and women in the use of new technologies and to provide women with equal access to information.
2. International organizations and national governments should strengthen monitoring, reporting and knowledge about women’s participation in decision making through detailed gender data collection, dissemination and analysis. This should be accompanied by participation of parliament and civil society in the discussion on national periodic CEDAW reports prior to their official submission to the CEDAW Committee in order to raise the awareness about their country’s commitments.
3. Civil society and other stakeholders should hold government, legislatures and political parties accountable for progress in increasing women’s participation and representation. The role of regional and international institutions in promoting women’s political participation and empowerment must be underlined, especially in mobilizing key actors and focusing attention on this topic.
4. Existing constitutional, political, legislative, and regulatory frameworks, particularly in post-conflict countries and countries in transition, should be revised in order to tackle the provisions that may hinder women’s equal participation. These include rules requiring high numbers of signatures to register as a candidate or high monetary deposits that can be discriminatory against women candidates.



5. There is a need for strengthening women's leadership skills through training and capacity building programs. It is necessary to provide mentorship opportunities for women who are already in politics and for those who are about to enter the political arena, and to create a network of women in politics to further develop relevant skills. Emphasis should be put on strengthening internal party working methods, with legally binding rules and sanctions, especially in the selection and nomination of women to elected party positions and on party electoral lists.
6. Engaging with male MPs to promote gender equality in legislative outcomes and gender equality principles is essential. Urgent tasks include introducing electoral laws that mandate efficient, rule-based quotas for the increased representation of women and additional measures to ensure compliance
7. During elections, it is crucial to implement the gender equality recommendations of election observation reports in order to support electoral management boards, political parties and the legislature in advancing inclusive elections.
8. International organizations and civil society should put constant pressure on governments to prioritize the achievement of SDGs in general, and Goals 5 and 16 in particular. Local non-governmental organizations working in the field of gender and women's empowerment might consider creating a national coalition, working together with donors and international actors such as International IDEA, UNDP, UNFPA and other UN bodies, and the Community of Democracies. This coalition would produce a yearly report based on a commonly developed scorecard measuring the implementation of the SDGs. Funding might be conditioned by the achievement of yearly goals to incite governments to improve their situation.
9. The African Union has a crucial role in Africa in promoting women's empowerment and political participation. It should send monitoring missions on a regular basis to African countries, to assess progress and achievements and to put pressure on governments to comply with their international commitments and standards.
10. The Community of Democracies and its partners should develop an online class dealing with women's political empowerment in order to build local civil society capacities and help them sustain their mission and commitment. It should be free, easily accessible and run in French and English.

## 2. The Americas

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## 2.1. The Role of the Organization of American States and the Inter-American Commission of Women in promoting women's rights and gender equality in the Americas

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### Inter-American Commission of Women

#### Introduction

In recent decades, the Americas region has adopted countless binding legal agreements, political statements and declarations of commitment to the human rights of women and gender equality. These constitute a strong legal and normative framework for protecting and guaranteeing women's rights. The main difficulty, however, is implementation of national and international law, as well as constitutional guarantees of gender equality and women's rights, which are a precondition for making the rule of law a reality. Beyond formal or numerical parity, women continue to face limitations when it comes to participation in decision-making under conditions of equality and non-discrimination, as well as their ability to wield influence from a platform of unrestricted human rights and gender equality.

This chapter analyses the current status of issues related to gender equality and the political empowerment of women in the Americas. It concentrates on the work of the Organization of American States (OAS) to promote gender equality as a cross-cutting issue and the efforts of the Inter-American Commission of Women (Comisión Interamericana de Mujeres, CIM) to spearhead this agenda as instrumental to the advancement of democracy in the region. It also highlights the work of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), a systematic and permanent multilateral evaluation methodology based on exchange and technical cooperation between the states parties to the Belém do Pará Convention and a Committee of Experts.



**Box 3.1. The Organization of American States**

Founded in 1948, the Organization of American States (OAS) now has 35 Member States and is the leading governmental forum in the Americas in the political, legal, and social spheres. It has granted permanent observer status to 72 states, as well as to the European Union. The OAS is headquartered in Washington, DC.

<http://www.oas.org>

**Background**

The origins of the OAS date back to the First International Conference of American States held in Washington, DC, from October 1889 to April 1890. That meeting agreed to create the International Union of American Republics and thus began a process of weaving together a network of provisions and institutions that came to be called the ‘inter-American system’. The OAS was created in 1948, when the Charter of the OAS was signed in Bogotá, Colombia (OAS 1948). The Charter entered into force in December 1951. The OAS was founded with the purpose of achieving among its Member States ‘an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence’ (see Box 3.1). The OAS relies on four pillars to carry out its essential purposes: (a) democracy, (b) human rights, (c) security and (d) development. All four pillars are mutually reinforcing and horizontally linked through a structure that embraces political dialogue, inclusion, cooperation, and legal and monitoring instruments.

**Gender equality and women’s rights in the Americas: a regional overview**

While gender has traditionally been viewed as a dichotomy between women and men, gender studies in the Americas increasingly reveal a greater diversity and plurality of approaches. In this context, any analysis of gender equality must take account of the multiple realities of women, who cannot be considered as a homogeneous group. Gender inequality intersects with other aspects of identity such as socio-economic status, ethnic origin, age, physical and intellectual capacity, geographic location and migration status to aggravate exclusion. In addition, gender identity and expression, as well as sexual orientation, have become more fluid concepts.

The OAS General Assembly has adopted a number of resolutions on gender and diversity, including, for example, a June 2014 Resolution, ‘Human Rights, Sexual Orientation and Gender Identity and Expression’ (AG/RES. 2863 (XLIV-O/14)). In November 2013 the Inter-American Commission on Human Rights (IACHR) of the OAS established a Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Persons in recognition of the particular obstacles this community faces in enjoying full exercise of its human rights. The exclusion of women and of LGBTI persons is a multidimensional obstacle to the exercise of their human rights and their full participation in economic, social and political affairs. This exclusion by state institutions with powers over decision-making, political representation and public resources calls into question the legitimacy of democracy and its capacity to represent a plurality of interests and demands.

In most countries in the region, the enrolment rate of women in all levels of education is equal to or greater than that of men, but these rates generally conceal the manner in which



the intersection of gender with other aspects of identity continues to pose a barrier to participation in formal education (IACHR 2011a: 65). Specific circumstances—particularly poverty, adolescent pregnancy and violence against women and LGBTI persons in educational institutions—make it difficult to remain in school (CLADEM 2011: 17). Similarly, through their curricular material as well as their teaching practices, the education systems of the region continue to reproduce gender inequality and discrimination by transmitting, or failing to counteract, discriminatory standards and stereotypes concerning men, women and their social behaviour (IACHR 2011a: 65). In addition, although change is coming gradually, there is persistent segregation in higher education, as a preponderance of men pursue subjects such as the sciences, technology, engineering and mathematics.

As an exception to the global trend towards stagnation in women's participation in the labour market, in Latin America and the Caribbean participation has grown by 35 per cent since 1990. According to the World Bank (2014: 8), were it not for this increase in women's participation in the labour market the region's poverty rate would be 28 per cent higher than it is. In comparison to men, however, women continue to participate less in employment, particularly formal employment, and to experience higher rates of unemployment, informal employment in its various forms and precarious employment such as unregistered wage-earning, self-employment in low productivity activities and part-time work, particularly in the informal economy. Their average incomes are also lower under similar conditions of occupation and education (the gender wage gap) and they have less access to social security systems, property ownership and inheritance, land and credit, as well as less control over resources and services (CIM and International IDEA 2013c: 37).

One of the biggest obstacles to women's full economic, social and political inclusion is the persistent lack of shared responsibility between men and women in family life, as well as the failure of the state and the private sector to create a functional and sustainable care infrastructure. The bulk of the burden inherent in the right to care is borne by women, and this is a significant barrier to the full inclusion of women in the political, economic and social life of nations.

The concentration of women in caregiving, related employment and the informal economy has had a particular impact on global migratory flows and the situation of migrant women—a phenomenon known as global care chains (UN-INSTRAW 2007: 4). Global care chains create many jobs for migrant women but the work they perform is not valued either socially or economically, which contributes to the globalization of patterns of inequality and discrimination along gender, ethnic and class lines.

Since the entry into force of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) in 1994, its 32 states parties have made major efforts to build a world that is fairer, more equitable and more egalitarian for women. However, gender-based violence continues to affect one out of every three women. The work of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI) shows that much remains to be done to respect and guarantee the right of women and girls, in all their diversity, to a life free from violence. The high rates of violence and the many forms in which it manifests itself against girls and women—particularly when gender intersects with other factors such as ethnic origin, socio-economic status or physical and intellectual capacity—highlight the need to reinforce those efforts, as noted in the most recent reports delivered to MESECVI by states (MESECVI 2014).

## Democracy and the political rights of women: reflections on progress and the challenges of the Inter-American Commission of Women

The Inter-American Commission of Women (CIM) was established on 18 February 1928 by a resolution of the Sixth International Conference of American States in Havana, Cuba. In 1948, through an agreement signed during the Ninth International Conference of American States in Bogotá, Colombia, the CIM became a specialized agency of the Organization of American States (OAS), a status that it retains today. Since its creation, the CIM has played a fundamental role in promoting the political rights of women. The first goal of the CIM was to extend civil and political rights to women. To this end, the CIM promoted the adoption of the Inter-American Convention on the Granting of Political Rights to Women (1948), among other instruments. Also at the initiative of the CIM, article 4(j) of the Belém do Pará Convention enshrines a woman's right to have equal access to the public service of her country, and to take part in the conduct of public affairs, including decision-making. Moreover, article 5 recognizes that violence against women prevents and nullifies the exercise of their political rights. The inter-American system has also reinforced the legal framework guaranteeing the full and equal participation of women in political life, as a fundamental element of promoting and exercising democratic culture, through such instruments as the American Convention on Human Rights and the Inter-American Democratic Charter.

The wave of reforms that has led nearly all Latin American countries to adopt affirmative measures to favour the exercise of women's right to stand for election began in Argentina, which instituted the first gender quota in the region in 1991. Since then, with few exceptions, countries have been adopting gender quotas and, more recently, parity targets (see Figure 2.1). In many cases, quotas have had an important impact on increasing the number of women standing as candidates as well as the number of women being elected. Nonetheless, this mechanism has neither fully nor permanently resolved the problem of women's under-representation in public life. Thus, between 2009 and 2013 five countries in the region adopted parity objectives in their candidate lists: Bolivia, Costa Rica, Ecuador, Mexico and Nicaragua. With the exception of Costa Rica, most countries enshrined parity at the highest possible level, establishing it in their constitutions.

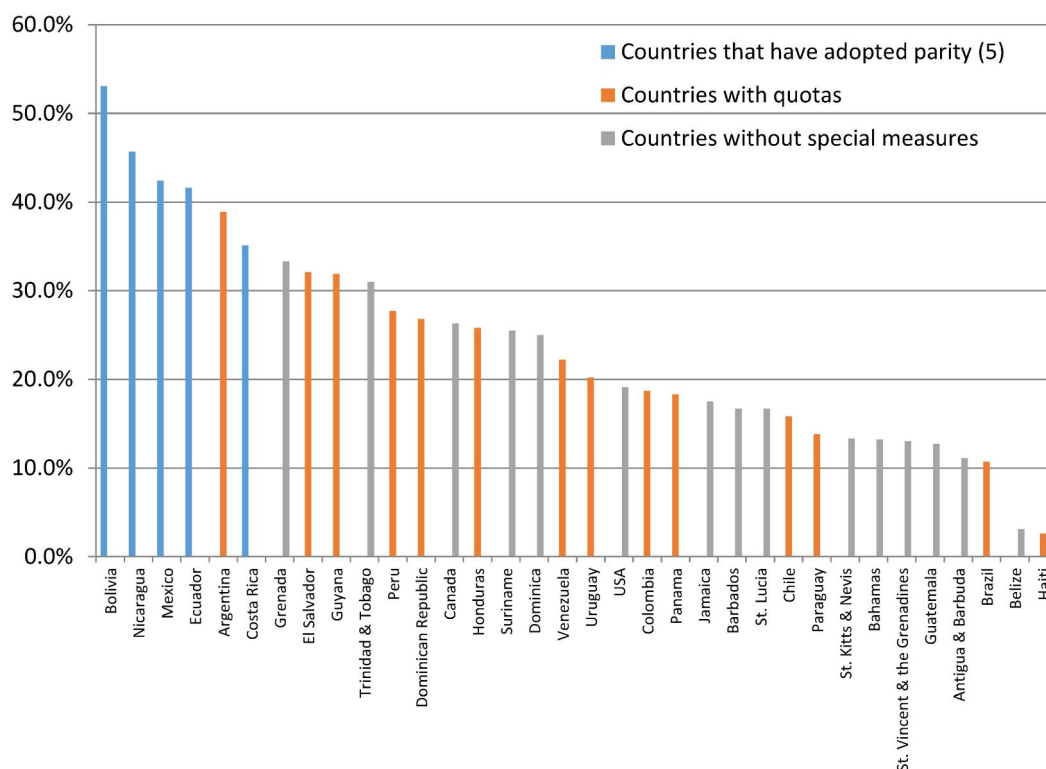
Progress with respect to women's representation in public arenas has been notable in many respects but a closer look shows that achievement has been uneven and in the majority of cases insufficient, and that there has been some backsliding. In all the countries of the Americas, women continue to be under-represented in public life, particularly in the political sphere, and especially in positions of political power. Thus, in the democratic history of the region, only eight countries (Nicaragua, Panama, Chile, Argentina, Costa Rica, Brazil, Jamaica, and Trinidad and Tobago) have elected a woman to the highest position of government. Moreover, the election of female presidents is a recent phenomenon, confined mainly to the past decade.

As a result of quota and parity measures, women's presence in the legislative branch has increased in recent years (see Figure 2.1) and as of January 2017, the average for the Americas region was 28.2 per cent elected to the lower chamber, which means that it is ranked second in the world.

The average proportion of women in the executive branch in the Americas is 24 per cent (IPU and UN Women 2017). This regional average conceals differing realities from one country to the next. Thus, in most countries that have adopted parity targets for women in legislatures, there is still a notable gap between these legislatures and the proportion of women in other state institutions.



Figure 2.1. Percentage of women in parliament (lower chamber) in the countries of the Americas, 2017

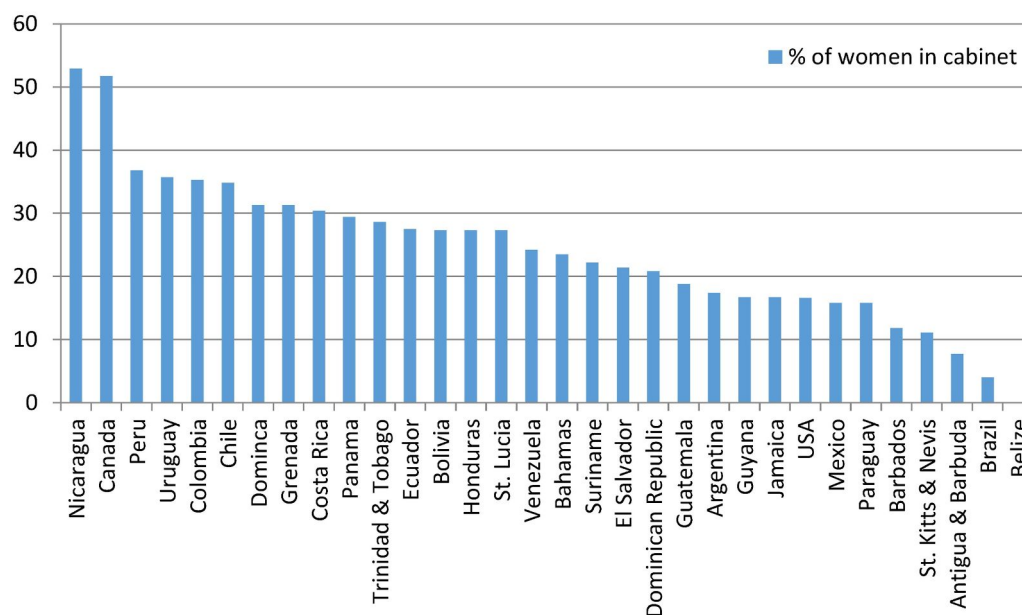


Source: Prepared by OAS, based on data from Inter-Parliamentary Union, <<http://www.ipu.org/wmn-e/arc/classif010117.htm>>, accessed 28 March 2017.

At the municipal level, the data shows that women's participation in elected office remains low, especially in 'single-person' positions or those filled by a majority vote. As a regional average, only 12.3 per cent of mayors are women. This percentage has been increasing very slowly but once again conceals wide disparities between countries, from Guatemala (2.1 per cent) to Nicaragua (40.1 per cent). In addition, 27.3 per cent of municipal counsellors are women, ranging from 8.8 per cent in Guatemala to 44.1 per cent in Bolivia. Finally, 29.1 per cent of the members of the senior judiciary in Latin America are women. The variation among countries remains important, contrasting countries that have achieved parity or close to it, such as Venezuela (53.1 per cent) or Ecuador (45 per cent), with a country such as Uruguay, which has no female judges in its highest court (ECLAC Gender Observatory).

With few exceptions, governmental or legislative responses to the problem of the public exclusion of women have been confined to the right to be elected to parliaments, and few legislative measures have been adopted to ensure balanced representation of women and men in other spheres, such as the judiciary, the executive branch or public enterprises. The greatest advances in terms of the number of women in parliaments are the result of well-regulated parity or quota laws that include position mandates and effective penalties for non-compliance. At the same time, in other parliaments, women are virtually absent because of defective regulation of the quota or its incompatibility with the electoral system. Similarly, legislative provisions rarely go beyond ensuring women's access to public institutions, overlooking the fact that women face discrimination and gender violence once they have gained access to public life, preventing the effective exercise of their political rights.

Figure 2.2. Percentage of women in ministerial positions in countries of the Americas, 2017



Source: Prepared by OAS, based on data from IPU and UN women, 2017 <<https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017>>.

Notes: No data available for Haiti; data for the USA obtained from <<http://fortune.com/2017/03/10/trump-administration-jobs-women/>>.

There is a solid consensus on the leading role that political parties must play in promoting greater political participation by women and, despite this, the scant efforts parties have made to promote women's political participation. Data from International IDEA and the Inter-American Development Bank (IADB) show that on average, women account for 10.2 per cent of political party presidents and 12.9 per cent of general secretaries (International IDEA and IADB 2015). The percentage of women in the highest national executive positions has increased somewhat more, to an average of 20.4 per cent. Moreover, the analysis of functions occupied by women in management bodies indicates that they are absent from the areas of greatest importance, such as the economic and treasury domains or as vice presidents and secretaries of organizations. In other words, the more powerful the position, the less likely it is to be held by a woman, even when women form half the membership of political parties.

With the adoption of parity targets, which has brought unprecedented levels of women's representation to the region, there has been a concomitant increase in discrimination and violence against women in the political sphere. In other words, a greater openness by democracies to the inclusion of women through the adoption of important measures such as parity has gone hand-in-hand with resistance from multiple sectors.

The use of sexual violence against female candidates, the burning of women's campaign materials, the insults and deprecations based on gender stereotypes levelled at even the most senior female authorities, attacks on the integrity of defenders of women's human rights and the violent messages and threats that many women in public office receive through social networks are just some examples of the human rights violations that women face in exercising their political rights. Despite, or perhaps because of, these obstacles, political violence against women is today a problem that features increasingly on the public agenda. In 2012, Bolivia adopted a special law—the first of its kind in the world—after a female municipal councillor was assassinated for political reasons. Legislative initiatives in this area



have also been presented in Costa Rica, Ecuador, Honduras, Mexico and Peru. In Mexico—a federal country—the states of Baja California, Coahuila, Campeche, Jalisco and Oaxaca have approved reforms to the laws on violence against women to introduce the concept of political violence, and some have incorporated criminal penalties.

Also important is the scarcity of measures to promote women in all their diversity in the region, particularly indigenous women and women of African descent, whose participation remains one of the great challenges on the agenda of the countries of the Americas.

Finally, there is the problem of the lack of data on participation by women and men in public affairs. This shortcoming constrains the design of realistic policies in this area and hampers efforts to move beyond the electoral field. It also prevents governments from taking stock of the situation of women and men in positions of power in all sectors. In the San José Declaration, CIM delegates called for specific efforts ‘to foster and strengthen, at the national and regional levels, the generation of harmonized statistical data disaggregated by sex and other relevant variables that can be used to facilitate comparative analyses of data aimed at shedding light on women’s political participation with respect to their male counterparts, women serving in elected office at the federal and local government levels, as well as in public institutions and all branches of government’.

Although, as noted above, most of the measures adopted by states have been limited to promoting the conditions for electoral competition by women as a way of boosting their presence in parliaments, the international and inter-American legal framework on political rights is much broader. This gap highlights the need to continue efforts to harmonize laws and policies at the national level with the provisions of international conventions on women’s political rights. Viewed from this broader perspective, there have been notable advances in recent years. Five countries in the region—Ecuador, Bolivia, Costa Rica, Nicaragua and Mexico—have adopted parity provisions on candidate lists and two—Panama and Honduras—are applying parity in the internal processes of political parties. The parity rules of Ecuador and Bolivia have broadened the scope of parity to other institutions of government beyond the legislative and now include the local level. There is still, however, a regulatory vacuum on governmental positions at the international level. Nine Latin American countries (Argentina, Bolivia, Costa Rica, Ecuador, Honduras, Panama, Paraguay, Peru and Uruguay) have adopted measures to promote women’s participation in the senior management bodies of political parties (Llanos and Roza 2015). Costa Rica has legislated for a requirement to observe parity in the membership of the managing boards of trade unions.

On electoral financing, Latin American countries have made progress under three different modalities (CIM and IDEA International 2013c): (a) measures that oblige political parties to earmark a percentage of the public funding they receive for the training and strengthening of women’s political leadership (Brazil, Colombia, Honduras, Mexico and Panama); (b) measures that establish incentives for the election of women, whereby political parties receive a bonus geared to the number of women elected (Colombia and Chile); and (c) measures that establish an indirect financing modality through an obligation to allocate a portion of media time to female candidates (Brazil). Costa Rica is a special case in which political parties have a legal obligation to reserve a special fund for training women and men in gender equality and human rights issues.

In Costa Rica and Mexico, rulings issued with a gender perspective have provided effective protection for women’s political and electoral rights and strengthened the legal framework on parity through the adoption of the so-called horizontal parity approach of applying sequential ranking of the electoral candidates on party lists.

The commitment of feminist organizations and women from political institutions, including international and regional organizations, and the forging of alliances has been key to explaining progress. An essential role has also been played by women from political institutions who have sponsored the necessary reforms to convert demands into policies or



who have been at the forefront of the public agencies responsible for their application. Institutionalized partnerships and informal women's networks have also proved effective. In the first case there have been interesting experiments with the formation of 'women's benches' in parliaments, whereby women from different parliamentary blocs pool their efforts and work towards a common agenda that promotes women's rights and gender equality. The effectiveness of informal networks, although less studied, has also been recognized. One of the few documented experiments is the case of the women's network, *Red de Mujeres en Plural*, which has been and remains a key element in promoting gender parity in Mexico.

In this context, the CIM has addressed the issue of parity in the region from two dimensions: access to power and the conditions of exercise. This comprehensive perspective means, first, parity of access for women and men to all institutions of government, and particularly to positions of power, from the international to the local, and in general all organizations of public and political life, including political parties, trade unions and other social and political organizations. Second, parity must be directed at ensuring that the conditions in which women exercise their political rights and political power are free from discrimination and violence. These conditions refer, among other things, to political violence, the persistence of a culture of *machismo* within political parties, unequal access to political financing, discrimination against women in the communications media, the persistence of gender stereotypes and the difficulties of reconciling public and private life.

### The legal and regulatory framework for gender equality and women's rights

The legal and political framework for women's rights and gender equality in the Americas is the most solid in the world, after that of Western Europe (OECD 2010). Legally, women and LGBTI persons enjoy a broad range of rights under conditions of equality with heterosexual men. Nonetheless, as stated by UN Women:

in all societies, women [and LGBTI persons] are less powerful than [heterosexual] men and the two areas in which women's rights are least protected, where the rule of law is weakest and [heterosexual] men's privilege is often most entrenched are first, women's rights [and those of LGBTI persons] in the private and domestic sphere, including their rights to live free from [discrimination and] violence and to make decisions about their sexuality, on marriage, divorce, and reproductive health, and second, women's economic rights, including the right to decent work and the right to inherit and control land and other productive resources (UN Women 2012: 11).

For women, since the adoption of the Convention on the Nationality of Women in 1933, the Americas region has progressively guaranteed the rights of women in the civil (1952), political (1952) and economic, social and cultural (1966 and 1988) spheres. These guarantees were consolidated at the international level in 1979 through the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Since then, the region has continued its progress towards guaranteeing the full exercise of women's rights through agreements that address specific issues that present particular obstacles. These include treatment of the issue of violence against women in the Belém do Pará Convention or the multiple conventions of the International Labour Organization on such topics as equal remuneration (1951), discrimination in employment and occupation (1958), workers with family responsibilities (1981), the protection of maternity (2000) or decent work for domestic workers (2011).

**Box 2.2. Key dates in the development of the international legal framework**

1918: Right to vote. Women in Canada gain the right to vote

1928: Creation of the CIM. Sixth International Conference of American States (Havana)

1933: Inter-American Convention on the Nationality of Women

1948: Conventions on civil and political rights

1979: Convention on the elimination of all forms of discrimination against women (CEDAW)

1994: Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)

2013: Inter-American Convention against All Forms of Discrimination and Intolerance

In the Americas, the great gap in the guarantee and protection of human rights continues to be sexual and reproductive rights. Beyond general protection for physical integrity, health or maternity, people still have no guarantee of their rights to decide, exercise and control their sexuality or their reproductive function under conditions of equality, and free from discrimination, prejudice and violence. Beyond representing a violation in itself, this reality impedes the capacity of many persons, in particular women because of their biological reproductive function, to fully exercise their other rights.

### The role of the Inter-American Commission of Women

The CIM was the first multilateral, intergovernmental body created to ensure recognition of the civil, political, economic, social and cultural rights of women. In its 90 years of existence it has become the principal forum for the debate and formulation of policies on women's rights and gender equality in the Americas. The CIM comprises an Assembly of Delegates; an Executive Committee, composed of the President, three Vice Presidents and five representatives of Member States, all elected by the Assembly; and the Executive Secretariat, which performs the Commission's administrative, technical and executive functions. The Assembly of Delegates is the highest authority of the CIM and its resolutions, together with those of the OAS General Assembly, guide the work of the CIM.

According to article 2 of the of the CIM Statute, the central mission of the CIM is 'to support Member States of the OAS in their efforts to comply with their respective international and inter-American commitments on women's human rights and gender equity and equality, so that they are converted into effective public policy, contributing to the full and equal participation of women in the civil, political, economic, social, and cultural spheres'.

Within the OAS, the Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (IAP) defines the cross-cutting dimensions of the CIM's role. The IAP stresses the importance of the adoption, in coordination with the CIM, of the measures necessary to ensure that a gender perspective is incorporated into all of the organs, bodies and entities of the OAS in the development of their programmes, projects and activities. It also stresses the need to ensure that a gender perspective is consistently incorporated into the preparation and application of international instruments, mechanisms, and procedures within the framework of the OAS, and particularly on the agendas of

ministerial-level meetings; provide support for incorporating the gender perspective into the general programs of the OAS and the inter-American system; and put into practice measures that will ensure full and equal access for men and women to positions in all categories of the OAS system, particularly those at the decision-making level.

## OAS interventions at the regional, national and institutional levels

### Institutionalizing a gender and rights-based approach in the work of the OAS

As a complement to the legal framework, the approval of the IAP by the OAS General Assembly in 2000 represented a political consensus on the part of Member States concerning discrimination against women and the need to take action to advance their rights, to combat all forms of discrimination and to promote gender equity and equality. The IAP recommends that Member States formulate public policies, strategies and proposals designed to promote women's human rights and gender equality in all spheres of public and private life, considering their diversity and lifecycles, by mainstreaming a gender perspective; and it calls for the systematic integration of a gender perspective into all the organs and agencies of the inter-American system.

An internal evaluation conducted in 2010 found that after 15 years of work on incorporating a gender perspective within the framework of the IAP, there has been a discernible impact. The report found a general level of awareness in the OAS of the importance of gender equality and women's rights, and highlighted the growing body of knowledge and institutional expertise in specific areas. It also noted that there was still much uncertainty over the intention to incorporate a gender perspective, how to do so and who would be responsible for this task. Consequently, efforts to take gender equality and women's rights into account are still sporadic and depend to a great extent on the willingness of each employee.

More recently, on 7 March 2016 the OAS adopted the General Secretariat's Institutional Policy on Gender Equality, Diversity and Human Rights. The policy is intended to advance equality in the exercise of rights, equal opportunities and equal treatment in all the work of the OAS by strengthening its management, culture and institutional capacities. An Action Plan for implementing the policy was launched by the Secretary General of the OAS in October 2017, as the result of an organization-wide Participatory Gender Assessment.

Mainstreaming efforts by the CIM in recent years have included:

- Awareness raising workshops and basic and area-specific training for OAS staff on gender and gender analysis, with the participation of OAS officials.
- Preparation of the Handbook on Mainstreaming Gender Equality in the OAS Project Cycle (OAS 2010a).
- Technical assistance and ongoing thematic advice to various bodies of the OAS on the process of preparing and implementing policies, programmes and projects, including those related to high-level meetings and ministerial meetings. This includes coordination with the OAS Planning and Evaluation Department to ensure the integration of a gender perspective and women's rights approach into the project cycle. Greater pressure from donors and a gradual change in OAS staff mentality has led to a considerable increase in the demand for technical advice and support from the CIM.
- Development of capacities in the area of gender and women's rights, targeted at staff of the OAS and other organizations, through the preparation and delivery of online



courses, as well as the establishment of the OAS Community of Practice (CoP) on Gender Equality, comprising OAS staff and consultants trained on gender matters.

- Adoption of the OAS Institutional Policy on Gender Equality, Diversity and Human Rights in 2016 (see above) and the subsequent Participatory Gender Assessment on Gender Rights and Diversity in the OAS, the principal objective of which was to identify ways to correct the asymmetries in the Organization in order to strengthen the objectives of equity and equality in policies, programmes and projects, as well as in the human resource management practices and the culture of the OAS and which noted that the OAS has accumulated considerable experience and succeeded in mainstreaming measures and actions to promote equality in programmes and projects, but not in addressing organizational change to the same degree.

An essential part of the CIM's efforts to institutionalize a gender and rights-based approach in the work of the OAS is its ongoing offer of online training for OAS staff, officials of Member States and other interested persons, including virtual courses on the rights and gender equality approach to policies, programmes and projects, strategic planning with a gender perspective, communication, gender and human rights, and public policies and gender justice.

#### Box 2.3. Awards promoting gender equality and recognition of women's work

- **The Inter-American Award for Innovation in Effective Public Management** (Department for Effective Public Management) aims to recognize, encourage and promote innovations in public management in the region. It includes as criteria the gender perspective and the categories of social inclusion and innovation in promoting the gender equality and rights-based approach.
- **The Competition on the Use of ICTs to Prevent and Eradicate Violence against Women** (Inter-American Telecommunications Commission) aims to recognize the best contributions and examples of leadership concerning the use of ICTs to help prevent and eradicate violence against women.
- The awards for **Outstanding Women in the Maritime and Port Sectors** (Inter-American Committee on Ports) recognize the professional career of outstanding women in the maritime and port sectors, including their substantive achievements as well as their participation, contribution and leadership for integral development of the peoples of the Americas.
- **The High-Impact Woman Entrepreneur Award** (Young Americas Business Trust) focuses on women's projects that have had an impact in Latin America in the areas of education, decent employment or labour capacities. It highlights criteria such as leadership, and scalable and adaptable business models with an impact on society.
- **The Woman Innovator of the Americas Award** (Young Americas Business Trust) rewards criteria such as leadership, scalable and adaptable business models with a social impact. In 2016, this recognition was part of the 11th Edition of the Talent and Innovation Competition of the Americas (TIC Americas), held in partnership with the World Bank.

### Notable institutional practices for promoting gender equality and women's rights in strategic areas

The annual reports of the Secretary-General on implementation of the IAP in the organs and agencies of the General Secretariat and the autonomous agencies of the inter-American system reflect their ongoing commitment and activities not only to integrate a gender and rights-based approach—and, more recently, diversity—into their policies, programmes and projects, but also to achieve the full exercise of women's human rights. This section highlights some, although not all, of the efforts of the OAS, which are noteworthy for their scope, sustainability and capacity for replication.

#### *Strengthening democracy from a gender perspective*

Since 2009, the Department of Electoral Cooperation and Observation (DECO) has been developing and implementing methodologies with a gender focus to collect information on the status of the exercise of women's political rights in the electoral processes of the region. This has allowed it to deepen its analysis and make recommendations to member countries. Its *Manual for Incorporating a Gender Perspective into OAS Electoral Observation Missions*, applied to date in more than 30 observation missions, has created tools for observing the conditions for the exercise of men and women's political rights in electoral processes. Quantitative and qualitative data are systematically collected on women's participation in politics as voters, candidates, polling booth officials, supervisors and officials of electoral bodies. The manual *Observing Political-Electoral Financing Systems: a Manual for OAS Electoral Observation Missions* can be used to analyse the extent to which financing systems favour equity and transparency in electoral processes, both at the pre-and post-electoral stages, and how the components of the financing systems favour or prejudice the rights of women to vote and to be elected. It has been used in 30 missions.

The Methodology to Observe the Electoral Participation of Indigenous and Afro-descendent Peoples in Electoral Processes is geared to identifying the obstacles that these groups face in exercising their political rights, paying special attention to the barriers facing indigenous women's political participation. The methodology was applied on a pilot basis in the general elections in Bolivia in 2014 and Guatemala in 2015, respectively. In both cases, specific recommendations were made to the electoral body.

DECO is also developing a Methodology for the Observation of Electoral Justice. It is expected to facilitate observation of the processes and mechanisms for the resolution of electoral complaints and pay attention to the degree to which international standards are reflected in the judicial structure, legal system and effective practices that govern the process and resolution of conflicts related to the right to vote, active and passive. In this context, the OAS will be able to observe whether there are in particular demands regarding the impact of women's political rights and the mechanisms for resolving them.

The recommendations from the OAS Electoral Observation Missions (EOMs) on women's political participation are focused on the creation and effective implementation of affirmative action measures (initially quota and alternation, and now parity with alternation). Similarly, targeted public funding (direct and indirect) as well as work within political parties to promote women's leadership and candidacy has also been recommended.

The effectiveness of OAS EOMs has been measured through an independent study within the framework of the Global Integrity Project (OAS 2016). According to this research, which sought to measure the impact of EOMs by evaluating the effectiveness of the recommendations, 'about half of the recommendations were implemented in whole or in part'. This important number of recommendations voluntarily received by Member States is a clear recognition of the Organization, and of this programme.



As part of its monitoring of OAS mandates to help strengthen peace, the Mission to support the peace process in Colombia (MAPP/OAS) was created in February 2004 to support the process of demobilization and reintegration of armed groups, and to accompany the peace efforts of institutions and communities. It is currently working on post-conflict issues in the region with the communities and the institutions that have key roles in the post-accord stage and in peacebuilding. The efforts at institutional strengthening relating to gender and women's rights within the MAPP/OAS include approval of the internal manual on analysis with a gender perspective (2012) and the document *Línea argumentativa de enfoques diferenciales* [Argument for differentiated approaches] (2015), instruments that have helped to ensure that in the collection, systematization and interpretation of the monitoring information, special attention is paid to gender roles and relationships, to generate differentiated recommendations and proposals that will help promote gender equity and equality in peacebuilding in Colombia and provide technical and conceptual support for strategic and operational decision-making.

### *Strengthening human rights from a gender perspective*

In 1990 the Inter-American Commission on Human Rights (IACHR), a principal and autonomous body of the OAS responsible for promoting and protecting human rights in the Americas, began to create thematic rapporteurships to address certain groups, communities and peoples particularly exposed to human rights violations because of their vulnerability and the historical discrimination they have faced. Of the nine rapporteurships created, two have special importance in regard to gender and women's rights.

The Rapporteurship on women's rights was created in 1994 to review the extent to which legislation and practices in OAS Member States affect the rights of women and comply with the general obligations of equality and non-discrimination enshrined in international and regional human rights instruments. The Rapporteurship has given priority to two lines of action. The first was implemented in a cross-cutting manner, fostering the development of jurisprudence and legal standards in the context of individual cases in order to illustrate the application of a specific right at the national level. This resulted in approval by the Inter-American Court of Human Rights of a series of reports on the merits, admissibility and friendly settlement of cases where there were allegations of human rights violations with specific gender issues, and litigation of paradigm cases before the Court. The IACHR has also approved a series of precautionary measures in matters related to specific gender issues. The second line of action promotes respect for human rights obligations relating to gender equality and the rights of women in the Americas, with a specialized thematic focus. To this end, the Rapporteur has worked with the IACHR to prepare and publish regional and country reports with a human rights focus.

The Rapporteurship on the Rights of LGBTI Persons began operation in 2014, addressing issues of sexual orientation, gender identity, gender expression and body diversity. Its creation reflects the commitment of the IACHR to reinforce its work to protect, promote and monitor the human rights of LGBTI persons. The Rapporteurship conducts general monitoring of violations of the human rights of LGBTI persons in the Americas and raises the visibility of those violations. The Rapporteur works to address: (a) the prevalence of forms of violence against LGBTI persons, whether physical, psychological, sexual, economic or institutional; (b) compliance with the duty to act with due diligence, including the prevention, investigation, punishment and reparation of violations of human rights that affect LGBTI persons; (c) multiple forms of discrimination and intersectionality; and (d) obstacles to the exercise of the political, economic, social and cultural rights of LGBTI persons.

The Inter-American Program of Judicial Facilitators (IPJF) emerged at the end of the 1990s as a means of support for local judges in isolated communities. Judicial facilitators are



leaders elected by their communities and trained by the programme to serve as mediators and conciliators and to lighten the workload and the costs of the justice system. They resolve many cases more quickly and at lower cost than can be done via the judicial route. The IPJF has 12,433 facilitators serving some 6.3 million people in the Americas. The programme has included gender issues in training and discussion forums for more than 11,000 facilitators and in the degree course for more than 7,500 graduates; 42 per cent of its facilitators are women. The IPJF is implementing a strategy for mainstreaming gender and women's rights which (a) promotes the appointment of women as facilitators; (b) provides training on issues that are of particular interest to women, and on how to address them; (c) offers training on gender aspects to postgraduate justice operators; (d) develops gender equity policies in its technical team; and (e) promotes training of the work team in gender issues.

As part of its efforts to advance the region's commitment to gender equality and equity and the social agenda, the Inter-American Social Protection Network (IASPN) of the OAS Department of Social Inclusion has taken steps in collaboration with the CIM to enhance the capacities of social development ministries to adopt a gender perspective in their social policy, activities, and organizational culture and structure. Participatory Gender Assessments (PGA) have been performed based on lessons from the gender audits conducted in the region's labour ministries under the Inter-American Network for Labour Administration. CIM facilitators trained internal PGA teams to conduct a self-evaluation of their institutions in order to determine the level of gender mainstreaming in various fields, such as project design, human resource management, organizational culture and budgeting (Muñoz-Pogossian et al. 2016).

The OAS Universal Civil Identity Program in the Americas supports Member States to achieve the objectives of the Inter-American Program for the Universal Civil Registry and the Right to Identity. A project to strengthen the hospital registration system in El Salvador, Honduras and Paraguay in 2013–15 was designed to promote immediate registration and bring about a permanent reduction in the under-registration of births. Ten registry offices were established in public hospitals, and mothers and their relatives were made aware of the importance of the right to identity and the registration of births. These civil registry offices located in the hospitals compiled daily statistics, including statistics disaggregated by sex, and notations specifying the reasons for non-registration.

In terms of strengthening the capacity for comprehensive monitoring of the exercise of women's rights, in 2015 an Integrated System of Women's Human Rights Indicators (SISDEHM) was developed to facilitate assessment of women's rights in a given country, in the context of the international and inter-American agreements ratified by that country, and to identify persistent barriers to the effective exercise of those rights and ideally specific legislative, policy or programmatic solutions to eliminate those barriers. The SISDEHM has indicators for monitoring the full exercise of women's rights in seven areas: economic rights, the right to work and social security, education, health, sexual rights, reproductive rights and political rights.

Since 2000, the gender equality and the labour rights of women have been a fundamental part of the agenda of the Inter-American Conferences of Ministers of Labor (IACML), an effort promoted by the OAS, as the technical secretariat of the Conference. In 2006 the IACML and the CIM redoubled their efforts to integrate a gender perspective into the policies, programmes and operations of labour ministries. The outcome is reflected in the consolidation of the perspective of gender and women's rights in the political documents and a series of specific actions pursuant to the Conference, such as the preparation of studies, workshops and dialogues as well as participatory gender audits; as well as other bilateral cooperation between labour ministries, and between them and the national mechanisms for the advancement of women. A key element driving this work was the adoption in 2007 of the 'Strategic Guidelines of the 15th IACML for Advancing Gender Equality and



Nondiscrimination within a Decent Work Framework' as a general framework for action and a roadmap that can be adapted and replicated in other sectors.

#### *Strengthening development from a gender perspective*

In the context of integral management of disaster risks, the Program for Risk Management and Adaptation to Climate Change (RISK-MACC) of the OAS and the CIM has produced a technical position paper, 'Mainstreaming a gender and rights perspective in integrated disaster risk management in the Americas' (CIM/CD/doc. 33/12). Because of discussions on the issue in the context of the 36th Assembly of Delegates to the CIM in Costa Rica in 2012, the first OAS political commitment to integrate gender equality and a women's rights focus into integrated disaster risk management was adopted. The policy reflects the objectives, action priorities and principles of the Sendai Framework for Disaster Risk Reduction, 2015-2030, and focuses on groups in situations of vulnerability, among which women are frequently over-represented.

#### *Strengthening security from a gender perspective*

The OAS Hemispheric Security Observatory under the Department of Public Security (DPS) disaggregates information by sex in order to produce statistics on violence against women and to respond appropriately to the needs of countries in the region. At least 18 variables are disaggregated by sex, with a view to understanding the prevalence of crime and violence against women and the insecurity that they in particular experience.

Through the pilot project on 'Preventing gender violence for social inclusion' in 2013–14, the DPS set out to strengthen the police response at the community level to cases of gender violence by having women participate in the local security agenda. A training workshop on 'prevention and action against family violence', in Limón in October 2013, identified the need to reinforce local networks and cooperation among sectors and with the community on actions to prevent family violence and violence against women. As a result, a workshop on networks for family violence prevention in April 2014 (a) mapped existing community resources for joint action to prevent family violence; (b) provided male and female participants with tools for effective networking; (c) generated a plan of action between the police, the community and institutions; and (d) developed a small-scale community intervention as part of the learning process. This project was carried out in cooperation with the CIM and the IACHR, the National Women's Institute and the police force of Costa Rica, as well as with the participation of male and female community leaders and local institutions.

In the context of the control of drug abuse, since 2010 the Inter-American Drug Abuse Control Commission (CICAD) has had a direct gender mandate flowing from its Hemispheric Drug Strategy (OAS 2010). Principle 3 of that strategy declares that: 'Policies, measures and interventions to address the world drug problem should take gender issues into account', while Principle 21 declares that treatment models 'should consider the needs of different populations, taking into account factors such as gender, age, culture and vulnerability'. Similarly, the CICAD *Hemispheric Plan of Action on Drugs, 2016–2020*, includes among its objectives institutional strengthening, and the formulation, implementation, evaluation and updating of national drug policies and strategies that will be comprehensive, balanced, multidisciplinary and evidence-based—and must incorporate a cross-cutting human rights perspective with a focus on gender and emphasizing development with social inclusion (OAS/CIDAD 2016).

The Program of Alternatives to Incarceration for Drug-related Offenses, which CICAD has been implementing since 2014, seeks to draw on experience in various countries to offer Member States a broad set of possibilities for designing and implementing policies that are feasible, effective and more respectful of human rights. The programme tries to document

the differentiated impact of alternatives to incarceration—one of the clearest impacts is on population groups that are excluded and discriminated against, including women in a situation of economic vulnerability.

In 2013 the CIM organized a roundtable on women and drugs in the Americas, as part of the 43rd General Assembly of the OAS, to raise awareness of the issue, and as a complement published *Women and drugs in the Americas: A policy working paper* as a tool for guiding public policy on drugs (OAS/CIM 2014). The study was later complemented by *Women, drug policies and incarceration: A guide for policy reform in Latin America and the Caribbean* (OAS/CIM et al. 2016), which highlights the abuses of human rights that result from the arbitrary and excessive detention of women for non-violent drug-related offences.

## Mechanisms for monitoring international and regional commitments

The OAS has several mechanisms to support Member States in monitoring the implementation of normative frameworks. Of particular note with regard to women's human rights, gender equality and non-discrimination are the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI) and the Working Group to Examine the National Reports envisaged in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador, WGPSS).

### Follow-Up Mechanism to the Belém do Pará Convention

The Belém do Pará Convention was adopted in 1994 and has been ratified by 32 of the 34 OAS Member States (excluding only Canada and the United States). It formalizes the definition of violence against women as a violation of their human rights and establishes the development of mechanisms for the protection and defence of women's rights in the struggle to eliminate violence against their physical, sexual and psychological integrity in both the public and the private sphere.

Created in 2004, the MESECVI is a systematic and permanent multilateral evaluation methodology based on exchange and technical cooperation between the states parties to the Convention and a Committee of Experts. It examines progress on the implementation of the Convention by the states parties, as well as the persistent challenges to an effective state response to violence against women. The Executive Secretariat of the CIM functions as the Secretariat of the MESECVI.

Of the 32 states parties to the Convention, 30 have participated actively in the Multilateral Evaluation Rounds of the MESECVI evaluation rounds, providing information to the Committee of Experts on state responses to violence against women. In 2013, the MESECVI published the first *System of Progress Indicators for Measuring Implementation of the Belém do Pará Convention* (OAS/MESECVI 2015), which are used during the evaluation rounds to measure state efforts to guarantee a life free of violence for women. With this information, the MESECVI has produced 100 national reports, 75 'shadow reports' containing information contributed by civil society organizations, three consolidated reports on implementation of the Convention, two reports on follow-ups to the recommendations of the Committee of Experts and one thematic report on sexual violence and child pregnancy. The Committee of Experts has made 152 recommendations to various state actors and others (all available on the MESECVI Webpage).

The states parties to the Convention have adopted a declaration on political violence against women. Similarly, the Committee of Experts has adopted declarations on femicide, the prevention of violence, and violence against women, girls and adolescents and their sexual and reproductive rights.

Awareness-raising and training tools have been developed, such as the *Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of*



*Violence against Women, Belém do Pará Convention* (OAS/MESCEVI, 2014); and the *Practical Guide to the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention* (OAS/MESECVI 2015). Training has been provided for more than 500 people from different sectors in the region on topics such as the administration of justice from a gender perspective, the application of the Belém do Pará Convention and the use of the system of indicators.

### Working Group to Examine the National Reports envisaged in the Protocol of San Salvador

The Protocol of San Salvador was adopted in 1988 and has been in effect since 1999. It has been signed by 19 Member States, of which 16 have ratified it. As the Technical Secretariat of the WGPSS, the OAS Secretariat for Access to Rights and Equity provides technical assistance to states parties with preparing national reports on the progress made on complying with economic, social and cultural rights. Article 3 of the protocol contains the ‘obligation of nondiscrimination’ on grounds of gender or any other social condition. The presentation of the reports is organized according to a system of progress indicators defined for the seven economic, social and cultural rights, which includes a cross-cutting gender equity focus; and for monitoring the adoption of pioneering legal frameworks in the region. In addition, the states parties to the extent possible provide information disaggregated by sex. General observations and recommendations are made on the basis of this data.

The first round of national reports is now in hand, corresponding to the first group of rights under the Protocol of San Salvador, reported on by the states parties since June 2014. These reports are a key tool for recording progress in areas such as: (a) the encouragement and incorporation of women into paid domestic service; (b) recognition of the time contributed to unpaid domestic and caregiving activities by female heads of households with children; (c) special reparation measures, as in the case of pensions for the orphaned sons and daughters of female victims of domestic violence and for victims of violent offences; (d) the extension of maternity leave and allowances, such as parental subsidies; and (e) the inclusion of women in social security, both to formalize their working relationship and for the effective exercise of the protection that social security implies.

## Conclusions

Despite uneven progress in strengthening existing legislation and constitutional guarantees in the area of women’s rights and gender equality, the gap between policy and practice remains one of the major challenges to making the rule of law a lived reality for women. This implementation gap points to two urgent needs: (a) raising awareness and building capacity of policy makers and justice administration officials on the application of this legal framework; and (b) creating or strengthening mechanisms for monitoring and evaluating policies, programmes and other measures implemented on the one hand, and initiating discussion on this monitoring and evaluation process in regional and international agencies and in other spheres, on the other hand. The list of recommendations from inter-American, international and other bodies on how to meet both of these needs is exhaustive, but there is still a dearth of both the political will and financial and human resources needed to effectively implement these recommendations.

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## 2.2. Recommendations from the Americas consultations

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During the Americas consultation, held in Mexico City on 16 May 2017, participants discussed some of the possible solutions and direction that governments, civil society, and regional organizations should take in order to promote gender equality and women's political participation. Attendees produced the following set of recommendations:

1. Political parties should be at the center of any strategy to promote women's political empowerment, given their central role in candidate selection and policy development. Parties have historically favored men in promoting their candidacies and providing access to leadership positions. Establishing and enforcing quota laws within political parties is a first step in providing women a more equitable opportunity to enter the political realm. However, a cultural shift is also required in order to transform these highly gendered institutions. Cooperation from male political and party leaders will be essential in eliminating these barriers.
2. Quota laws must be strengthened and their requirements made more specific, such that parties are unable to, to exploit loopholes in their design, for example by placing women in secondary or alternative positions on ballots. In addition to policy reform, experiences across the region suggest that electoral bodies—particularly electoral courts—can improve incentives for compliance and impose sanctions for non-compliance in order to ensure the effective implementation of parity standards or quotas at both the national and local levels. In addition, quota laws should be extended to all realms of the political sphere: legislative, executive, and judicial.
3. While quotas laws have resulted in more women entering the political arena, legislation alone is not enough – cultural change is also required. Moving from quota laws to parity laws can help promote this cultural transformation. While quotas focus on the possibility of women being elected by mandating a certain share of female candidates, parity implies equal participation of women and men to all state institutions (legislative, executive and judicial) at all levels of government (national and local). Recognizing and addressing violence and harassment faced by female politicians is also crucial.
4. Targeted campaigns and programs should be developed to promote the leadership of young women, support the training of female candidates for office, and build alliances among key stakeholders, including politicians, civil society actors, and international

and regional organizations. Furthermore, dedicated campaigns should also be conducted in rural areas in order to raise awareness among local populations as to the importance of women's political participation.

5. Stakeholders should do more to promote women's political participation at the local level. Such efforts should ensure that they work to incorporate women who experience multiple forms of disadvantage including indigenous women.
6. More work needs to be done to address problems with political financing and media coverage. Gender parity criteria should be applied to develop and strengthen regulations regarding the use of state resources to support the political campaigns of women and men, including access to airtime and other forms of press coverage. Specific funds might also be established to support women's campaigns.
7. Local politics should take greater priority in efforts to promote women's political participation. Systemic evidence needs to be collected to better understand the barriers encountered by women that prevent them from participating in local politics, taking into account different types of municipalities (rural, semi-urban, and urban), different electoral systems, and different income conditions.
8. Parliaments should consider introducing laws on political violence and harassment against women. Such legislation would impose sanctions on perpetrators and their accomplices guaranteeing women's right to participate in politics. Raising broader awareness of this phenomenon will also be important for deterring future violence and harassment.
9. Regional organizations should play a greater role in promoting gender equality and empowering women's political participation. To ensure state compliance with women's rights treaties, regional organizations should mobilize their mandates to pressure governments to complement with their treaty obligations—as well as to fulfil any commitments made in regional declarations. Regional organizations can also facilitate the exchange of best practices across countries, as well as provide crucial technical expertise to governments, politicians, and civil society groups seeking to promote women's political participation.

### 3. The Arab region

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## 3.1. The role of the League of Arab States in the promotion of gender equality and the political empowerment of women

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Stephanie Chaban and Safia Trabelsi

### Introduction

The Arab region has experienced unprecedented transitions in recent years and the losses and gains experienced by women in the region have been substantial. The status of women in the Arab region remains contested. Gains have been made in core sectors but deficits continue on many levels. The member states of the League of Arab States (Arab League, LAS) have adopted international and regional frameworks that promote gender equality and women's empowerment, but the translation of these frameworks into domestic policy has been uneven. In addition, violence against women, female economic empowerment and political participation, and reproductive health can be sensitive issues for member states.

This chapter outlines recent and current gender-sensitive policy initiatives by the LAS. The most significant is the Cairo Declaration for Arab Women: The Post-2015 Agenda, which also informs the recent Executive Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security of 31 October 2000 and the forthcoming Charter to Combat Violence against Women in the Arab Region. The Cairo Declaration provides a comprehensive framework for promoting the rights and status of women and girls in the Arab region, particularly with regard to eliminating all forms of gender-based discrimination, achieving gender equality, mainstreaming gender, and increasing women's political and economic participation. The proposed policies present an opportunity not only to improve the status of women in the region, but also to engage with international, regional and local human rights organizations and civil society in a constructive and transformative manner.

Based on a substantial desk review of recent gender-based policy documents and reflections on the LAS' previous gender-related work, this chapter shows how the LAS is taking a significant and unprecedented regional lead in addressing concerns about the status of women and girls in the region. In taking this lead, the LAS is assuming much of the responsibility for translating these policies into concrete action that could potentially result in significant transition or even transformation.

### A note on terminology

This chapter refers to the ‘Arab region’ as this is the term favoured by the League of Arab States. The regional consultation (summarized in the following chapter) refers to the Middle East and North Africa (MENA) region.

## Background

The Arab region continues to experience the results of the major transformations initiated by the Arab Spring of 2010. Since that time, the visibility of women in the region has increased, leading to an extraordinary amount of commentary on and analysis of the gender dimensions of the Arab Spring. The transitions and transformations in the region have resulted in popular movements to reform and transform governments. Part and parcel of these reforms has been the desire for gender equality and the implementation of gender justice through policy and legislation.

While member states, with the participation of their citizens, are ultimately responsible for implementing reform, the LAS is well placed to address demands for gender equality and the implementation of gender justice, and to call on member states to implement such change. The LAS has a number of internal structures and frameworks, such as the Permanent Arab Commission of Human Rights, the Arab Committee on Human Rights, the Arab Parliament and the Arab Charter on Human Rights that theoretically have the potential to affect change and promote human rights in the region. Currently, however, the focus on state sovereignty in the LAS Founding Charter renders these structures toothless. There have been calls for reform from local and regional human rights organizations all the way to the former LAS Secretary-General, Nabil Al-Arabi. Reform efforts have occurred at a slow pace and in piecemeal fashion, however, not least with regard to gender equality and gender mainstreaming—but momentum is growing.

This chapter outlines the role of the LAS in fostering gender equality and gender mainstreaming in the region, with a focus on recent and impending gender initiatives and the different activities implemented so far. Recent policy reforms, coupled with the transitions of the Arab Spring, have created an unparalleled opportunity for transformation and engagement with civil society and human rights organizations, including women’s rights organizations. There is now an opportunity for the LAS to strengthen its role in the region through the promotion and protection of human rights, especially women’s rights.

In February 2014, a high level meeting was hosted by the LAS in Cairo to discuss the continued implementation of the Millennium Development Goals (MDGs), with a focus on gender equality and women’s empowerment in the Arab region. The meeting gained support for a plan of action beyond 2015, officially known as the Cairo Declaration for Arab Women: The Post-2015 Agenda. The Cairo Declaration informs the recent Executive Action Plan on UN Security Council Resolution 1325 and the proposed Charter to Combat Violence against Women in the Arab Region. These will provide a framework for promoting the rights and status of women and girls in the Arab region, particularly with regard to achieving gender equality, mainstreaming gender, increasing women’s political and economic participation, and eliminating all forms of gender-based violence (GBV). Full implementation has yet to begin but civil society is cautiously optimistic about these policies and what they will mean for the region in the long term.

While there is still much to be done concerning the integration of international human rights norms and engagement with civil society, the LAS is taking a significant and unprecedented regional lead on addressing concerns about the status of women and girls in

the Arab region. After a review of the history of the LAS, its structures and the impact of its human rights initiatives, this chapter examines recent policy actions concerning women in the region. It concludes with a set of recommendations on the way forward to further promote engagement with civil society, as well as women's empowerment and political participation in the region.

## Practical and theoretical considerations

### The status of women in the Arab region

The Arab region has recently experienced fast progress according to human development indicators but continues to lag behind in certain measures. Women in the region have experienced a paradox of inequality. While education and health outcomes have seen positive improvement in recent decades, these have not translated into increased participation in political and economic life, or increased safety in the private sphere (Vishwanath 2012). The most recent regional update on the Beijing Platform for Action notes a number of key achievements in the realms of international treaties, legislation, education, health, economic empowerment, engagement with civil society and gender-responsive budgeting but challenges and obstacles remain (UN-ESCWA, UN Women and LAS 2015). Women living in the LAS member states continue to face discriminatory attitudes and structures, many of which are institutionalized in legal frameworks and social systems, thereby creating state-sanctioned discrimination. Furthermore, increased and prolonged conflict in the region has created specific gendered concerns and further impeded women's ability to live their lives fully.

Curbs on women's participation in the public sphere are commonly blamed on the public-private divide in the region and persistent patriarchal, kin- or tribal-based cultures (Al Maaitah et al. 2011). In 2017, the Arab regional average for women's political participation in upper and lower houses combined was 18 per cent, the second lowest globally (Inter-Parliamentary Union and UN Women 2017). While women have served as ministers, ambassadors and mayors in a number of LAS member states, no woman has ever served as a head of government or state. Women make up 25 per cent of jurists in the region (CAWTAR and MENA-OECD 2015: 16). Regionally, women's labour participation is among the lowest at 25.4 per cent in the Mashreq and 28.1 per cent in the Maghreb, when compared to the world average of 51.6 per cent (World Bank 2013: 63). Employed women are more likely to work in the public sector, particularly in teaching, administrative/clerical services and social/welfare services (Momani 2016: 4). Women with post-secondary education are more likely to be unemployed than women who do not have a post-secondary education (Momani 2016: 3), and uneducated or under-educated women are commonly concentrated in the agricultural sector (Roudi-Fahimi and Moghadam 2003: 4–5).

The Arab region has the highest average annual rate of increase in educational attainment of all the regions, but there are still gender disparities. As of 2010, only 69 per cent of women over 15 years were literate (World Bank 2017). Poverty, high fertility rates and conflict are some of the factors that affect women and girls' access to education (UNGEI n.d.). Women were twice as likely as men to be illiterate in 2003 (Roudi-Fahimi and Moghadam 2003: 6).

In terms of health indicators, there have been significant improvements in maternal and reproductive health, but high maternal mortality rates still plague women living in low-income or conflict-affected states such as Iraq, Mauritania, Sudan and Yemen (UN-ESCWA, UN Women and League of Arab States 2015: 8–9). While the average age of marriage in the region has increased, adolescent reproductive health is still a very real concern due to early marriage. Abortion continues to be restricted in all Arab states except Tunisia, where it is legal on request during the first trimester of pregnancy (Dabash and Roudi-Fahimi 2008: 2).



In 2017, conflicts raged in a number of member states, most notably Iraq, Libya, Palestine, Somalia, Syria and Yemen. The Syrian conflict alone has resulted in over 5.2 million Syrians registered as refugees, 48 per cent of whom are female (UNHCR 2017). Among refugees, increases in sexual violence, domestic violence, and forced and early marriage have been documented by local and international organizations (UN Women 2013). In Yemen, the conflict has increased rates of early marriage and GBV against women (CARE, Interagency Standing Committee and Oxfam 2016: 11). The rise of the Islamic State in Iraq has resulted in some of the most extreme forms of conflict-related GBV and discrimination witnessed in the region (Human Rights Watch 2016). GBV arising from regional protests, perpetrated by both civilian and state actors, has been widely documented with varying outcomes for survivors and perpetrators (Amnesty International 2015).

Multiple forms of GBV persist in the region and discussion of such violence is often taboo, especially if the violence occurs in the domestic sphere. Only a handful of LAS member states maintain statistics. Egypt recently recorded that three in 10 ever-married women had experienced some form of spousal violence, including physical, emotional or sexual violence (Ministry of Health and Population [Egypt], El-Zanaty and Associates [Egypt] and ICF International 2015). In Palestine, 37 per cent of women have been exposed to domestic violence from their husbands (Palestinian Central Bureau of Statistics 2011). Services for survivors of violence in the region vary but civil society has been extremely active (UN-ESCWA 2013). So-called crimes of honour still occur but some member states, such as Jordan, Lebanon and Palestine, have taken steps to amend penal codes to criminalize such actions. Similarly, efforts to end the practice of rapists marrying their victims to escape punishment have gained momentum, especially after the rape, forced marriage and suicide of Amina Filali in Morocco and the repeal of article 475 of the penal code in 2014 (see Box 3.1).

A number of states have raised the minimum age for marriage to 18 years for both men and women but early marriage is still an issue. According to UNICEF, 18 per cent of ever-married women in the Arab region had been married before the age of 18 (UNICEF 2017). Female genital mutilation (FGM) persists in a small number of LAS member states, and high levels are reported in Djibouti, Egypt, Somalia and Sudan (UNICEF 2016). Djibouti, Egypt and Mauritania have criminalized FGM; Yemen has a draft Child Rights Bill that will criminalize the practice once it is passed.

With a number of LAS member states experiencing prolonged conflict, the UN Economic and Social Commission for Women in Western Asia (UN-ESCWA) notes four major categories of vulnerability that affect the status and security of women: women living under military occupation; women living in areas controlled by radical fundamentalists and armed groups; women living as refugees; and internally displaced women (UN-ESCWA 2015: 20).

### Legal frameworks affecting gender equality in the Arab region

*De jure* gender inequality persists in the Arab region, and legal discrimination remains a significant obstacle to women's advancement. While women living in LAS member states have made great strides in obtaining socio-economic and political rights, comparative data reveal a significant lag compared to other regions. Plural, overlapping and antiquated legal systems have made gender-sensitive legal reform difficult and uneven but reform is under way (see Box 3.1). Nearly all LAS member states have acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, but very few have absorbed the treaty into their legislative frameworks. At the state level, national women's machineries work to hold member states to their international legal obligations, but with varying impact. This is an important area where the LAS can provide positive interventions through its forthcoming policy frameworks.

**Box 3.1. Gender-sensitive legal reform in the Arab region**

Momentum towards gender-sensitive legal reform is gaining in the Arab region. Following the efforts of Morocco in 2014, in mid-2017 there was an unprecedented repeal of laws that had allowed rapists to avoid criminal prosecution by marrying their victims. Such legislation was removed from the penal codes of Jordan (article 308), Lebanon (article 522) and Tunisia (article 227). Furthermore, on 26 July 2017 Tunisia passed an all-encompassing violence against women law that provides a broad definition of violence against women, introduces new criminal provisions and increases penalties for various forms of violence when committed within the family, criminalizes sexual harassment in public spaces, fines employers who intentionally discriminate against women in pay, and outlines a number of services to be made available to survivors. To complement this reform, Tunisia subsequently passed legislation that allows women to marry outside the Muslim faith and grants them equal inheritance rights with male family members, a first in the region.

Legal reforms through the amendment of constitutions, penal codes and personal status laws, as well as the drafting of specialized laws, have become significant agenda items in some post-Arab Spring transitional processes, in many cases urged on by women's organizations and movements, although calls for such reforms have been ongoing for many decades. However, personal status laws (which exist in all member states, codified or not) present some of the greatest barriers to women realizing their full potential in the public and private spheres. In Lebanon, women's rights within marriage (to divorce, maintenance, child custody) are limited not only due to their gender but also their religious affiliation, as a recent report on personal status laws found; civil marriage is rarely an option (Human Rights Watch 2015). Similar barriers are found elsewhere. For example, a woman's ability to obtain a divorce is often severely curtailed. While the *khul'* option (wife initiated, no-fault divorce) has been possible for Muslim populations in Egypt and elsewhere, it results in a wife forfeiting all financial entitlements and returning her dowry, which for many women is a form of financial security. In some instances, wives turn to the *khul'* option when proving domestic violence or neglect in court become too difficult or too lengthy (Deif 2005). For many Christian communities, divorce is both taboo and nearly impossible to obtain.

Many women in the Arab region still do not enjoy the same right to a nationality as their male counterparts. While Algeria, Egypt, Iraq (to a limited extent), Morocco, Tunisia and Yemen have amended their nationality laws, other LAS member states have not been so reform-minded. This has resulted in women not being able to pass their nationality on to their foreign-born spouse or their children, and in some cases a woman may lose her nationality if married to a foreign-born spouse (CAWTAR and MENA-OECD 2015: 31). Inheritance continues to be a contentious issue and states are reluctant to reform clauses in personal status laws due to their perceived religious immutability (Tunisia became the first state in the region to allow women equal inheritance rights in September 2017). If and when women do receive their rightful inheritance, many face familial and social pressures to relinquish their rights.

Many constitutions in the region enshrine gender equality but penal codes and personal status laws as well as customary law contradict these declarations. The Arab Spring has furthered constitutional reform in addition to other *de jure* transformations. It has not been easy, but reform has taken place in Egypt, Morocco and Tunisia, where state intervention was prompted by activism from women's movements and civil society organizations (CSOs). For example, feminist groups and organizations compelled the constitutional drafting body, the Committee of Fifty, to draft article 11 of Egypt's 2014 Constitution, which addresses a limited number of women's concerns, such as women's civic and political participation, and commits the state to the protection of women against all forms of violence. A sexual



harassment law was passed in 2014 and the National Council for Women published a National Strategy on Violence against Women in 2015. In Morocco, a civil society coalition, the Feminist Spring for Equality and Democracy, has called for greater constitutional gender equality based on international human rights norms. The 2011 Constitution enshrines gender equality, provides for women's participation in decision-making structures and includes a commitment to human rights. In Tunisia, women's rights activists were eventually successful in retaining gender *equality* in the final version of article 46 of the 2014 Constitution, when a proposed draft instead spoke of *complementarity* between men and women.

In another positive shift, specific legislation concerning violence against women or domestic violence is gaining traction in the region. Jordan (2008), Iraqi Kurdistan (2011), Saudi Arabia (2013), Lebanon (2014), Bahrain (2015) and Tunisia (2017) have enacted legislation, while other states are considering such laws. As of 2014, nine LAS member states had gender equality strategies that address, among other concerns, gender-based discrimination, GBV and economic empowerment (CAWTAR and MENA-OECD 2015: 4). Finally, in order to increase women's political participation, legislation on women's quotas has been enacted in Egypt, Iraq, Jordan, Mauritania, Morocco, Palestine, Sudan and Tunisia (Al Maaitah, et al. 2011: 15), with varying outcomes. For example, a women's quota had been in place in Egypt since 1979 but was revoked in 2012. More recently, an electoral law was passed in mid-2015 allocating 56 parliamentary seats to women and 14 others appointed by the president (of the 568 elected seats and 28 appointed by the president), ensuring that there would be 70 women in parliament. In the end, 73 women secured seats as 56 female candidates were allocated seats through the quota system and 17 won individual seats.

Clearly, there is momentum for significant regional reform. Such reform does not need to be based on the work of the government alone as many actors, such as judicial–legal institutions, human rights and CSOs (including women's organizations), religious institutions, media, and regional and international actors, are invested in positive transformation. Since the eruption of the Arab Spring, the LAS has made efforts to take a regional lead in addressing concerns within international and regional frameworks about the status of women and girls in the Arab region—but much remains to be done.

## The League of Arab States

The LAS is one of the oldest regional organizations in the world. Founded in 1945 by Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, Syria and Yemen, and based in Cairo, the League now has 22 member states (see Box 3.2). It was formed in the spirit of Arab nationalism, which brought newly formed states together in an institution based on an ethno-national identity.

### Box 3.2. The League of Arab States (Arab League)

Founded in 1945, the League of Arab States has 22 member states: Algeria, Bahrain, Comoros, Djibouti, Egypt, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen. Syria's membership in the LAS has been suspended since 2011; in 2012, Syria's seat was granted to the opposition but continues to remain vacant despite from calls from some member states to reinstate Syria (MEMRI 2017).

The LAS has been historically based in Egypt except for a 10-year period—from 1979 to 1989—when it relocated to Tunisia due to the signing of the Camp David peace agreement between Israel and Egypt.



According to article 2 of the LAS Charter (1945), ‘The League has as its purpose the strengthening of the relations between the member-states, the coordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty; and a general concern with the affairs and interests of the Arab countries’. Condemnation of the occupation of Palestine and the creation of an independent Palestinian state also feature in the framework of the LAS. The hosting of the Palestinian National Conference in 1964 led to the creation of the Palestine Liberation Organization.

The League’s main organs are the Council, the Council of Ministers of Foreign Affairs, the specialized Ministerial Councils, the Permanent Technical Committees (including the Arab Permanent Commission on Human Rights, which includes the Human Rights Department), the Arab Economic and Social Council (Arab ECOSOC) and specialized organizations (Rishmawi 2015: 20–33, 62–66). The Council is the highest body of the LAS and is comprised of representatives from all 22 member states. Each has one vote; unanimous Council decisions are binding on member states and majority Council decisions are binding on those who voted in the majority (article 7 of the Charter). There is no mechanism for compelling member states to comply with LAS resolutions. In fact, the LAS system is dedicated to respecting the systems of government in each member state and regards these as ‘exclusive concerns of those states’ (article 8). The Council meets in ordinary sessions every March and October (article 11), which serve as an opportunity to discuss important issues affecting the LAS. A communiqué is then published and serves as the basis of the work of the member states. The LAS has observer status at the African Union (AU) and the UN.

The current Secretary General, Ahmed Aboul Gheit, was appointed in March 2016. The last foreign minister to serve under former Egyptian president Hosni Mubarak, his appointment is viewed as a pragmatic choice. The previous Secretary General, Nabil Al-Arabi, was appointed in July 2011 at the height of the Arab Spring. His appointment resulted in an unprecedented response by the LAS to transitions in the region.

In 1968, the Council of the League created the Permanent Arab Commission on Human Rights, which meets twice a year. The Commission has a mandate to promote human rights in the Arab region but is unable to hold member states to account for human rights violations. In fact, the main concern of the Commission is its focus on the Arab–Israeli conflict and other external acts of aggression against member states. It rarely speaks out on internal state matters. When it does, some argue that the Commission lacks the neutrality required to truly address human rights concerns within member states (International Federation for Human Rights et al. 2013: 13). This is because Commission representatives tend to be political appointees rather than human rights experts. There are no mechanisms for addressing human rights concerns, dealing with individual cases, visiting countries or holding periodic reviews (Rishmawi 2014: 165). The Commission was responsible for the controversial revisions to the Arab Charter on Human Rights (ACHR, 2004), which are discussed in more detail below.

Created shortly after the drafting of the ACHR (article 45), the Arab Committee of Human Rights is an expert body mandated to ‘support joint Arab action in the field of human rights; to endeavor to protect individual rights, while emphasizing the human rights dimension of Arab concerns; and to promote awareness among Arab people about human rights and the need for their protection’ (Riad 2013: 13). The Committee is tasked with overseeing the Charter’s implementation, a first in the LAS system. Like the Commission, there is an intense focus on human rights abuses related to the Israeli–Palestinian conflict and very little attention is paid to human rights abuses committed by and within member states. Member states comprise the Committee and resolutions are not permitted. The Committee has seven members, currently all male, who are elected for four years. Civil society tends not engage with the Committee, possibly due to its perceived ineffectiveness and low profile (Riad 2013: 13–14). For those that do, a periodic review has been set up in accordance with

article 48 of the ACHR, where states parties submit reports on the measures taken to comply with the Charter. The Committee can only receive reports and information from CSOs registered in their country of origin. Larger, umbrella CSOs can assist smaller, unregistered organizations with submissions.

In 2001, a Human Rights Department was set up under the authority of the Secretary General. The Department acts as the technical secretariat for the Permanent Commission. The Department lacks a specific mandate and resources, but it is developing relationships with national human rights institutions in member states and with CSOs and has recently been consulted regarding Syria.

A transitional Arab Parliament was created at the 17th General Conference in Algeria in 2005. Its main objectives are to give citizens in the region an opportunity to be heard, and to represent the Arab region and its interests as a whole. Currently, there is no system of direct representation to elect members of the Parliament. Instead, the parliaments of each member state nominate four parliamentarians. There is a mechanism to ensure female representation and, as of 2015, one-quarter of the members were women. The Parliament cannot ratify agreements and is only able to hold debates and make recommendations. Originally located in Syria, it has since been moved to Cairo (Rishmawi 2015: 48–49; see also Box 3.3).

Talks have been under way to establish an Arab Court of Human Rights to be based in Bahrain. Originally proposed in 2011 and approved at the Arab League Summit in Kuwait in March 2014, its establishment is proving controversial. Many in the regional and international community are concerned about its mandate and structure (see e.g. International Commission of Jurists 2015). The statute setting up the Court was drafted without input from CSOs or human rights experts. Only member states will be allowed to bring cases directly to the Court—not individual citizens. Formal changes to the Court would mean amending the ACHR. For a detailed review of civil society criticisms of the development of the Arab Court of Human Rights see Benarbia et al. (2014).

### Box 3.3. The Arab Parliament, the Arab Principles on Women’s Rights and civil society

The Arab Parliament held workshops in 2013–14 on women’s issues and the development of the Arab Principles on Women’s Rights. None of the workshops involved engagement with civil society organizations (CSOs). To rectify this, the Open Society Foundations (Arab Regional Office) and the Center of Arab Women for Training and Research (CAWTAR) contacted the sub-committee responsible for the document and proposed a consultation between CSOs and Arab Parliament representatives. The aim was to produce a report with recommendations from civil society that would inform the Principles on Women’s Rights.

The Arab Parliament agreed and in late 2014 regional CSOs, including women’s rights organizations, held a meeting on the Principles with the head of the parliament’s Committee on Social, Cultural, Women’s and Youth Affairs.

A report was issued with a set of specific recommendations based on the discussions at the meeting. This was later adopted by the parliament as a reference document and used in developing the Principles. While a number of the recommendations were not integrated into the Principles, this case study indicates that engagement between civil society and the LAS is possible and can be beneficial.

In January 2015, the Arab Parliament met to finalize the Principles on Women’s Rights. The final version was approved on 17 February 2015. The Parliament intends to have the Principles endorsed at a future summit (Rishmawi 2015: 51).

**Box 3.4. Arab human rights organizations' call to reform the League of Arab States**

On 20 March 2012, a Memorandum was sent by 37 Arab human rights organizations (regional and state focused) to Lakhdar Brahimi, Chair of the Committee for the development of a joint Arab action at the LAS, tasked with preparing a reform plan. The Memorandum called for greater acknowledgment of human rights in the LAS system, following the statement by former Secretary General Al-Arabi that the Arab Charter on Human Rights fell short of international human rights standards. Calling the potential for reform 'an extraordinary opportunity', the human rights organizations listed a possible platform for action by the LAS system:

- Allow human rights organizations to obtain consultative status within the LAS and its internal mechanisms, including the Summit, the Council, the various Ministerial Councils, the Economic and Social Council, the Arab Parliament and the International Secretariat;
- Consult with human rights organizations regarding the development of the Standing Committee on Human Rights prior to making any decisions. The Committee should appoint special rapporteurs or a thematic working group to receive complaints from victims of human rights violations and investigate human rights violations in their respective field of specialization. In this vein, the Committee should also be comprised of individuals well versed in human rights;
- Develop a long-term strategy to ensure the participation of human rights organizations and recruit staff familiar with the field of human rights. Furthermore, all documents stemming from the Arab Human Rights Committee's work should be publicly accessible through a website;
- The Arab Parliament should issue guiding principles on how member states might adjust their domestic laws to meet international obligations. The Parliament should also amend laws within the LAS to ensure that they are compatible with human rights norms. This should be done in a transparent manner and include feedback from human rights organizations; and
- Resolutions, reports and other materials must be made available to the public in a timely manner so that outside actors, such as human rights organizations, have the opportunity to comment.

It is unclear what, if any, action was taken by the LAS on this Memorandum (Cairo Institute for Human Rights Studies 2012).

The LAS is structured to primarily engage with member states, which makes interactions with CSOs and other non-governmental entities difficult. Interventions in member states' affairs have been limited until recently. Since the Arab Spring, the LAS has taken a more demonstrative, albeit selective, role in the region (see Rishmawi 2014: 159–83), supporting a no-fly zone in Libya and the removal of President Muammar Gaddafi, for example, as well as temporarily suspending Libya from the League in 2011. The LAS also coordinated a fact-finding mission to Syria and suspended it from the League. The LAS has called on President Bashar al-Assad of Syria to step down and held official meetings with Syrian opposition groups. The Council of the LAS condemned the alleged use of chemical weapons against civilians by the Syrian Government and called for the perpetrators of war crimes to be brought to justice. In 2015, the LAS focused its attention on the escalating violence in Yemen.

Arab civil society has attempted to engage with the LAS since the 1970s in order to build its profile as a human rights-focused institution. Many of these efforts were initially ignored or discouraged by member states (Riad 2013: 14–16). More recently, however, there have been calls by Arab civil society to develop a collaborative relationship with the LAS (Riad 2013: 25–26). The Tunis Declaration (2004), drafted during the 16th Arab Summit in Tunisia, expressed an interest in 'fostering the role of all components of the civil society,



including non-governmental organizations (NGOs), in conceiving of the guidelines of the society of tomorrow'. Section 2.3 of the Declaration also called for a widening of women's participation in a number of fields:

Endeavour, based on the Declaration on the process of reform and modernization in the Arab world, to pursue reform and modernization in our countries, and to keep pace with the rapid world changes, by consolidating the democratic practice, by enlarging participation in political and public life, by fostering the role of all components of the civil society, including NGOs, in conceiving of the guidelines of the society of tomorrow, by widening women's women's participation in the political, economic, social, cultural and educational fields and reinforcing their rights and status in society, and by pursuing the promotion of the family and the protection of Arab youth.

Currently, CSOs are not allowed to attend Summit meetings and are only allowed observer status within the LAS system, meaning that they cannot directly influence debates. Many argue that CSOs should be given consultative status. A handful of regional and international NGOs have arranged activities related to the LAS on a regular basis. This engagement is something to build on (Riad 2013: 32–34).

In 2013, a Secretariat for Civil Society under the Secretary General was established to provide technical assistance and liaise with CSOs. The previous Head of the Secretariat, Nabil Al-Arabi, suggested to Lakhdar Brahimi and the Economic and Social Council (ECOSOC) at the UN that the LAS should establish criteria for accepting CSOs as observers to the LAS ECOSOC (International Federation for Human Rights et al. 2013: 30). According to Rishmawi: 'Currently NGOs can have an observer status with the Arab Commission and with the Arab ECOSOC. Criteria for obtaining such status are restrictive, and NGOs do not have the possibility to engage with the work of these bodies' (2013: 37). Civil society has suggested creating a quota system for CSOs from each member state that rotates over a specified timeframe. CSOs in this quota system would directly engage with their governments and others in the region. Ultimately, CSOs would perform in the same manner as they do in the UN, with consultation status and the ability to issue shadow reports. An alternative suggestion is to develop a committee of CSOs within the LAS system. The Secretariat continues to show an interest in dealing with CSOs and has recently launched the Arab Decade for Civil Society (2015–2025), an effort supported by the LAS Council of Ministers.

## Regional and international frameworks related to the work of the League of Arab States

### International frameworks

Despite some contention over the relevance of international human rights frameworks, most LAS member states engage with such frameworks and have ratified some of the more prominent conventions, such as the International Convention on Civil and Political Rights (ICCPR 1966) and the International Convention on Economic, Social and Cultural Rights (ICESCR 1966), although five (Comoros, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) have not. All LAS member states have ratified the Convention on the Rights of the Child (1989).

All but two LAS member states have acceded to CEDAW, albeit with a number of reservations (Somalia and Sudan have neither signed nor acceded to the Convention). Reservations to CEDAW commonly concern articles 2, 9, 15, 16 and 29. Such reservations have inspired cross-regional organizing among women's rights activists, such as the campaign

to lift the reservation on article 16 on discrimination against women in matters relating to marriage and family relations. Only four member states—Comoros, Morocco, Palestine and Tunisia—have ratified CEDAW without reservation, and Libya, Morocco and Tunisia have ratified the Optional Protocol.

The Fourth World Conference on Women in Beijing (1995) proved to be a transformative event for women and governments in the Arab region and all LAS member states have engaged in some way with the implementation of the Beijing Platform for Action (BPfA). More recently, LAS member states implemented the Millennium Declaration (2000) and the Millennium Development Goals' (MDGs) time-bound and quantified targets for addressing poverty in the world by the year 2015. Gender equality was only explicitly addressed in MDG 3, but many of the targets fed into gender equality campaigns. In the LAS member states, the targets reached were on health and educational parity, but researchers have noted that gender disparities in these areas are more about poverty, marginalization and conflict than solely gender-based. In addition, patriarchal attitudes and discriminatory legal systems were seen as hindering women's overall progress (Sika 2011). The MDGs have been reconstituted into Agenda 2030 and the Sustainable Development Goals, which are discussed in greater detail below.

### Regional frameworks

The LAS was founded three years before the Universal Declaration of Human Rights (1948), which means that there is no mention of human rights in its founding Charter. There have been calls from regional and international human rights organizations, which are being taken seriously, to amend the Charter to include mention of human rights protection as one of the League's founding principles (Rishmawi 2015: 15), among other concerns. For a list of proposed amendments to the Charter see Cairo Institute for Human Rights Studies (n.d.).

A separate attempt to address human rights within the framework of the LAS resulted in the ACHR in 2004. Although an important step, the ACHR is not seen as fully consistent with international human rights law, especially compared to other regional regimes such as the Inter-American or European systems. Originally drafted in 1994, the document was revised with the assistance of the UN Office of the High Commissioner for Human Rights. The new version was adopted by the Arab Permanent Commission on Human Rights and passed to the LAS in 2004, where it entered into force in 2008 after ratification by seven LAS member states. While the initial revisions were viewed as appropriate, the Commission made significant alterations. Some argue that these alterations compromised human rights standards related to the death penalty, women's rights, the rights of non-citizens and the freedoms of expression and religion (Rishmawi 2009). As noted above, the Arab Committee on Human Rights serves as a monitoring mechanism for the ACHR. As of April 2017, only 14 member states—Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Sudan, Syria, United Arab Emirates and Yemen—had ratified the document.

The ACHR is unique in its promotion of positive gender discrimination within the framework of an Islamic legal framework, as outlined in article 3(3): 'Men and women are equal in respect to human dignity, rights and obligations within the framework of the positive discrimination established in favour of women by the Islamic Shariah, other divine laws and by applicable laws and legal instruments'. Concerning violence against women, article 33(2) focuses on violence in the family while isolating women as a group vulnerable to such violence. The passage, however, privileges the preservation of the family unit, which could be at the expense of women's safety and/or autonomy:



The State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children. They shall also ensure the necessary protection and care for mothers, children, older persons and persons with special needs and shall provide adolescents and young persons with the best opportunities for physical and mental development.

Despite employing religion when speaking of rights in article 3(3), article 43 directly references international human rights frameworks: ‘Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the states parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities’. It is worth noting that the only time sharia is mentioned in the ACHR is in article 3(3), thereby linking a religious framework rather than a secular framework with women’s rights—and only with women’s rights.

### Structures and policies supporting gender equality in the League of Arab States

The LAS has developed a number of internal structures for addressing the rights of women and girls in the Arab region. In 1971, the LAS Council of Foreign Ministers adopted Resolution 2828 establishing the Arab Women’s Committee, which serves as an advisory body on issues related to women’s advancement. The creation of the Committee was linked to preparations for the UN’s First World Conference on Women in 1975, which was also International Women’s Year and kicked off the UN Decade for Women. The conference led to the adoption of CEDAW in 1979.

In 1984, the Women, Family and Childhood Department (WFCDD) was established to work with national women’s machineries to promote the status of women in the Arab region. The WFCDD serves as the technical body of the Arab Women’s Committee and is tasked with achieving women’s political and economic empowerment, and their protection from GBV. The WFCDD is also tasked with monitoring the progress and implementation of regional and international instruments on women’s rights, and assumes responsibility for the formulation of strategies and action plans on advancing women’s rights.

The Tunisia-based Center of Arab Women for Training and Research (CAWTAR) was set up in 1993 prior to the Beijing Conference, with the goal of generating research and data on the status of women in the Arab region. Under the patronage of Prince Talal Ibn Abdulaziz of Saudi Arabia, its Board of Trustees comprises representatives of the LAS, the UN Development Programme (UNDP), the UN Population Fund (UNFPA), the World Bank, the International Planned Parenthood Federation (IPPF), the Arab Gulf Programme for UN Development Organizations (AGFUND) and the Tunisian Government. CAWTAR is an intergovernmental organization that has historically partnered with the WCFD on projects related to the situation of women in the region, bringing together governments and NGOs.

The Arab Women’s Organization (AWO) functions as an intergovernmental organization under the umbrella of the LAS. The LAS Council approved the creation of the AWO at the Arab Women’s Summit in 2000 and it was formally established during the Second Arab Women’s Summit in 2002. The Executive Council of the AWO comprises Arab First Ladies or their representatives. Only 16 member states belong to the Organization (AWO 2012: 10). Its presidency rotates biennially in alphabetical order. The AWO aims to promote women’s empowerment through the formulation of equality legislation, promote



participation in decision-making processes, raise awareness of women as equal partners in societal development, and integrate women's concerns into development programmes (Al Maaitah et al. 2011). The AWO published its *Arab Strategy for Combating Violence Against Women, 2011–2020: Arab Women's Right to a Life Free from Violence* in 2011. While not necessarily presenting a strategy for buy-in from Arab states, it does address a wide range of topics related to violence against women and builds on international and regional texts. The Strategy adopts a broad definition of violence against women, including social, economic and political violence, and provides a strategic plan that can be utilized by member states. However, it is unclear how the AWO is engaged with states to persuade them to adopt the plan. Yemen's Women's National Committee adopted it in 2013, however, and intended to prepare a strategy based on the plan (UN Women for Arab States and CEDAW Committee 2013: 15).

The LAS has been deeply involved with the implementation of the BPfA, beginning with the Arab Regional Preparatory Meeting for the Fourth World Conference on Women. Preparations for the Conference, under the auspices of Princess Basma bint Talal of Jordan in November 1994, served as one of the first opportunities for Arab states to come together in an international capacity to discuss the status of women in the region. The preparatory meeting was a cooperation between the LAS, ESCWA, UNIFEM (now UN Women) and CAWTAR. The preparatory meeting took place in two parts. First, an expert group reviewed and assessed the progress of Arab women in the light of the Nairobi Forward-Looking Strategies (1985) and drew up a Plan of Action for the Arab region to the year 2005. Second, a high-level meeting was held to discuss the Plan of Action, attended by Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Palestine, Qatar, Sudan, Tunisia, the United Arab Emirates and Yemen. The resulting document, the Arab Plan of Action for the Advancement of Women to the Year 2005, addressed women's participation in power structures and decision-making mechanisms; the alleviation of poverty; ensuring women equal access to all levels of education; ensuring women access to health services; women and the labour market; women in war, occupation and armed conflict; violence against women; women and managing natural resources and safeguarding the environment; and women and the media.

After the Beijing Conference, member states took significant action to address women's concerns in their home countries, such as the establishment of national women's machineries. In Lebanon, the Conference led to the formation of new women's organizations to follow up the Platform, as well as ratification of CEDAW. In Syria, the General Union of Syrian Women sought to implement the Syrian Women's Strategy. In Jordan, adoption of the BPfA legitimized women's activism and led to the formation of new women's organizations. The preparations for Beijing resulted in new networks and collaborations in Yemen (Arendfelt and Golley 2012: 21–23).

The BPfA continues to be a popular framework for advancing women's rights in the region and affirmations of the Platform are found in the Beirut Declaration, Arab Women Ten Years after Beijing: Call for Peace (2004), which reaffirmed commitment to the Beijing process, and the Consolidated Arab Report on the Implementation of the Beijing Platform for Action: +15 (2009), which highlighted a number of achievements in the legal realm while at the same time noting social, economic and cultural factors, in addition to prolonged conflict, that had prevented gender equality from being realized.

The most recent consolidated report is the Arab Regional Synthesis Report on the Implementation of the Beijing Platform for Action Twenty Years Later (UN-ESCWA, UN Women and LAS 2015, see Box 3.5). The report highlights achievements in the region but also confronts challenges and obstacles, such as regional conflict, the cultural environment, institutional barriers and poverty. It was presented at a special session of the 59th Commission on the Status of Women.

### Box 3.5. Member states, civil society and Beijing +20

The Arab Regional Synthesis Report on the Implementation of the Beijing Platform for Action: Twenty Years Later was launched at the 59th Commission on the Status of Women (CSW) in 2015. The CSW conducted a global review of progress 20 years after adoption of the BPfA, and each regional commission submitted a regional report that was later consolidated into a global report to be presented to the General Assembly by the Secretary-General. The ESCWA Centre for Women, in partnership with the UN Women Regional Office for Arab States and the WCFD, coordinated the collation of national reports into a regional report, and held several related events. Compared to the report on Beijing +15, in which 17 member states provided national reports, the Beijing +20 process received an impressive number of submissions from 21 member states. The Arab High-Level Conference on Beijing+20: Towards Justice and Equality for Women in the Arab Region resulted in:

- An Expert Group Meeting for representatives of national women’s machineries on the Guidance Note for the preparation of national review reports (February 2014);
- A consultative workshop with Arab civil society organizations on the implementation of the BPfA in the region (August 2014);
- A regional synthesis report;
- An Expert Group Meeting for representatives of national women’s machineries to present and review the draft regional synthesis report (October 2014); and,
- Preparation of an analytical study on the status of women in the Arab region 20 years after the adoption of the BPfA (June 2015).

CAWTAR also supported UN-ESCWA and the LAS in training CSOs to produce shadow reports on the Beijing +20 process.

Based on national reports, the LAS, the ESCWA Center for Women and UN Women extracted four key themes to prioritize in combating gender discrimination and empowering women in the Arab region: the development of official frameworks and institutions; activating socio-economic empowerment opportunities; greater concentration on the protection of women from violent practices; and knowledge, cultural development and media empowerment (UN-ESCWA, UN Women and LAS 2015: 21–25).

## Current gender-sensitive policy initiatives at the League of Arab States

In addition to adherence to CEDAW, the BPfA, the MDGs, and UN Security Council Resolution 1325 and the subsequent Women, Peace and Security resolutions, the LAS has recently developed a series of gender-sensitive policy initiatives within the main framework of the 2030 Agenda for Sustainable Development.

### The 2030 Agenda and the Sustainable Development Goals

The 2030 Agenda for Sustainable Development, developed during the Rio +20 United Nations Conference on Sustainable Development in 2012, is an extension of the MDGs that seeks to eradicate poverty, promote environmentalism and strengthen peace initiatives. Gender equality and women’s empowerment are also integral components of the Sustainable Development Goals (SDGs) and are mainstreamed throughout most of the 17 target areas, 169 targets and 231 indicators. Unlike the MDGs, which were vague on actions to address the rights of women and girls, SDG 5, ‘Achieve gender equality and empower all women and

girls', sets targets on ending all forms of discrimination against women and girls, eliminating all forms of violence against women and girls in the public and private spheres, eliminating harmful practices, valuing domestic work, ensuring women's political and economic participation, ensuring sexual and reproductive health in line with International Conference on Population and Development (ICPD) Program of Action (1994) and the BPfA, ensuring women's control over assets such as land, gendering technology use, and adopting and strengthening gender-sensitive legislation (UN Women n.d.).

In late 2015, UNDP, UN Women, the LAS and the AWO met to discuss the SDGs and their impact on gender equality and women's empowerment in the Arab region. The aim was to provide a set of recommendations to assist policymakers, national women's machineries, civil society and other key actors to mainstream gender issues and advance the status of women in monitoring their progress with achieving the SDGs. A Platform for Action for implementing the SDGs for Women in the Arab Region was set out by the AWO (AWO 2015). It addresses eight concerns:

1. Building awareness of the importance of mainstreaming gender across all SDGs as a basis for regional and national action;
2. Facilitating action-oriented multi-stakeholder dialogues on gender mainstreaming in SDG implementation, providing a knowledge base for advocacy for policy action;
3. Engendering national, subnational and local level planning processes to achieve the SDGs, and enhancing regional technical and coordination support;
4. Developing coherent gender-responsive policies that can ensure fair dividends for women from SDG implementation;
5. Engendering SDG-related national budgeting processes;
6. Enhancing gender-sensitive SDG monitoring, reporting and accountability;
7. Engendering risk assessment and reduction efforts within the SDG context; and
8. Establishing an SDG Regional Capacity and Technical Support Mechanism.

An Arab Ministerial Conference on the implementation of the 2030 Sustainable Development Agenda was held in April 2016 in Egypt. In December 2016, Arab states came together for the 29th Ministerial Session of ESCWA where they agreed on the Doha Declaration on the Implementation of the 2030 Agenda for Sustainable Development. Discussions focused on external and internal regional challenges to implementing the 2030 Agenda, the impact of conflict and occupation on implementing the 2030 Agenda; and proposed tools, methods, and projects needed to implement the SDGs (Wahlén 2016).

### The Cairo Declaration

In February 2014 a high-level meeting was hosted by the LAS in Cairo to discuss the MDGs with a focus on gender equality and women's empowerment in the Arab region. As noted above, the meeting built support for a plan of action beyond 2015, the Cairo Declaration (League of Arab States 2015a). The Commission adopted the Cairo Declaration at the 35th session of the Arab Women's Commission in January–February 2015, and assigned the portfolio to the WCFD. The Cairo Declaration and Plan of Action were adopted at the 144th Ordinary Session of the Ministerial Council of the LAS in September 2015.

One week prior to the high-level meeting, Ambassador Inas Mekkaway, head of the WCFD and formerly of the LAS Secretariat for Civil Society, proposed the Cairo Declaration at the LAS Civil Society Forum. According to a representative of CAWTAR, the



Cairo Declaration was a response to the Arab Spring and the roll back of women's rights, as well as the rise of conservative governments in the region.

There has been no formal launch of the Cairo Declaration, but it has been officially adopted by member states. Those familiar with the document, particularly civil society, are pleased that it is linked to the LAS, meaning that it is a regional or 'Arab' document. Others note that the topics addressed in the Declaration are generally considered taboo, such as violence against women and reproductive health. Significantly, the Cairo Declaration is based on a number of international conventions such as CEDAW and its General Recommendations, the BPfA, the MDGs, the ICPD Program of Action, the SDGs and the ACHR. References to these frameworks are significant for women's organizations.

The Cairo Declaration Plan of Action is a cooperative effort between the WFCDD, the ESCWA Centre for Women and the UN Women Regional Office for Arab States. The Declaration focuses on implementing social justice policies that affect women and girls. The Plan of Action focuses on eight outcomes covering four pillars: transformation at the political, social and economic levels, and ending violence against women.

Outcome 1 involves transforming the legislative environment, including harmonizing legal regulations and mechanisms with human rights principles, and a commitment by member states to international, regional and Arab conventions to eliminate all forms of discrimination against women and achieve gender equality. Outcome 2 calls for an organization to mainstream gender into development planning, as well as policies, programmes and budgets. Outcome 3 focuses on women in decision-making positions, and a quota of at least 30 per cent nationally and locally in Arab, regional and international organizations. Outcome 4 calls for an increase of 50 per cent in women's economic and workforce participation, and demands that women have access to services and benefits. Outcome 5 demands that women benefit from social protection policies and services, including health, education and legal benefits, to improve their quality of life.

Outcome 6 states that women and girls have the right to live in a society free from all forms of GBV, and that legal, social and health protection should be available for all women and girls exposed to violence and its consequences. Outcome 7 calls for the creation of national frameworks on women, peace and security, in order to create an environment where women and girls are not susceptible to conflict-related GBV. Similarly, outcome 8 calls for the creation of national frameworks to address terrorism and to create an environment where women and girls are not susceptible to terrorism-related GBV.

UN organizations and agencies will lend support with implementation. At the international level, the Organization For Security and Co-operation in Europe and the EU will also assist, as well as regional entities such as ESCWA, the African Commission on Human and Peoples' Rights, member states' women's machineries, regional and Arab organizations and local ministries. Civil society participation will include CAWTAR. The Arab Women's Commission intends to conduct an evaluation of the Plan of Action periodically.

### Protection of Arab Women: Peace and Security

In 2012, the AWO published a regional strategy on the protection of Arab Women, which was very narrow in scope and focused primarily on women directly affected by conflict, with a heavy emphasis on the situation of Palestinian women (LAS, AWO and UN Women 2012). A framework of participation, prevention and protection before, during and after conflict, the strategy was presented without a discernible timeline, indicators or partners, and thus served more as a call to develop a regional plan of action than an actual work plan. Many of its recommendations were eventually clarified in the LAS' Executive Action Plan and Regional Strategy on UN Security Council Resolution 1325.

### Box 3.6. UN Security Council Resolution 1325: National Action Plans in the Arab Region

In 2014, the Federal Government of Iraq and the Kurdistan Regional Government became the first political entities in the Middle East and North Africa region to ratify a 1325 National Action Plan (NAP). The overall objective of the Iraqi NAP is to ‘contribute to building and sustaining peace and security in Iraq through enhancing partnerships with civil society and judiciary towards achieving equality between women and men and social justice in all spheres of life to allow women to play their equal role’ (Federal Government of Iraq and Kurdistan Regional Government 2014: 14).

Palestine then launched an NAP for the period 2017–19, which was developed through the Ministry of Women’s Affairs and in conjunction with the Higher National Committee for the Implementation of UNSCR 1325. It reads:

The NAP is aimed at protecting Palestinian women and girls from violations of the Israeli occupation, holding it accountable internationally while ensuring the participation of women without discrimination both locally and on the international stage, developing protection mechanisms for Palestinian women and girls against the violations of the Israeli occupation, and working to increase the participation of women in peacemaking and conflict resolution at all levels, integrating their points of view in peace and reconciliation agreements and addressing the impact of conflict on women (State of Palestine Ministry of Women’s Affairs 2017: 6).

Jordan, through the leadership of the Jordanian National Commission for Women (JNCW), has drafted a 1325 NAP that is currently under debate within the government. The JNCW has been engaged in ongoing consultations concerning UN Security Council Resolution 1325 under the framework of Beijing +20. These consultations have engaged with national actors and decision-makers, as well as Syrian women refugees (UN Women Jordan 2015).

The WFCD at the General Secretariat of the LAS and the AWO, in partnership with UN Women, drafted a Regional Strategy on Peace and Security: Protecting Women in the Arab Countries in 2013. The general objective of the Regional Strategy is that, ‘Women and girls in the Arab region are secure from conflicts, occupation, wars, and terrorism, and are fully protected under legislation and policies that promote their full participation in building and promoting stability’ (LAS 2015b). In 2015, an Executive Action Plan on the Regional Strategy was drafted, led by WFCD in partnership with UN Women, in an effort to renew the commitment to address the needs of conflict-affected women and girls in the Arab region. The Executive Action Plan has a timeline of 2015–2030 and is based on regional and international resolutions concerning the protection of women affected by armed conflict, including the LAS Charter, the Arab Charter on Human Rights and the Strategy for the Advancement of Arab Women, the UN Charter, CEDAW and General Recommendation no. 30, the Beijing Declaration and the BPfA, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, the Geneva conventions, the Rome Statute, and the Women, Peace and Security resolutions.

According to the Strategic Framework, the Executive Action Plan aims to define the priorities for the coming years, guarantee the implementation of regional and international resolutions on Women, Peace and Security, ensure women’s participation in decision-making and combat GBV. The aim is that member states, particularly those experiencing conflict or any other form of impact from the Arab Spring, will begin to develop their own National Action Plans (see Box 3.6). The LAS intends to coordinate training on UN Security Council Resolution 1325 and the Women, Peace and Security agenda and instruct each member state on how to create a NAP. The Executive Action Plan took into consideration recommendations made by the national women’s machineries of Algeria, Bahrain, Egypt,





Iraq, Kuwait, Lebanon, Morocco, Oman, Palestine and Tunisia. There were also two consultative meetings with CSOs where recommendations were sought.

The Technical Secretariat has identified the various parties that will assist with implementing the Executive Action Plan. In October 2015, the WFCD organized a coordination meeting with regional organizations working on women's issues in order to identify areas of collaboration concerning, but not limited to, the Women, Peace and Security agenda and the Cairo Declaration. Other coordination meetings may take place in the future.

The general objective of the Executive Action Plan is that 'Women and girls in the Arab region are secure from conflicts, occupation, wars, and terrorism, and are fully protected under legislations and policies that promote their full participation in building lasting peace and promoting stability' (LAS 2015b). In this vein, Outcome 1 of the Executive Action Plan strives to increase the quantity and quality of women's political participation in the Arab region through the development of legislation and measures to promote women's political participation, including engagement with CSOs, and to reinforce women's political participation in peacebuilding, conflict prevention and counterterrorism measures.

Outcome 2 focuses on the prevention of conflict and of violence against women during conflict, including sexual violence. It advocates the development of gender-sensitive early warning and response mechanisms, as well as legislation and policies to combat GBV; the drafting of studies and research; the development of awareness programmes; and documenting the efforts of different parties working on prevention.

Outcome 3 involves the protection of women and girls in conflict and post-conflict settings. This will be achieved through the translation of regional and international commitments into practical measures and actions; the protection of women and girls from conflict, occupation and terrorism; and the reduction of vulnerabilities in regions that are conflict-affected or under occupation.

Finally, outcome 4 focuses on relief and recovery during and after conflict. This will be achieved through the development of action plans and the allocation of resources to post-conflict recovery, including disarmament, demobilization and reintegration; the utilization of a gender-responsive approach to vulnerable groups; and the use of a gender-sensitive approach in transitional justice mechanisms, including compensation for victims of violence, forced migration and terrorism.

A unique component of the Executive Action Plan is the Emergency Committee. It is proposed that this Committee will meet when the situation of women becomes critical in the region's conflict zones. Representatives from member states and partners from the UN and relevant international organizations will form the Committee. Resolution 1325 and the subsequent Women, Peace and Security resolutions lack a formal monitoring mechanism so it is up to those drafting strategies to implement formal monitoring and evaluation mechanisms. It is expected that the LAS will issue annual reports documenting the progress made on the Executive Action Plan. Mechanisms and tools for following up on progress in accordance with the indicators are being developed. The LAS intends to work with member states to monitor their accomplishments through multisectoral national committees that will follow up on achievements at the national level.

### The Charter to Combat Violence against Women in the Arab Region

Criminalizing all forms of violence against women, including domestic violence, is gaining momentum in the Arab region, as is evidenced by specific standalone legislation and pending legislation. There are currently efforts under way to draft a Charter to Combat Violence against Women in the Arab Region based on the recommendations adopted at the 35th session of the Arab Women's Committee, coordinated under the fourth pillar of the Cairo



Declaration that seeks to eliminate violence against women. The WFCD, UN Women and other UN agencies will work to produce a general framework for the Charter.

Ratifying such a Charter in line with international norms would create a strong regional framework for member states to address violence against women domestically, especially in the light of the growing number of states drafting laws on domestic violence and violence against women. There should also be input from and participation by domestic and regional women's organizations and movements.

### Future steps and possibilities

The 2030 Agenda for Sustainable Development and the SDGs provide a vibrant framework for the LAS to develop policies that seek to ensure gender equality, mainstream gender, increase women's political and economic participation, and eliminate all forms of GBV within member states. As the above discussion shows, the Cairo Declaration and the Executive Action Plan on the Regional Strategy on Resolution 1325 aim to be as comprehensive as possible within this framework. Nonetheless, it is too soon to tell what impact these policies will have on women living in the Arab region. What is known is that while the LAS is taking significant steps to implement gender-sensitive regional policies, a number of questions and concerns remain, especially from CSOs, regarding the future of the LAS and its promotion and protection of human rights, including women's rights, gender-sensitive reform in the region and the possibility of transformative implementation.

In addition to the initiatives discussed above, other projects under way indicate that the LAS is making further strides to address gender in its policies, as well as to include civil society in these measures. For instance, a handful of CSOs, including CAWTAR and the Arab NGO Network for Development (ANND), with technical support from Oxfam, are in the midst of advocating for greater coordination between the WFCD and CSOs on gender and the LAS's humanitarian response. Both organizations have been involved in a proposal to develop a Committee on Humanitarian Response within the LAS concerning Syria. A concept paper is to be presented to the LAS on behalf of the CSOs. Elsewhere, a process has begun to develop a Strategy on Arab Human Rights within the LAS. A first draft has been submitted for review by experts, including members of civil society, and this is nearing completion. The Strategy intends to implement the ACHR through six pillars and gender is a component of the Strategy.

### Achievements and challenges

Through the Cairo Declaration and the Executive Action Plan on the Regional Strategy on Protecting Women in the Arab Region, the LAS has adopted a comprehensive gender policy that supports gender mainstreaming and the empowerment of women and girls in the region. The proposed work plan addresses the key concerns of women in the Arab region, which means that action should also be comprehensive and transformative. The true test now is whether these policies are wholeheartedly supported by member states and put into action through practical national work plans that engage state and non-state actors.

While previous statements concerning reform and engagement with human rights norms within the LAS system are welcome, there continues to be a resistance. The structure of the LAS makes reform difficult. It is a government-focused regional organization dependent on the consensus of its member states and the invocation of sovereignty restricts the LAS (and other member states) from holding offending member states to account. Furthermore, there is no requirement to engage with non-state actors, although there has been good coordination between the LAS, UN Women and ESCWA. According to those working in



collaboration with the LAS, for there to be full implementation of the Cairo Declaration, its ancillary documents and all future policies, this must change.

The structure of the LAS limits the involvement of human rights organizations and other members of civil society, as their participation in LAS processes is restricted to observer status. CSOs are not allowed to attend summit meetings, but do facilitate parallel events which can introduce their perspective to member states. As noted above, human rights organizations across the region have lobbied for greater CSO involvement in the LAS system, especially during the current transitions, but the need for such lobbying makes clear that CSOs continue to be shut out or offered only limited engagement. In addition, the LAS cannot formally interact with CSOs that are not officially recognized in their state of origin. Some have noted that the Arab Spring has caused a closing down rather than an opening up with regard to member states' interactions with CSOs and NGOs. Before the Arab Spring, 17 CSOs had observer status with the Arab Permanent Commission on Human Rights. As regimes fell, many of these CSOs disappeared, indicating that they were probably 'governmental NGOs'. By 2013, 23 NGOs and national human rights institutions had gained observer status after meeting eight criteria (Rishmawi 2015: 30). They cannot address the Permanent Commission, nor can they attend meetings (International Federation for Human Rights et al. 2013: 28).

The WFCDD within the Arab Women's Commission has been central to much of the recent gender-sensitive reform within the LAS. The current head of the WFCDD is a well-regarded activist concerned with gender-sensitive initiatives and engaging with civil society. In the time that she has been at the WFCDD, the Cairo Declaration has come to fruition based on her advocacy. While her presence and activism are welcome, one person cannot sustain gender-sensitive transformation in the LAS. The challenge is to create sustainability within the WFCDD and other systems in the LAS, and to ensure the continuation of this important work.

At the national level, member states must acknowledge that they have made international commitments and that they are obligated to follow through on such commitments. Adoption of treaties such as CEDAW has been piecemeal and with reservations. The LAS should work with the remaining member states on acceding to CEDAW and for those that have acceded, advocate a lifting of their reservations and a harmonization of national legislation with CEDAW and other international frameworks, following the leads of Morocco and Tunisia. The LAS has the ability to negotiate this reform with member states across the region due to its privileged understanding of each member state's context.

Regionally, frameworks like the ACHR have the ability to localize human rights and increase the ownership and buy-in of member states. Nonetheless, while rightfully reflecting the social and cultural composition of the region, regional frameworks must still come into line with international human rights frameworks if true gender equality and empowerment are to occur. Furthermore, regional frameworks have the ability to engage with local actors, such as human rights or women's rights organizations, in a highly specific way that can increase localization, and thus the adoption of rights. Therefore, the LAS should support revisions to the ACHR, given that only slightly more than half the member states have ratified the document, some noting that their own domestic legislation supersedes the Charter. As more member states begin to pass laws that support human rights, including on the human rights of women, domestic law will become more progressive than the Charter.

The Cairo Declaration framework presents an unprecedented opportunity for the LAS to fully engage with gender-sensitive regional reform. The few women's organizations in the region that are aware of the Declaration are pleased but cautious about the document and its potential. The fact that the Declaration refers to the BPfA, among other international frameworks, is significant. As it is a framework endorsed by the LAS and supported by member states, Arab governments cannot choose to ignore it. Its connection to Cairo,

considered by some to be the centre of the Arab region, and also a member state that has experienced much upheaval since the Arab Spring, is highly symbolic. However, since there has been no formal launch of the Cairo Declaration, it is difficult to gauge its level of acceptance. The fact that the Cairo Declaration has not been launched has led to an assumption that the LAS is no longer 'vital'. If civil society is expected to participate in its implementation, they must be notified of the Declaration's content and its ancillary documents. It is unclear how the Cairo Declaration will be implemented as resources have been dedicated only at the regional level and not at the national level. UN Women is currently working with governments on this matter but not with civil society.

There is concern that despite ratification, member states may not concern themselves with references or tools endorsed by the LAS to assist with implementation of the Cairo Declaration. In addition, implementation is dependent on the political will and motivation of member states, which raises concerns over the lack of a system of accountability within the LAS. Finally, there is concern that funding has not been set aside by the LAS for member states to fully implement the Declaration.

The Arab region is currently one of the most volatile and women's lives have been affected in highly gendered ways since late 2010. Refugees and displaced women and girls require specialist attention. While the recent policies proposed may address regional concerns, the current political environment is a challenge for any type of implementation, big or small, short term or long term. Of serious concern, therefore, is how the Cairo Declaration and the 1325 Executive Action Plan can be implemented in conflict-affected or occupied countries. Refugee and displaced women and girls are not specifically mentioned in the 1325 Executive Action Plan, despite references to women and girls in conflict and post-conflict situations. Given the contentious status of refugees, internally displaced persons, asylum seekers and individuals fleeing low-level conflicts and alleged human rights violations in nearby states, a more specific reference to the individuals seeking refuge while living in hosting members states would ensure a greater likelihood of mainstreaming this population into the Regional Strategy and meeting their gendered needs. This population of women and girls must also be intimately involved in any mechanisms developed to benefit them under the four pillars of prevention, protection, prosecution and the provision of service, which is another reason for CSOs to be involved in the work of the LAS. The inclusion of all relevant populations in the 1325 Executive Action Plan must therefore be clarified.

There is considerable evidence that state and non-state actors in the member states affected by the Arab Spring have been perpetrators of the harassment and sexual abuse of women (Human Rights Watch 2014; Amnesty International 2015). More recently, GBV perpetrated by non-state actors such as Islamic State has dominated the region (Human Rights Watch 2016). The 1325 Executive Action Plan mainstreams gender into political systems, the security sector and peacekeeping forces, which is certainly a step in the right direction, but transformation will only fully occur within these systems when discriminatory attitudes towards women and girls have been changed and offenders held to account. This is not clarified in the Plan. Furthermore, changing attitudes to harassment, sexual violence and exploitation within security institutions is another essential transformation that should be prioritized and made more explicit. While domestic and regional mechanisms to bring perpetrators to justice would be ideal, sometimes this is not possible. This is where accession to the Rome Statute and the International Criminal Court is important, particularly in light of the gender-based crimes perpetrated by Islamic State. Currently, Comoros, Djibouti, Jordan, Palestine and Tunisia are the only member states to have acceded to the Rome Statute. Algeria, Bahrain, Egypt, Kuwait, Morocco, Oman, Syria, United Arab Emirates and Yemen are signatories but have not ratified the Statute. LAS support for formal accession to the Rome Statute by all member states would provide an opportunity to hold perpetrators of gender-based war crimes and crimes against humanity to account in the future.



## Recommendations

The shrinking space for civil society in the region, exacerbated by the backlash linked to the Arab Spring, has been on the increase. Time and again, recommendations note that the current structure of the LAS is outdated and that reform must occur so that civil society, and not just member states, has a voice. The emergence and implementation of the Cairo Declaration and its ancillary documents provides opportunities for reform. The recommendations set out below are based on recommendations made previously by international and regional human rights organizations as well as those derived from interviews with individuals who have worked with or in the LAS system.

### The League of Arab States Charter

- Mainstream international human rights standards and norms, including gender equality and women's empowerment, into the League of Arab States Charter.

### The Arab Charter on Human Rights

- Amend the Arab Charter on Human Rights in order to go further towards enshrining international human rights standards, including gender equality and women's empowerment, in the League of Arab States system;
- Make explicit the rights of women and girls, as per international human rights standards, in the Arab Charter on Human Rights, and avoid contextualizing those rights within a religious or socio-cultural framework;
- Amend the Arab Charter on Human Rights so that it becomes a binding document for League of Arab States member states;
- Link the Arab Charter on Human Rights to other human rights systems within the League of Arab States.

### Internal structures within the League of Arab States

- Develop an internal gender policy within the League of Arab States that takes into account recommendations from the current gender structures within the League as well as relevant regional and international human rights organizations and civil society organizations;
- Employ a gender balance mechanism (as well as clear criteria for appointments) in all human rights structures within the League of Arab States, such as the Arab Parliament, the Arab Court, the Arab Permanent Commission on Human Rights and the Arab Committee on Human Rights;
- Expand the mandate of the Arab Permanent Commission on Human Rights to hold member states to account for human rights violations, including gender-based violations;
- Ensure that human rights principles are adopted if and when the Arab Court for Human Rights is instated, and that citizens are able to bring cases to the court, including gender-based violations, directly rather than through their home countries, thereby further strengthening international and regional commitments;

- Guarantee that any findings of the Arab Court for Human Rights provide redress to victims of human rights abuses, including violations perpetrated by non-state actors concerning gender-based violations, and in accordance with international standards;
- Support the submission of shadow reports by local, regional and international non-governmental organizations, and make such reports available to the public;
- Ensure that the Arab Women's Organization and the Arab Women's Committee, including the Women, Family and Childhood Department, as well as any other gender-specific entity within the League of Arab States, receive adequate human and financial resources and support to carry out their work and the implementation of the Cairo Declaration and its ancillary documents;
- Implement gender budgeting throughout the League of Arab States system;
- Publicize meetings, especially those where human rights are discussed, as well as reports and policy documents.

### The League of Arab States: engagement with civil society

- Facilitate interaction between local, regional and international human rights organizations and civil society, including women's rights organizations, and all League of Arab States bodies through the development of a concrete procedure for engagement;
- Ensure that such engagement results in substantive participation (i.e., consultative status) by human rights organizations and civil society organizations, including women's rights organizations, in the League of Arab States system;
- Educate local, regional and international human rights organizations and civil society on the League of Arab States system to ensure that engagement is productive;
- Publicize meetings, especially those where human rights are discussed, as well as reports and policy documents.

### The Cairo Declaration and gender policies

- Publicly launch the Cairo Declaration and its ancillary documents, and hold information sessions or workshops with local, regional and international human rights organizations and civil society, especially women's rights organizations, on the content and expectations of the policies;
- Develop a coordination body responsible for implementation of the Cairo Declaration, including budgeting, reporting and accountability;
- Develop a mechanism for monitoring implementation of the Cairo Declaration and hold member states accountable for their obligations;
- Develop a complete and concrete action plan containing dates, budgets and a timeframe, including realistic deadlines within the 15-year work plan span, and strengthen M&E and reporting systems in order to monitor progress;
- Dedicate resources for implementation of the Cairo Declaration and assist member states that do not have adequate resources;

- Publicize meetings related to the Cairo Declaration, especially those where human rights are discussed, as well as reports and policy documents;
- Develop a mandate for the adoption of gender-related international frameworks among all member states, and support the removal of reservations to treaties such as CEDAW.

## Conclusions

The Arab region is at an important juncture. It is crucial to realize that the hoped for transformations resulting from the Arab Spring are, in fact, a process of change that will take time as well as targeted energy. The same can be said for any gender-sensitive transitions and transformations in the region. The LAS has an important role to play in these transformations—and is clearly transforming internally—but there is much work to be done. The most challenging reforms are those that must occur from within, concerning important frameworks such as the League’s founding Charter and the ACHR. These frameworks are important to the overall work of the League and indicate a commitment to human rights in the region. The current challenge is to translate these policies into concrete action.

The LAS has taken a more active role in the region since the Arab Spring. It appears that now is the time to take an active role in securing the full participation of women living in the Arab region. The Cairo Declaration and the Executive Action Plan on UN Security Council Resolution 1325 currently serve as starting points for LAS member states to implement gender-sensitive regional change. The work plans are detailed and follow a number of best practices. These documents provide a framework for substantive change, but implementation and outcomes will take time and patience, much like the hoped for transformations of the Arab Spring.

In conclusion, the League seems to be moving beyond political statements in the design of these strategies and there appears to be buy-in from a wide range of international, regional and domestic actors. The coming years will be the true test of how these policies will be delegated, implemented and measured. In the meantime, it is important that the international community supports the League and its partners in their next steps. What is clear is that the work plans of the Cairo Declaration and the Executive Action Plan for the Regional Strategy on 1325 serve as a catalyst for full engagement with the SDG process, integrating international frameworks into the work of the LAS—and the member states—and taking bold action to implement gender-sensitive reform in the region and engage with transformation rather than transition in the member states emerging from the Arab Spring. It is important that these policies do not merely stay as ideals on paper. The challenge is to translate these declarations into concrete action. These are opportunities that must be seized.

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## 3.2. Recommendations from the Middle East and North Africa consultation

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During the Middle East and North Africa (MENA) consultation, held in Tunis on 9–10 March 2017, participants offered a series of recommendations for future initiatives to empower women in the political sphere.

1. Participants felt that further advocacy campaigns were needed to urge governments and political parties to promote women's political participation. The Women's Union in Bahrain is currently engaged in such a campaign but more work is needed, in particular, to secure women's meaningful participation in peace and security processes, including by engaging them in national and local dialogues and initiatives.
2. National women's machineries across the MENA region require additional technical support and capacity-building so that they can better integrate international commitments into national development plans and strategies. Resources to facilitate the collection of sex-disaggregated statistics are also needed to monitor policy and programme implementation, and thus gain a better sense of progress related to women's empowerment. Regional human rights organizations lack a strong gender focus and thus could similarly benefit from training in gender instruments and analysis. Participants also noted that additional financial resources from donors could help support various regional projects, especially the implementation of pilot projects and the exchange of experiences and lessons from across the region.
3. International, regional, and civil society mechanisms should be established to compel governments to implement SDGs 5 and 6 nationally and locally. Similar efforts are needed to translate CEDAW provisions and the Beijing Platform for Action into plans and strategies at the municipal level.
4. Initiatives targeting men are needed in order to promote gender equality in the public and private spheres. The limited engagement of men in gender equality debates, some participants proposed, resulted in a lack of a genuine political will to enact change and commit adequate financial and human resources to gender equality reforms and programmes.



5. More partnerships should be forged among various stakeholders in these debates—for example, among international and regional organizations, governments, and civil society—in order to better coordinate efforts to promote gender equality and women’s empowerment and the SDGs more broadly.

## 4. Asia and the Pacific

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## 4.1. Gender equality and the political empowerment of women in South and South-East Asia

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**Hannah Elten, Olivia Geymond and Hien Thi Nguyen**

This chapter analyses the experiences of the Association of South East Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC), their roles and the progress made in translating gender commitments into effective regional policies, legal instruments and mechanisms to foster gender equality and the political empowerment of women. It focuses on the need to foster stronger partnerships between the regional organizations, the United Nations, especially the UN Economic and Social Commission for Asia and the Pacific, and civil society organizations, mainly women's and youth organizations, to give effect to Agenda 2030. The chapter discusses achievements and makes policy recommendations based on the challenges and opportunities facing the region.

### **The Association of South East Asian Nations**

Women's rights and the political empowerment of women were not a primary concern of ASEAN in its early years. Established at the height of the Cold War, ASEAN's primary concerns were stability and security. ASEAN's founding policy frameworks—the Treaty of Amity and Cooperation in Southeast Asia and the ASEAN Declaration—were written without particular sensitivity to gender. Over time, ASEAN's aims have expanded to include economic growth and social progress in addition to regional stability and conflict resolution (ASEAN 2008). The ASEAN Community was established in 2008. It comprises three pillars: the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC). Each pillar has dedicated blueprints that outline the measures and actions to be undertaken within specific timelines to accelerate development and build peace and political and social security within the region.

### The Association of South East Asian Nations

ASEAN is a regional intergovernmental organization founded on 8 August 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. These countries were later joined by Brunei Darussalam, Viet Nam, Laos, Myanmar and Cambodia. The combined population of its member states is over 622 million. The ASEAN economy is currently the seventh largest in the world. Its nominal GDP was USD 2.6 trillion in 2015.

<http://asean.org/>

The first attempts by ASEAN to engage with women's rights were somewhat paternalistic, treating women as a vulnerable and dependant group. ASEAN mainly addressed women's rights within a social and development context rather than a more general human rights framework. In the 1980s, however, women's rights became more prominent on ASEAN's agenda. A milestone in this new momentum was the Declaration of the Advancement of Women in the ASEAN Region, which was adopted on 5 July 1988. Since then, ASEAN has progressively adopted a normative gender framework and a set of monitoring mechanisms.

Despite these efforts, the slow progress among the 10 ASEAN member states has presented challenges for the political empowerment of women. The Inter-Parliamentary Union (IPU) reports that the overall rate of female parliamentary participation in South East Asia is 18.9 per cent, one of the lowest in the world (IPU 2017). The Philippines, Laos and Viet Nam perform noticeably better than the rest of the region. Their respective rates of 29.5 per cent, 27.5 per cent and 26.7 per cent compare favourably with the corresponding figures in Thailand, Myanmar and Malaysia, which at 4.8 per cent, 10.2 per cent and 10.4 per cent respectively remain alarmingly low.

To understand how ASEAN can better support the empowerment of ASEAN women in politics, this section provides a comprehensive review of the ASEAN Gender Normative and Monitoring Framework, and its efficiency in advancing women's empowerment and political empowerment. It then derives a set of policy recommendations from the interviews carried out for this study.

### Gender-normative framework

#### *Institutions on gender equality and political empowerment of women*

In the current ASEAN architecture, gender equality and women's issues fall under the scope of the ASCC, which meets twice a year. Its main functions are to: (a) ensure the implementation of the relevant decisions of the ASEAN Summit; (b) coordinate the work of the different sectors under its purview and on issues which cut across the other Community Councils; and (c) submit reports and recommendations to the ASEAN Summit on matters under its purview (ASEAN 2008, art. 9). The ASCC is therefore the primary body responsible for supervising gender policies in ASEAN.

The second most important gender body in ASEAN is the ASEAN Committee on Women (ACW), which was set up in 1976. Originally the ASEAN Sub-Committee on Women (ASW), it was renamed the ASEAN Women's Programme in 1981 and the ASEAN Committee on Women in 2002. It is the primary body that coordinates and monitors ASEAN activities and facilitates cooperation on women's issues. It comprises the gender machineries of the ASEAN member states, and in particular the national ministers and government representatives, who meet annually. The ACW's first mission is to monitor and evaluate implementation of the ASEAN Declaration of the Advancement of Women. The ACW publishes a status report every three years, which analyses the state of women's

participation in the political spheres as well as how well incorporated women's concerns are into national plans and programmes. It is also responsible for facilitating, monitoring and evaluating the implementation of international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Sustainable Development Goals (SDGs) and the Beijing Declaration and Platform of Action. Finally, the ACW is responsible for collaborating with and building the capacity of national governments, developing policies, exchanging best practices and organizing study visits.

The third most important gender body is the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), which was set up in 2010 pursuant to the Vientiane Action Program, 2004–2010 (ASEAN 2005a) to promote and protect the human rights and fundamental freedoms of women and children in ASEAN. It does this in two ways. First, it acts as a bridge between the international human rights system and individual member states and supports ASEAN member states with their policies on women's rights and women's political empowerment. Each member state appoints two representatives to the ACWC: one for women's rights and one for children's rights. Both serve on a voluntary and part-time basis. The ACWC meets at least twice a year and can convene additional meetings if necessary. As an intergovernmental body, its decision-making is based on consultation and consensus. The ACWC reports to the ASEAN Ministerial Meeting on Social Welfare and Development.

Second, and more particularly, the ACWC supports the ASEAN member states in their relations with the various international human rights monitoring committees and procedures on women's rights. It frequently engages with UN agencies, in particular UN Women, promotes the adoption and implementation of international, ASEAN and other instruments related to the rights of women and helps members states to prepare periodic reports on the monitoring and implementation of CEDAW.

In addition, it develops national policies, strategies and programmes, builds the capacities of relevant stakeholders, provides technical support with the organization of initiatives and workshops, promotes research on the situation of women and facilitates the sharing of experience and good practices between member states. Finally, it promotes public awareness and education about women's rights and advocates on behalf of women. The ACWC has been found to be complementary to the ACW. Its composition is more mixed and includes NGO practitioners and experts. It also takes more of a rights-based approach than the ACW, which takes more of a welfare approach (Gutierrez 2015b).

The most recent addition, the ASEAN Ministerial Meeting on Women (AMMW), which was set up in 2011, also plays an important role in relation to women's empowerment. The AMMW works in conjunction with the ACW and the ACWC to institutionalize gender mainstreaming within ASEAN and promote the status of women at the regional level. As part of the ASEAN Socio-cultural Community it meets annually to provide executive leadership and consultation on gender matters.

While the ACW, the ACWC and the AMMW, under the supervision of the ACSS, are the core bodies leading ASEAN's operational work on gender equality and women's political empowerment, two other bodies also play a role. Of particular interest to women's political empowerment is Women Parliamentarians of the ASEAN Inter-Parliamentary Assembly (WAIPA), which was established in 1998 as a branch of the ASEAN Inter-Parliamentary Assembly (AIPA 1978). The AIPA is a regional parliamentary organization that facilitates communication and the exchange of information between ASEAN parliamentarians. WAIPA is its women's branch, which essentially aims to enhance participation by and the representation of women in AIPA and more generally to increase the representation of women in the parliaments of the ASEAN countries. It meets annually in conjunction with the AIPA's General Assembly. WAIPA has adopted a number of resolutions, five of which are directly related to women in decision-making and politics, and women's leadership.



Finally, the ASEAN Confederation of Women's Organizations (ACWO), established in 1981, is an institutional framework that brings together women's voluntary organizations and civil society actors in ASEAN to work towards the full integration of women in development. It has the status of a CSO Regional Entity accredited to ASEAN. It comprises the National Council of Women's Organizations in each ASEAN member state. ACWO regularly participates in ASEAN and Regional Conferences to provide input from women's organizations on the topics under discussion. It has organized 17 General Assemblies and Conferences, most notably one on 'Enhancing Women's Effective Participation towards a Peaceful, Prosperous and Sustainable ASEAN'.

### Gender-related policy and legal instruments

In comparison with other regions of the world, ASEAN has been a late adopter of gender-related policy and legal instruments. In recent years, however, ASEAN institutions have been more gender-responsive and have developed a number of specific work plans on women's empowerment and the promotion of gender mainstreaming.

Of crucial importance for women's rights in ASEAN is the Declaration of the Advancement of Women in ASEAN. This was the first commitment made by ASEAN member states to improve the status of women, including in the political sphere. It states that each member state shall endeavour 'to promote and implement the equitable and effective participation of women whenever possible in all fields and at various levels of the political [...] life of society at the national, regional and international levels' (ASEAN 1988, article 1).

In 2005 this overarching Declaration was operationalized in the Work Plan for Women's Advancement and Gender Equality, 2005–2010 and later into the Work Plan of the ASEAN Committee on Women, 2011–2015 and 2016–2020. The 2005 plan focused on 'promot[ing] equitable participation of women in the development process by eliminating all forms of discrimination against them' (ASEAN 2005b) and outlined a number of activities. The most notable of these were: (a) the promotion of gender mainstreaming; (b) the documentation of best practices/innovative strategies undertaken by member states to mainstream gender; (c) the identification of collaboration opportunities with ACWO; (d) improving research capacity; and (e) the increased participation of women in all aspects of ASEAN activities. The 2011 plan pursued and reinforced the objective of influencing all the pillars of the ASEAN Community and all member states to undertake credible and strong gender mainstreaming in their policies, programmes and processes. It outlined the implementation of two projects directly related to women's political empowerment in Cambodia and Singapore. The most recent work plan recognizes the 'promotion of women's leadership' as one of its six priorities and focuses on engaging all stakeholders in society 'to make greater headway in promoting the interests of women in the region' (ASEAN 2016c). This latter document is yet to be published.

ASEAN adopted a Declaration on the Elimination of Violence Against Women in the ASEAN Region in 2004, in which ASEAN member states expressed a common resolve to eliminate violence against women. This Declaration was operationalized in the Work Plan to Operationalize the Declaration on the Elimination of Violence Against Women, 2006–2010, which more recently was merged with the Work Plan for Women's Advancement and Gender Equality into the Work plans of the ASEAN Committee on Women.

From an operational point of view, the ASEAN Commission for the Protection of Women and Children's Rights Work Plans 2012–2016 and 2016–2020 are also crucial instruments. Although a thematic area was explicitly dedicated to 'Women's participation in politics and decision making, governance and democracy', a specific project in this area is yet to be deployed. Having considered 'activities to promote temporary special measures to promote women's participation in decision making', the identification of 'concrete, doable and impactful actions' by the Commission is said to be 'pending'. As a result, this thematic area



will be ‘revisited by the ACWC in due course’ (ASEAN 2012b). The most recent work plan has not yet been published.

Two other important policy instruments for women’s empowerment are the Hanoi Plan of Action, 1999–2004 and the Vientiane Action Programme, 2004–2010. In the former, member states agreed to work towards the full implementation of CEDAW and other international commitments regarding women. In particular, member states committed to ‘adopt concrete measures to enhance women’s capacity and promote women’s participation in decision-making and leadership in all fields and at all levels’ (ASEAN 2012c, article 4). In the latter, specific commitments were made to promote human rights. In particular, member states committed to ‘promote equitable participation of women in the development process by eliminating all forms of discrimination’ (ASEAN 2005a, 3.1.3.8.).

Looking forward, the roadmap for ASEAN Community building over the next decade, ASEAN 2025: Forging Ahead Together, commits ASEAN member states to realize ‘an inclusive community that promotes [...] equitable access to opportunities for all and promotes and protects human rights of women [...]’ (ASEAN 2015, B.2.i). In contrast to the ASEAN Charter, which does not mention women at all, this explicit mention is encouraging.

Finally, in an effort to ensure concrete actions are taken to achieve its objectives, the ASCC has adopted two ASEAN Socio-Cultural Community Blueprints—one for 2009–2015 and one for 2016–2020. These blueprints outline the implementation of specific actions to empower women in all fields, including politics, and to promote gender equality. In the blueprint for 2016–2025, the ASCC commits to work ‘towards achieving gender equality and the empowerment of all women and girls’ (ASEAN 2016b: 6). Specific strategic measures on promoting gender equality and women’s empowerment are set out as part of the promotion of ‘equitable access for all’. However, neither blueprint sets out specific actions or measures specifically focused on the advancement of women in politics.

### Regional initiatives

ASEAN carries out a number of regional initiatives to advance women’s empowerment, including political empowerment. First and foremost, it produces reports on the advancement of women in ASEAN to assess the situation of women in the region and help actors plan their actions accordingly. Three such reports have been produced: in 1996, 2001 and 2007. The third focused on ‘women and economic integration’, however, and did not address women’s political empowerment (ASEAN 2007).

ASEAN bodies have also organized a number of ad hoc activities. The ACW regularly organizes workshops, seminars, training sessions and consultative meetings that provide platforms for ASEAN actors such as government officials, civil society organizations, professionals and other stakeholders to exchange views, share information and build common understanding and commitments. Prominent examples include the ASEAN High Level Meeting on Gender Mainstreaming within the Context of CEDAW, BPFA and the MDGs (November 2006), which led to the adoption of a joint statement on and a commitment to implement gender mainstreaming; the ASEAN High-Level Meeting on Good Practices in CEDAW Reporting and Follow-up (January 2008), where actors renewed their commitment to pursue and enhance the implementation and monitoring of and reporting on CEDAW, and encouraged member states to revoke their reservations on CEDAW and adopt its Optional Protocol; and the ASEAN Workshop on Gender Equality Legislation (February 2008), where actors developed joint recommendations to implement gender equality legislation in the ASEAN region;

The ACWC has carried out similar activities, such as a regional workshop on ‘Promoting the Rights of ASEAN Women and Children through Effective Implementation of the



Common Issues in CEDAW and the Convention on the Rights of Child (CRC) Concluding Observations with ‘Focus on Girl Child’ (August 2013).

Other valuable initiatives are the Regional Meeting on Promoting Women’s Leadership and Political Participation in ASEAN, co-organized by the AIPA and UN Women in October 2014. This meeting resulted in the adoption of a number of regional recommendations on fostering South-South Dialogue, conducting research on financing for women’s political participation, strengthening mechanisms for transparency in elections-related and political spending, strengthening the AIPA’s women’s caucus, and WAIPA capacity-building.

In 2015 the ASEAN Institute for Peace and Reconciliation hosted two workshops in the Philippines: on Strengthening Women’s Participation in Peace Processes and the Plight of Women and Children in Conflict Situations. These workshops helped to develop agendas and networks, which put women’s political empowerment at the forefront of subsequent peace and security discussions (Verzora 2016).

### Assessment of ASEAN’s Gender Framework

A frequent and striking assertion in the interviews conducted for this chapter with various actors working on women’s empowerment in ASEAN was the lack of ‘any proper ASEAN policy or mechanism in place for advancing women’s political empowerment’. Also striking was the claim that national governments do not circulate information on ASEAN policy instruments, which was made by local and international NGOs as often as international institutions working in the region. Most actors refer to, and base their work on, international instruments rather than the ASEAN normative framework. Foremost among these instruments are CEDAW, the Beijing Declaration and Platform for Action, the Millennium Development Goals (MDGs) and the Sustainable Development Goals. The interviews indicate that CEDAW, not the ASEAN normative framework, is the reference for the development of indicators to monitor and evaluate national efforts in advancing women’s rights (representative of UN Women Vietnam 2017).

This is most likely due to the weakness of ASEAN’s gender policy framework, which means that it is of little relevance to regional actors. The long-standing policy of non-interference and the consensus rule that prevails in ASEAN decision-making processes challenge the organization’s capacity to legislate consistently on gender issues. In addition, because ASEAN acts according to the principle of ‘non-interference in internal affairs’ (ASEAN 2008), each member state voluntarily chooses whether to comply with ASEAN’s policies. ASEAN is not in a position to exercise monitoring powers independently or to sanction a member state for failing to implement a measure. As a result, implementation remains exclusively a matter of domestic jurisdiction.

The ACWC’s effectiveness is particularly hampered in this regard. Compared to similar regional bodies across the world—for instance, the Special Rapporteur on the Rights of Women in Africa, the Inter-American Commission of Women and the Steering Committee for Equality Between Women and Men of the Council of Europe—the ACWC resembles a ‘special rapporteur’ rather than a Human Rights Commission (Pisano 2016). The ACWC cannot exercise investigative and monitoring powers. It can only submit an annual report on the promotion and protection of women’s rights, whereas similar institutions elsewhere in the world are able to collect information and documents, make recommendations, submit reports, receive communications from civil society, and deploy investigative powers and request information regarding the implementation of human rights. Victims can neither lodge a complaint nor seek redress. Furthermore, because the ACWC is an intergovernmental body and its members do not serve in a personal capacity, it is unable to come to a decision in the absence of consensus. In practice, this means important gender issues such as reproductive health and Lesbian, Gay Bisexual and Transgender rights go

unaddressed because of the conflicting views of member states (Gutierrez 2015b). Finally, the ACWC's work plan deals exclusively with the protection of women's rights rather than with their empowerment.

The same goes for WAIPA. As one of the most important bodies for the advancement of democracy and women's rights in ASEAN, there should be potential for WAIPA to play a significant role. However, it is not currently an integral part of the ASEAN institutional structure but an 'entity associated with ASEAN along with business associations or civil society organisations'. Its resolutions are non-binding and it does not vote on the ASEAN budget. WAIPA is currently a consultative body with little influence over ASEAN's gender policies.

Even more importantly, ASEAN gender bodies lack the funding to carry out their duties properly. Because the ACWC is funded by ASEAN member states on a voluntary basis, the pace of contributions can vary, with no nation compelled to donate at any given time. Despite a contribution pegged only at USD 40,000, the ACWC was still missing contributions from two member states close to the deadline in 2015. Because all member states had to pledge in order for the ACWC to start receiving funds, the ACWC's capacity to deliver its first work plan (2012–2016) has been comprised. This issue reached a point where it could not complete half the projects it was meant to carry out (Gutierrez 2015a). WAIPA, together with AIPA, is also said to be lacking funding for its basic administration and operations (SS, Hamid and Ramli 2015).

A further challenge to the efficiency of ASEAN's gender policy framework is the limited mainstreaming across ASEAN's three pillars. ASEAN's early engagement with gender was conceived through the lens of economic and social development. This approach continues today (Davies 2016). As a result, women's issues in ASEAN have been confined to socio-cultural and economic policy areas, and fall under the Socio-Cultural Pillar. This explains why most ASEAN gender policies are concerned with women's economic or social status and not with their participation in politics. In the few cases where women's issues are dealt with in the Political-Security Pillar, they are framed in terms of protection rather than empowerment (Davies et al. 2014). Davies explains this phenomenon by the fact ASEAN elites' conservative understanding is of women as a separate apolitical category that needs to be dealt with outside of political concerns (Davies 2016). Furthermore, while the principle of fighting violence against women and improving their economic situation has achieved consensus among ASEAN member states, commitments to support women's political empowerment are a greater and more controversial step that member states are hesitant to take (Representative of the Friedrich Naumann Foundation for Freedom 2017).

At the same time, however, there are also some successful and promising features of ASEAN's normative framework that deserve acknowledgement. In particular, according to an interviewee from SILAKA (the host organization of the Committee to Promote Women in Politics), the ACWO, WAIPA and their resolutions and action plans are seen as particularly effective efforts in advancing women's political empowerment in the region (representative of SILAKA 2017). WAIPA, through AIPA, has successfully brought together female and male parliamentarians to discuss how to improve the performance and participation of women parliamentarians in particular, and of women in decision-making positions more generally. If WAIPA and the ACWO were to be given more chance to engage in ASEAN meetings and summits, and to make recommendations on the empowerment of women in politics, further progress would probably be achieved.

### Recommendations

ASEAN could significantly expand its impact by communicating information about its gender policies and ensuring that all actors feel responsible for them (women's rights activist based in Jakarta 2017). All actors, but first and foremost national government officials and



parliamentarians, should be aware of ASEAN gender policies so that they can naturally refer to them and incorporate them into their work on women's political empowerment. There is room for ASEAN to organize regular events or workshops where government officials and the relevant civil society stakeholders could be taught about ASEAN policies, the latest developments, and their implementation and practicalities. More generally, there is room for ASEAN to initiate greater interaction with national actors to help them understand and implement ASEAN gender policies.

Furthermore, the efficiency of the ASEAN gender framework could be significantly improved if it were made more inclusive and more independent. When legislating on women's empowerment, ASEAN should systematically engage with NGOs and the civil society. ASEAN could, for instance, make the adoption of any legislative act conditional on consultation or at least the organization of a discussion with NGOs and civil society (representative of the Women's League of Burma 2017). The ACWC in particular would stand to gain from becoming more inclusive and working more closely with NGOs. Because they have better knowledge of national/local issues, NGOs could add significant value to the ACWC by providing assessments on the ground. Finally, to unleash the ACWC's efficiency in decision-making, its members need to be more independent and to serve in a personal capacity.

Capacity-building for the officials of ASEAN and its member states will also be crucial in strengthening the efficiency of ASEAN's actions on women's empowerment. Most of the ASEAN political elites are unfamiliar with the international agreements on women's empowerment and other relevant international human rights, labour rights, or socio-economic, political and civil rights instruments such as the Covenant on Civil and Political Rights (CCPR) and Covenant on Economic, Social and Cultural Rights (CESCR). The conservative elite perception that places women outside of political concerns must be recast. Member states' officials should receive gender-sensitive capacity-building and be made aware of the benefits of expanding women's participation in politics. Such capacity-building also needs to address wider prejudices about women's leadership. This would be a relevant starting point for gender issues to be mainstreamed across the three pillars of ASEAN. Furthermore, appointees to the ASEAN gender bodies and in particular the ACWC should receive training before taking on their responsibilities. There is space for NGOs, as topic experts, to be in charge of such training (representative of the Friedrich Naumann Foundation for Freedom 2017).

Actors within ASEAN have regularly called for more information sharing across the region and in particular for more platforms for the exchange of good practices. ASEAN bodies have already held a number of regional workshops of this kind but there is a widespread aspiration for ASEAN-wide workshops and consultations to take place on a regular basis. Through such consultations, all stakeholders could share experience on how different policies are implemented on the ground. There could be room for the Working Group for an ASEAN Human Rights Mechanism to extend its scope and play a role in facilitating this exchange of information at the regional level (representative of the Friedrich Naumann Foundation for Freedom 2017). These working groups should focus on involvement rather than simple observation.

The adoption of a regional action plan exclusively dedicated to women's political empowerment would be a good starting point for specifically advancing women's political empowerment (representative of the Women's League of Burma 2017). Such a plan could, for instance, impose on ASEAN member states a compulsory quota of at least 30 per cent female membership of national legislative bodies. In addition, interviewees envisaged an online (social media) mobilization of civil society around the benefits of women's empowerment for national governments and the population (representative of UNDP

Cambodia 2017). To be effective, such a plan would require member states to develop national strategies for meeting their regional commitments.

On the specific question of adopting a regional measure on quotas, however, the opinions of key informants were mixed. Many agreed, nonetheless, that quotas are a step in the right direction for fostering women's participation in politics and represent a helpful stopgap (representative of Oxfam Vietnam 2017). In fact, gender quota measures have been widely applied since the 1990s and these have been effective at improving women's political participation. Within ASEAN, the Philippines, Laos and Vietnam are the three countries that currently have the highest proportion of women in national parliaments (IPU 2017). All three countries have applied gender quota measures. In contrast, none of the lowest performing countries—Brunei, Myanmar and Thailand—have applied such measures.

Female politicians not only need more opportunities to meet face to face in formal settings such as WAIPA's annual meetings, they also need more informal, remote opportunities to network and interact across ASEAN. Social networks provide useful platforms for such initiatives. Additional online meetings and/or interactions would enable women candidates or parliamentarians to build and nurture their networks more regularly and more deeply across the region. Equally importantly, women parliamentarians could exchange ideas or mentor each other without geographical barriers. Online platforms and interactions improve women's access to information, in particular regarding capacity-building opportunities. Finally, simply being part of such a network and interacting regularly can help women candidates improve their self-confidence. There is room for ASEAN to facilitate this type of initiative.

Moreover, there is a need to fight gender bias in politics by redefining the image of women leaders in the national and regional ASEAN mass media. The perception that women do not perform as leaders as well as men comes from social and gender norms sustained by Confucianism across the ASEAN nations (representative of Oxfam Vietnam 2017). For a long time, Confucian notions of femininity and masculinity have negatively influenced women's participation in politics because femininity is associated with 'uncertainty', 'subordination', 'dependence' and 'indecisiveness' while masculinity is associated with 'power', 'independence', 'decisiveness' and 'certainty'. Redefining the image of women leaders in national mass media channels across ASEAN would be a good starting point for recasting this perception. At present, women leaders are negatively depicted and presented as bad mothers who do not have the time to take care of their families. This unequal depiction of political leaders is particularly striking in Vietnam, where successful female politicians are often presented as 'losers' in the domestic sphere while male politicians are often complimented as 'heroes' regardless of their family situation. Here again, there is room for ASEAN to facilitate this type of initiative.

Finally, there is potential for the ACWC rather than the ACW to play a greater role in monitoring and evaluating the implementation of regional and international gender policy commitments. The consultative and intergovernmental nature of the ACWC and the fact that it is comprised of representatives of ASEAN's member states should be an advantage. The members of the ACWC can use their leverage to urge their governments to promote gender equality and women's participation in politics. In particular, the ACWC's five-year work plan, 2016–2020, which includes projects to promote women's participation in politics, constitutes a solid basis on which to assess the impact of ASEAN policy and legal instruments (representative of SILAKA 2017). Moreover, because it already facilitates relations between ASEAN member states and the various international human rights monitoring committees, the ACWC is in a privileged position to assess ASEAN's compliance with global commitments and in particular with the SDGs relating to women's political empowerment. By exploiting this strategic position, the ACWC could bring considerable value to the monitoring of regional and global commitments.





## The South Asian Association of Regional Cooperation

South Asia is home to one-fifth of the world's women. It has seen a larger number of influential female political figures than any other region. Bangladesh, India, Nepal and Sri Lanka have all been led by women as prime ministers, and many South Asian countries have seen influential female ministers and heads of regional government. Nonetheless, women's participation in politics today is at a record low in the member states of SAARC). There are only 472 female members of parliament (MPs) in the lower or single chambers of SAARC member states, out of a total of 2424 MPs (19.39 per cent). This is lower than the world average of 23 per cent (Trabelsi 2015). It also marks a decline for many South Asian countries in female political participation in recent years. For instance, while the percentage of women elected to the Lok Sabha, the Indian lower chamber, was at 17.2 per cent in 1999, it was only 11.3 per cent in 2014. Similarly, only 3.4 per cent of women candidates were elected to general, unreserved parliamentary seats in the Pakistani national elections of 2013, which is a steep decline compared to the 12.8 per cent of women who had been elected to these seats during the previous elections in 2008 (Manchanda 2014). On average, females make up only about six to eight percent of the members in South Asian political parties (Omvedt 2005).

### The South Asian Association for Regional Cooperation

SAARC was founded in 1985 as a regional intergovernmental organization and geopolitical union of the states of South Asia. Its member states were initially Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka. Afghanistan joined the organization in 2007. Its permanent Secretariat is located in Kathmandu, Nepal, and it is led by a Secretary General and a Director from each member state (Sahasrabudde 2010).

<http://www.saarc-sec.org>

This negative trend is in sharp contrast to developments in other world regions, where many countries continued to increase the number of women in their legislative bodies over the same period (Rai 2011). At the same time, the governments of the SAARC member states have repeatedly proved that they are aware of the importance of encouraging women to stand for election, at both the local and the national level. A number of South Asian countries, such as Afghanistan, Bangladesh, India, Nepal and Pakistan, have introduced some form of quota system that reserves seats in either local or national legislative bodies for women. However, quota policy measures are often criticized as a superficial solution to the complex challenges facing women in the patriarchal cultures of SAARC member states. It is true that many women nominated by political parties under such quota systems either have close relationships with male stakeholders in political parties or have dedicated years to building up influence in these parties (Panday 2009). This often excludes women with low incomes or socio-economic status, as well as women living in rural areas, and puts women from affluent influential families at an advantage.

Other obstacles to women taking an active part in both local and national politics are the limited access to education and the resulting lack of political awareness, as well as the persistently negative attitudes to women in the public sphere found in all SAARC member states, where kinship structures are still mostly patrilineal (Kelkar 2005). Thus, women living within such structures can be socialized and intimidated into accepting their position within society as naturally prescribed, something that can lead them to support the existing



patriarchal structures without wishing to challenge them by entering politics. Moreover, especially in lower income households, women lack control over financial resources and are attributed the role of the primary care provider in their families.

Pursuing a political career is both costly and time-consuming. Therefore, even if South Asian women are interested at a young age in becoming politically active, many of them cannot do this without the support of their male relatives, which often restricts them from starting their political engagement until after their children have left home. This represents a disadvantage compared with male politicians, who at their age have already had the opportunity to accumulate years of experience within a political party and are thus seen as more qualified candidates. Furthermore, the highly competitive internal party politics in SAARC member states are still marked by the notion that senior positions in elected bodies are supposed to be for life, making it harder still for women to enter from the outside.

However, even where women are elected to a decision-making position, either via allotted spots due to a quota system or (more rarely) regular party nominations, they are often not attributed specific responsibilities or viewed separately from their identity as women, leaving them without much influence in the political process (True et al. 2014). In addition, many female politicians are regularly confronted by harassment, character assassination and occasionally violence, which can further marginalize them. Such threats to the well-being of female politicians and candidates normally stem from the persistent assumption in patriarchal societies that women should not be active in the public sphere, which is found in both rural and urban areas and among all educational backgrounds alike (SARSWP 2013).

It is therefore clear that, despite the introduction of policies such as quotas by many South Asian governments, the reality for South Asian women wanting to enter the political process is still one filled with various obstacles and challenges that are currently not being sufficiently addressed. In this context, as a regional organization, SAARC could, with the help of international organizations, NGOs and civil society stakeholders, act as a supporter and advancer of meaningful policy reform. However, this would be conditional on its member states being willing not only to accept and implement such reform, but also to commit themselves to a more active engagement with the organization itself in order to build its capacities in the field of regional social development.

### Gender normative framework

The stated objectives of SAARC are the acceleration of economic growth, cultural development and social progress within the South Asia region, as well as the advancement of cooperation between the governments of member states in these areas and the strengthening of their 'collective self-reliance'. Decisions within SAARC are always taken unanimously, which means that contentious and bilateral issues are not discussed in its meetings. Furthermore, article IV of the SAARC Charter indicates that regional cooperation is seen as complementary to bilateral cooperation in South Asia (Tuladhar 2013).

This is an echo of the persistent conflicts between SAARC member states, most notably the ongoing border dispute between India and Pakistan, that still need to be resolved through bilateral efforts. These conflicts often pose an obstacle to deepening multilateral cooperation in the region, and have frequently led to the delay or cancellation of SAARC summits and meetings. Nonetheless, SAARC does put an emphasis on the strengthening of social cohesion among member states with the goal of developing a South Asian identity that takes into account the diverse religious, linguistic and ethno-cultural groups in the region. An example of this is the SAARC Social Charter signed in 2004, which addresses a range of social issues including the empowerment of women (Ahmed and Bhatnagar 2008).

SAARC attributed importance to women's issues at the earliest stages of its existence, by establishing a Technical Committee on Women and Development in 1986 under the Integrated Programme of Action. The Committee was tasked with the implementation,



coordination and evaluation of programmes, the organization of ministerial-level meetings and SAARC's engagement at the national policy level on topics related to gender and development. It published a number of documents, such as a SAARC Women's Journal and a Guidebook for Women in Development, and conducted meetings and workshops to advance the female voice in development in South Asia.

Gender equality was officially integrated into the SAARC agenda at the sixth SAARC Summit in 1991, the same year as the organization, together with UNICEF, proclaimed the 'Decade of the Girl Child, 1991–2010' and formulated a National Plan of Action to Promote the Rights of Girls in its member states. Nonetheless, women's groups have been critical that the initial, development-centred approach taken by SAARC did not sufficiently address gender-based power hierarchies and stereotypes. Therefore, while this approach made viable attempts to integrate women into the development and poverty reduction framework, it failed to promote national policies that would advance gender equality in the context of social processes (Tuladhar 2013).

In fact, SAARC only began to address the lack of meaningful political engagement by women in the South Asian political sphere in 2007, when it launched the SAARC Development Goals, 2007–2012—Goal 8 of which was to ensure the effective participation of the poor and women in anti-poverty policies and programmes. Before this, SAARC had continued primarily to focus on women as subjects rather than agents in the development framework. In January 2000, the Technical Committee on Women in Development, having held 13 meetings since its creation in 1986, was merged with the Technical Committee on Social Development. After only one meeting, however, this became the Technical Committee on Women, Youth and Children under the Regional Integrated Programme of Action of 2004. Since then, there have been seven meetings, the most recent of which took place in Islamabad in July 2015. Its meetings are focused on both gender and children's and youth issues.

SAARC and UNIFEM, which was merged into UN Women in 2011, signed a Memorandum of Understanding in 2001. This was renewed in both 2007 and 2014 for a period of six years. The Memorandum provides for cooperation between UN Women and SAARC member states in the pursuit of gender equality linked to international agreements such as the Beijing Plus Five Outcomes Document, the SAARC Sustainable Development Goals (2007–2012) and the MDGs and SDGs. Most notably, this cooperation led to the creation of the SAARC Gender Information Base (SGIB), which serves as a repository for both qualitative and quantitative data on gender-related issues and women's empowerment in South Asia. The SGIB collects data on three key issues: violence against women, the feminization of poverty and women's overall health. It works directly with line ministries at the SAARC member state level, which makes its organizational structure different to other SAARC programmes. The SGIB is subject to regular reviews, the last of which took place in Islamabad in 2014 (UN Women SASRO and SAARC 2012). SAARC also developed a Standard Operating Procedure with regard to fighting human trafficking and prostitution after it adopted the Regional Convention on Combating the Crime of Trafficking Women and Children for Prostitution in 2002.

In 2011 the Technical Committee on Women, Youth and Children agreed at its Fifth Meeting that the goal of gender equality and female empowerment in South Asia needed to be addressed through a new programme that ensured that the UN MDGs and later SDGs would be effectively addressed. Hence, at the Seventeenth SAARC Summit, an Intergovernmental Expert Group Meeting was convened to discuss the establishment of a new regional mechanism in this area. At the end of this meeting, the Expert Group recommended the creation of a Gender Policy Advocacy Group (SAARC-GPAG), which, according to the Terms of Reference recommended by the Technical Committee on Women, Youth and Children, should meet once a year. The first meeting of the SAARC-

GPAG was held in Islamabad in July 2015. It was decided that a three-year action plan would be developed in collaboration with UN Women and a Gender Expert specifically hired for this purpose.

The key priorities to be featured in the action plan are: women in leadership and decision-making, the economic empowerment of women, violence against women and girls, and women's health issues. The action plan has been developed and, as of March 2017, was awaiting approval for implementation by the SAARC member states as well as the SAARC GCPAG. Once endorsed, countries will be asked to align their national gender development plans with the goals proposed in the action plan. Although the text of the three-year action plan is not publicly available, the SAARC Secretary General, Arjun Bahadur Thapa, has already announced some of the action points included in the plan:

- Organization of dialogue and meetings with different political parties and parliamentarians regarding the political participation of women in the region;
- Conducting systematic and institutionalized leadership skills training for women in the SAARC region (e.g. at the South Asian University);
- Production of publications and reports on, methodologies and tools for as well as examples of good practices from the region on women's leadership and political participation, including mechanisms and good practices that promote women's role in decision-making;
- Work with activists and experts, including the media, to develop and implement awareness creation and advocacy programmes for the general public, party leaders and parliamentarians to build their commitment to inclusive representation of women and take action to ensure that at least one-third of all parliamentary seats are allocated to women;
- Develop/adapt guidelines on leadership and capacity development to encourage women to engage politically and increase their representation in political parties and decision-making bodies at all levels;
- The launch of a SAARC region-wide campaign to combat violence against women in politics;
- Collection of information and data to develop an evidence-based campaign (via social and traditional media) on the issues related to the political participation of women, for inclusive representation in politics, and to ensure women's fair access to the political sphere.

The SAARC Secretariat has announced that the Government of the Maldives intends to host a Ministerial Meeting on Women's Issues in either 2017 or early 2018. This would be the first meeting of its kind since 1995.

### Assessment of SAARC's Gender Framework

Due to the lack of modalities and mechanisms, the reinforcement of declared policies within member states and follow-up evaluation are among the main challenges facing SAARC in many areas—and its ineffectiveness concerning gender equality is one of the most striking examples in this regard. Despite its declared goals of forging a regional identity and fostering cooperation between its member states, SAARC has struggled with regional and interstate conflict throughout its existence, and the inability to move past these disagreements has undermined its stated intentions (Shifau 2012). Because it has so few means to enforce its policies, in the past SAARC has often only been able to act as a substantive political platform



through the praxis of informal corridor talks during summits, which are often used to tackle bilateral tensions and conflicts.

SAARC declarations do not have any binding force or involve any mandatory financial commitment, and are completely dependent on voluntary contributions from its member states. The limited capacity of SAARC as an enforcement body and the unlikeliness of this to change must be acknowledged and taken into consideration during the development and implementation of its projects and initiatives. Instead of trying to implement 'hard policies', SAARC and its partners will be more successful when implementing grassroots projects that aim to strengthen its civil society and raise general awareness of the importance of women's political participation.

Only four of the SAARC ministerial meetings have been centred on women's issues, and the last one took place in 1995. This highlights the difficulty around the lack of political will in the region to make women's issues a high priority, other than through declarations and technical committees with a low level of influence on the implementation of the policies they develop on the ground.

The principle of unanimity makes the implementation of effective mechanisms extremely difficult, given that not all the SAARC member states pursue the issue of gender equality with an equal amount of vigour. The Maldives still currently excludes women from holding the office of President and Vice President. Moreover, Pakistan and Bangladesh have only ratified CEDAW with reservations. In Sri Lanka, 52 percent of the country's formal laws are either totally non-compliant or only partially compliant with the CEDAW benchmarks, according to a review on gender equality published by UNDP. A Women's Rights Bill was abandoned by the Sri Lankan Government because it was viewed as promoting 'Western values that contradict local culture and traditions'.

The difficulties encountered by member states regarding the implementation of international standards on gender equality are reflected at the SAARC level. Thus far, attempts to create a viable working group on women's issues have been abandoned after only a few meetings. This was the case with the SAARC Autonomous Advocacy Group of Prominent Women Personalities, which was convened in 2004 to negotiate its terms of reference but abandoned without any further meetings. In this regard, the recently created Gender Policy Advocacy Group might be a more viable option for integrating women's issues into regular SAARC operations. How successful the Group will be, however, remains to be seen. It is also worth noting that SAARC has created the post of gender specialist to provide advice to the SAARC Director of Social Affairs (Tuladhar 2013), but this post is yet to be permanently filled, and a temporary gender specialist was hired through UN Women during the development process of the terms of reference for the Gender Policy Advocacy Group.

Similarly, the SAARC Gender InfoBase has not yet reached its full potential as a single hub for gender disaggregated data. This is mainly due to the lack of a defined results-based framework and of long-term planning. The role of the key stakeholders involved with the InfoBase (SAARC, member states and UN Women) has not been clearly defined. Initially, the SGIB was set up without a comprehensive assessment of the information and inputs that member states require to make effective use of it. Furthermore, the focus of the SGIB remained primarily on being a web-based InfoBase. This, while listing the advancement of gender perspectives in governance and gender mainstreaming, led to a lack of monitoring mechanisms and technical inputs to further develop the project (UN Women SASRO and SAARC 2012). Advocacy with national governments based on the data in the InfoBase has therefore not yet taken place, despite the fact that government representatives have expressed the need for this during review meetings. Moreover, the project has not been subject to any change of strategy so far, such as changes in the budget allocated to it in order to better address the needs revealed by the data collected.

## Recommendations

Among the most important challenges that SAARC must tackle if it wants to take a stronger stance on enforcing female political participation and gender equality within its member states are its lack of policy enforcement mechanisms and the current non-committal position it takes on these issues. A technical obstacle to the full implementation of the SDG Agenda, and Goal 5 in particular, is the large amount of resources required, which is currently estimated at 10–20 per cent of South Asian GDP until 2030. The region's low tax-to-GDP ratios pose a challenge for national governments to raise these necessary funds, but this could partly be addressed by SAARC through increased regional cooperation. Cross-border listings and the development of regional bond markets could create access to cheaper capital for South Asian companies. Furthermore, it has already been recommended that the SAARC Development Fund be transformed into a South Asian Development Bank to better fund projects related to Agenda 2030 (UNESCAP 2015).

That said, SAARC as an organization also needs to become aware of the areas in which national politics and the stated importance of 'sovereignty' and 'culture' hinder the effective implementation of formulated policy objectives, and find the tools to work towards these objectives through a bottom-up approach that withstands the interests of political party elites as well as the results of interstate conflict. Considering the vastly different socio-economic and political realities within and among the SAARC member states, it is also crucial that all initiatives launched by the organization are adjusted to these realities before being implemented.

In the past, working groups and projects were often set up with ambitious policy goals only to be abandoned later on or stall in development. SAARC needs mechanisms that will be consistently monitored, advanced and improved over a longer period of time. The Women's Policy Advocacy Group offers an opportunity to act as just such a coordinating body for these mechanisms. However, in order to succeed, the proposed three-year action plan should be approved as soon as possible by the SAARC member states. An implementation charter that includes clear time frames, goals and indicators for each member state, as well as sanctions for the members that breach the mutually agreed policies, should therefore be developed.

Moreover, member states should agree to mutually support each other to attain the goals formulated in the three-year action plan. For instance, those member states that are more advanced on certain of the issues addressed in the plan should use their resources and experience to benefit the whole region. An example for such support is India's financial declaration on supporting humanitarian programmes within the SAARC region (Tuladhar 2013).

In the long term, it is crucial that the Gender Policy Advocacy Group acts as an independent and strong mechanism with significant impact regarding the advancement of women's issues in the region even after the completion of the action plan. The current intention is for the group meet once annually. To increase its impact and the continuity of its projects, meetings should be held twice a year. It is also important that the Group forms sustainable partnerships with the governments of the SAARC member states, as well as civil society organizations and gender experts, from both South Asia and the international community.

Furthermore, SAARC should invest in a gender focal point permanently appointed by the Secretariat. Currently, gender issues are mainly addressed by the Director for Social Development. However, women's advancement should be given a more prominent position within SAARC government structures. Appointing someone whose work focuses exclusively on gender issues would be an important step forward for SAARC in acknowledging the importance of women's affairs.





In this regard, it is important that a Women's Affairs Office within SAARC focus not on superficial cures for gender discrimination, but on its deep-rooted causes. A gender focal point could work closely with the Women's Policy Advocacy Group to address the underlying issues that currently prevent women in South Asia from entering the political sphere. As part of these measures, SAARC would also need to push for a more prominent and frequent public dialogue with government figures among its member states. Currently, the competitive nature of and elitist networks within South Asian political parties pose a significant barrier to women entering politics. Party officials need to be involved in any potential campaign for change to be led by SAARC, in order to enable them to become active mentors for South Asian women aspiring to enter politics.

Furthermore, where such measures have not yet been put in place, discussions on affirmative action and quotas for public office and the candidate nomination process at the local and national levels need to be revived. Clearly, and as shown above in cases such as Bangladesh and Pakistan, quotas cannot be the sole solution to the lack of female political representation in councils, ministries and parliaments. The mere reservation of seats does not necessarily lead to empowerment. However, the implementation of quotas and affirmative action legislation creates the basis on which other measures to advance female political participation can be implemented (Das 2008).

It is also crucial that quotas apply to all levels of policymaking, because in both rural areas and national parliaments women in South Asia lack political empowerment. In small and rural communities, women could then be given greater responsibility in the management of resources such as land, water and forests, thereby improving their financial independence (Omvedt 2005). However, it must be acknowledged by both SAARC and its member states that quotas can only ever be a gateway to female political empowerment, and that they need to be combined with long-term projects for capacity-building and skills development, again at all state levels and in both rural and urban areas.

SAARC should thus also advise its member state governments on how to create more inclusive legislative bodies once quotas have been implemented. Too often, if elected to public office, women are delegated to fields that either carry very little responsibility or are seen as particularly suited to women, such as committees on cultural or family affairs. While these tasks are undoubtedly important and in need of strengthening, making them 'women-only' will lead to the formation of exclusively female institutions, while other areas will consequently continue to be dominated by men.

SAARC and the Gender Policy Advocacy Group (alongside a possible Office of Women's Affairs) should also advance their cooperation with parliamentary women's groups from SAARC member states, and possibly form a parliamentary women's caucus. SAARC's women parliamentarians have met previously as a 'Women's Committee of the Association of SAARC Speakers and Parliamentarians', but the caucus has not been thoroughly developed by SAARC and is not named as one of its gender initiatives. Past experience in other regions, such as of the regional women's parliamentary caucus of the Southern African Development Community, has shown that these mechanisms can play an important role in strengthening the movement for women's political representation (SARSWP 2013). Women parliamentarians from different SAARC member states who exchange best practices on women's political empowerment could build an important network as a counterpart to the established male networks currently found in South Asian political parties. Such initiatives have already taken place at the bilateral level in the SAARC region, such as between Pakistan and Afghanistan.

The management of the SGIB as the main platform to provide data on gender issues within SAARC should be improved and accompanied by a thoroughly defined monitoring mechanism to track the progress of the project. The database should also be made more



visible and accessible to its target users, in order to create a more centralized and reliable system of information on gender inequality within the region.

Furthermore, capacity-building through advanced access to education and leadership skills training for women from both rural and urban backgrounds needs to be seen as a crucial way of informing these women of the importance and benefits of their potential political engagement. Given the limited capacities of SAARC to operate in the field, such processes would need to be implemented through the numerous civil society organizations and NGO networks in the organization's member states (Ahmed and Bhatnagar 2008). The SAARC Gender Policy Advocacy Group and other SAARC departments linked to women's issues should actively pursue their policies with the assistance of these civil society stakeholders, as they are the ones that will eventually monitor and assess the consequences of these policies in the field.

Another important avenue for action that has only recently emerged, but which has been mastered by many NGOs and civil society stakeholders, is social media. Campaigns promoted by civil society on Facebook, YouTube and Twitter have the potential to be more far-reaching than traditional campaigning methods, and SAARC could use this potential to increase the visibility of its gender-related initiatives.

However, in order to truly combat the root causes of the lack of female political involvement in its member states, SAARC also needs to foster awareness of gender equality and women's rights among its population. This includes tackling stereotypes and patriarchal structures, as well as the persistent violence and harassment faced by many South Asian women in their daily lives, especially if they do not conform to traditional roles in society. In order to achieve this, SAARC should support national governments and civil society in altering educational curriculums at all levels to not only abandon material that advances gender stereotypes but also include material containing diverse gender perspectives (Das 2014). This is especially crucial in order to raise awareness among boys and young men. Too often, education on female empowerment only reaches women, when men also need to understand its importance.

Lastly, SAARC should support—or better even lead—a campaign to end gender-based violence in South Asia, as announced in the Action Plan of the Gender Policy Advocacy Group. Such a campaign should target violence and harassment committed against women at all levels of society, and put particular emphasis on ending violence against women who dare to speak their mind on politics. Male political party members who are known to have harassed their colleagues or rivals in councils or parliaments should be reprimanded and sanctioned (True et al. 2014). The continued silence in many SAARC countries regarding such behaviour further perpetuates the notion that the political sphere is no place for women.

## Conclusion

Although ASEAN has taken significant steps to establish and operate gender institutions, adopting a number of gender-related policy and legal instruments and carrying out regional activities to advance women's political empowerment, results have not been forthcoming at an equivalent pace or to the same extent. A critical shortcoming for ASEAN is the weakness of its gender institutions, which have neither the legal means nor sufficient financial resources to enforce legislation against the will of ASEAN member states. In the same vein, ASEAN lacks an effective regional mechanism for properly monitoring and evaluating national efforts to advance women's political participation. Finally, the glaring lack of gender mainstreaming across all three pillars of ASEAN results in gender issues being treated as primarily economic and social rather than political.

In the light of the above, ASEAN would gain by further consolidating and strengthening its decision-making, implementation processes, and monitoring and evaluation mechanisms,



first and foremost the ACWC and WAIPA, to advance gender equality in general and women's empowerment in politics in particular. Gender-sensitive capacity-building, greater information sharing at the regional level, a regional action plan dedicated to women's political empowerment, measures on regional gender quotas, improved informal and remote networking among women in politics and fighting against negative prejudices on women's leadership all constitute valuable steps that ASEAN could undertake in the near future.

It is undeniable that the SAARC member states are still a long way from ensuring gender equality and sufficient women's political participation, even though, in terms of socio-economic and human development, the entire region would benefit from the achievement of both. SAARC as a regional organization possesses only limited capacity when it comes to the implementation of policies, as it was always intended to be merely a body to strengthen cooperation between its member states. Nonetheless, SAARC could and should play an important role in the advancement of female political participation at all levels in South Asia. This, however, can only be achieved by improving the coherence and the long-term sustainability of its groups and projects, which in turn is highly dependent on the political will of its member states. It remains to be seen whether the Gender Policy Advocacy Group and the SGIB will yield significant results. The continued involvement of international partners such as UN Women will be crucial to ensure efficient planning and monitoring.

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## 4.2. The role of the Pacific Islands Forum in promoting gender equality and the political empowerment of women

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Lorraine Kershaw and Seema Naidu

### Introduction

The Pacific Islands region is regularly cited as having some of the lowest rates of female representation in political institutions in the world. In recent times, however, there have been some notable developments. Hilda Heine was elected President of the Marshall Islands in January 2016, becoming the first female head of government of a Pacific Islands country. In addition, Fiame Naomi Mata'afa became the first female Deputy Prime Minister of Samoa in March 2016. In late 2014, Dame Meg Taylor of Papua New Guinea was selected by the leaders of the Pacific Islands Forum (PIF)—the political community of 16 independent and self-governing states in the Pacific Islands region—to be its Secretary General, becoming the first woman to be appointed to this role.

These individual cases can be seen in the context of increasing engagement by political leaders in the region on the issue of gender equality in general and women's participation in political institutions in particular. Perhaps the most significant demonstration of this engagement was the adoption by PIF leaders in 2012 of the Pacific Leaders' Gender Equality Declaration (PLGED 2012). Through the PLGED, leaders recognized that 'improved gender equality will make a significant contribution to creating a prosperous, stable and secure Pacific for all current and future generations' and expressed their 'determination and invigorated commitment to efforts to lift the status of women in the Pacific and empower them to be active participants in economic, political and social life'.

This chapter examines how the PIF has worked as a regional political institution to support the promotion of gender equality and how regional advocacy and action in support of gender equality can be influenced by the Framework for Pacific Regionalism, which was endorsed by PIF leaders in 2014 as a new approach to stimulating a higher level of ambition for regionalism. With its emphasis on inclusivity and transparency in regional priority setting, a key innovation of the Framework is that anyone in the Pacific can contribute proposals for regional action. In its inaugural year of operation, a number of submissions sought a greater role for regional action to promote human rights, including gender equality.



### The Pacific Islands Forum

The members of the Pacific Islands Forum are Australia, Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Marshall Islands, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu.

Forum Observers include Wallis and Futuna, the Commonwealth, the United Nations, the Asian Development Bank, Western and Central Pacific Fisheries Commission, the World Bank, the African, Caribbean and Pacific Group of States, American Samoa, Guam and the Commonwealth of the Northern Marianas. East Timor (Timor Leste) has been recognized as a Special Observer since 2002.

<http://www.forumsec.org>

## Gender inequality in the Pacific: a regional snapshot

Many different actors—including international and other regional organizations and national and regional NGOs—have been active in raising awareness about gender inequality in the Pacific and have pushed important reforms at the national level through their advocacy and provision of technical assistance. This chapter does not claim to track the efforts of all the actors in the region, but focuses specifically on the contribution of the PIF, as a regional political institution, to broaden efforts to promote gender equality in the Pacific.

The PIF encompasses a region that is geographically large and politically, economically and socially diverse. Notwithstanding the many points of diversity among its member countries, there are marked commonalities in women's experience of gender inequality, such as the high level of exposure to domestic and sexual violence and systemic exclusion from economic and political life. It is worthwhile noting that these experiences exist in a region where most countries have ratified the UN Convention against All Forms of Discrimination Against Women (CEDAW)—the exceptions being Palau, which signed CEDAW on 20 September 2011 but has not ratified it; and the Kingdom of Tonga, which has not signed CEDAW—and most countries have a bill of rights in their constitution with provisions prohibiting discrimination on the basis of sex.

Between 2010 and 2015, the PIF documented its members' experiences of and progress with achieving the Millennium Development Goals (MDGs). The 2015 edition of the *Pacific Regional MDGs Tracking Report* (PIFS 2015) provides a snapshot of different aspects of gender equality in PIF island countries (i.e. all the members of the Forum except Australia and New Zealand).

For example, the report indicates that: (a) most Forum island countries have achieved gender parity (target 3A of MDG3) in primary and secondary education, with the exception of Kiribati, Papua New Guinea and the Solomon Islands; (b) men outnumber women in paid employment outside the agricultural sector; (c) baseline studies for Fiji, Kiribati, Papua New Guinea, the Solomon Islands and Vanuatu report that over 60 per cent of women have experienced physical and sexual violence; but (d) the increased participation of young women in higher education is not directly leading to better employment outcomes. The report notes that the latter is due to 'gender barriers in labour markets, gendered stereotypes about suitable occupations for women and traditional expectations about women's unpaid domestic and caring work'. On a more positive note, there is evidence of increasing representation of women in mid-level and senior positions in the public services in a number of countries.



### Women's representation in parliament

According to the Inter-Parliamentary Union (IPU), the world average for female representation among elected members of parliament is 22.8 per cent (IPU 2017). In the Pacific region, however, the proportion of women in the lower chamber is 13.5 per cent. If Australia and New Zealand are excluded, this falls to 6.2 per cent, following the most recent elections in Samoa. As the 2015 PIF Secretariat's Pacific Regional MDGs Tracking Report observes: 'Women's representation in parliament in the Pacific is the lowest of any region in the world. The Federated States of Micronesia (FSM), Palau and Vanuatu currently have no women in their national parliaments, while FSM remains one of the three countries in the world that have never elected a woman' (PIFS 2015: 24). This low level of representation is influenced by many factors. As Elise Huffer (2006) notes in a study commissioned by the PIF Secretariat:

There is a prevailing view in the region that women have an equal chance to run for office and to participate in decision-making on the grounds that they are constitutionally protected from discrimination but in fact this is not accurate. There are institutional factors, such as unequal access to land and titles and outdated laws, which continue to discriminate against women. In addition, national governmental machinery designed to address the promotion of women in all spheres of public life continues to be weak in most FICs.

Huffer identifies additional factors constraining women's political participation, such as: a prevailing culture that is 'conservative and patriarchal, reflecting a colonial and missionary heritage as well as a reluctance to change a status quo which favours men politically and administratively'; women's limited access to economic opportunities, 'which directly impacts on their ability to participate in politics'; and the 'closed, male-dominated and frequently hostile nature of politics in the region'. These observations have found corroboration in a wide range of studies undertaken by many different actors in the region.

The Pacific Regional MDGs Tracking Reports consistently highlight the key challenge faced by women in decision making across the region: the traditional view that leadership is for men continues to influence electorates. This builds a strong case for the introduction of temporary special measures such as reserve seats for women in parliament, local government and other decision making bodies—as well as in regional intergovernmental institutions.

### The emergence of gender equality as a Forum priority

The PLGED was adopted at the PIF meeting hosted by the Government of Cook Islands in 2012. At the same meeting in which Leaders adopted the Declaration, Australia announced the Pacific Gender Equality Initiative, its commitment of AUD 320 million over 10 years to support Forum island countries' implementation of the objectives set out in the Declaration.

A review of the PIF's highest-level statements—typically referred to as Communiqués (which document the outcomes of PIF Leaders' meetings) or Declarations (which are published on specific issues)—over the course of its history since 1971 shows that gender equality emerged slowly as a regional political priority. Momentum has only really been generated in recent years. A scan of references in Leaders' Communiqués to 'women', 'girls' or 'gender' indicates that:

- The first time Leaders considered a proposal that specifically addressed women was in 1989. On that occasion, Forum Leaders endorsed a proposal by Australia to hold a regional seminar on CEDAW.

- The next occasion on which Forum Leaders referred to women was in paragraph 13 of the Forum Communiqué of 1993, in the context of a discussion about sustainability in the lead up to the 1994 Cairo International Conference on Population and Development. Leaders noted that ‘population programmes should be addressed in the context of wider development issues, such as economic growth rates, good health and improvement in the social and economic status of women’.
- The Biketawa Declaration, which was adopted by Forum Leaders in 2000, articulated a number of principles for promoting security and preventing conflict, and set out various courses of action by which the Forum could seek to address regional crises. The principles or values to which Leaders declared their commitment included ‘belief in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief and in the individual’s inalienable right to participate by means of free and democratic political process in framing the society in which he or she lives’.
- The Waiheke Declaration on Economic Sustainable Growth adopted by Leaders in 2011 called for increased opportunities for women to participate in the formal labour market and as entrepreneurs.

Following these early and largely incidental references to women and gender, and prior to the adoption of the 2012 PLGED, Forum Leaders’ consideration of women was focused primarily on three areas: women’s participation in political decision-making; addressing the prevalence of domestic violence experienced by women; and, more recently, women’s economic empowerment in the region. Two of these issues were identified as relevant concerns by a review of the Forum conducted in 2003 by an ‘Eminent Persons Group’, at the request of the Chair of the Forum, Helen Clark, the then Prime Minister of New Zealand.

The review concluded that there is a view within the region that Pacific institutions and processes are not as gender sensitive as they should be. In the context of a general recommendation that the Forum should have a greater ‘focus on people’, the Eminent Persons Group specifically recommended that the Forum: ‘address the low participation of women in all levels of decision-making processes and structures, as well as the reduction and elimination of domestic violence, and the improvement of women’s literacy and health status’ (PIFS 2004).

This recommendation was accepted by Forum Leaders in 2004, in addition to a suite of other recommendations relating to the structure and composition of the Forum, its modalities for decision-making and its policy focus. A key outcome of the Review was the endorsement of the Pacific Plan for Strengthening Regional Cooperation and Integration (PIF Secretariat 2005), a regional strategy to achieve the four overarching goals of economic growth, sustainable development, good governance and security for the region.

‘Improved gender equality’ was established as a cross-cutting strategic objective of the Pacific Plan. In addition, under the Good Governance Pillar the Plan identified enhancing women’s participation ‘in decision-making processes and institutions, and in particular parliamentary processes’ as a regional priority. As the then Secretary General of the Pacific Islands Forum Secretariat, Greg Urwin, who oversaw the initial development and implementation of the Pacific Plan, observed: ‘There is a real need for a more coordinated and strategic approach to address the gross under-representation of women in all parliaments of Pacific Island Countries. This is not just a matter of women’s rights. Increased balance between the sexes in decision-making goes hand in hand with good governance as it ensures consideration of a diversity of perspectives and directs attention to issues that may otherwise be overlooked’ (PIF Secretariat 2006).



In the 2011 Forum Leaders' Communiqué, the issue was given greater prominence when Leaders directly highlighted 'the importance of gender equality and agree[d] to intensify efforts to promote women's equal role in decision-making at all levels, and to continue to improve advocacy for women's leadership and the empowerment of women as leaders' (para. 27). Leaders also 'committed to increase the representation of women in legislatures'. However, no specific form of tracking or accountability was specified in relation to this commitment.

The issue of sexual and gender-based violence first featured in the Forum Leaders' Communiqué in 2009, when they: 'acknowledge[d] the prevalence of sexual and gender based violence in the Pacific and the risk that it poses to human security and as a potential destabilizing factor for communities and societies alike. . . . [and committed themselves] to eradicate sexual and gender based violence and to ensure all individuals have equal protection of the law and equal access to justice' (para. 64).

Forum Leaders subsequently endorsed the establishment of a Forum Reference Group on Sexual and Gender Based Violence as a mechanism for enabling information exchange and peer support in the development of national level responses to sexual and gender-based violence, including legislative and policy reforms. Comprising representatives from member countries, civil society, and regional and international organizations, the Reference Group has undertaken visits to Forum member countries to meet with as wide a range of stakeholders as possible and ascertain the level of progress being made in eradicating sexual and gender-based violence and improving individuals' access to legal protection.

A region-wide initiative to promote greater accountability of national security institutions culminated in the development of Security Sector Governance Principles, which were endorsed by Forum Leaders in their 2014 communiqué (para. 24). These principles contained recognition that 'Security services should recognize and be responsive to the different security needs of men and women by promoting gender equality and protecting vulnerable sectors of the community'. The issue of women, peace and security was elevated within the Forum through the adoption by the Forum Regional Security Council of the Regional Action Plan on Women, Peace and Security in 2012. It provided a framework at the regional level to guide national action on promoting women's decision-making and participation in conflict prevention and peacebuilding. An interagency and member-based reference group was established to provide technical guidance and monitor progress in this area. Following a review of the Regional Action Plan on Women, Peace and Security, the reference group was dissolved and the action plan is no longer operative. The review's recommendations will guide the next phase of the women, peace and security agenda.

There is no committee or standing meeting specifically focused on gender equality issues in the Forum's decision-making machinery. Instead, consideration of gender equality issues is progressed through other thematic Forum committees or meetings, such as the Regional Security Committee, the Disabilities Ministers' meeting or the Education Ministers' meeting. Since 2012, the Economic Ministers' meeting has annually reviewed progress on regional action plans to improve women's economic empowerment across the region.

Table 6.1. Gender representation in Pacific Islands Forum decision-making committees and bodies

Decision-making body	No. of members	No. of men	No. of women	Percentage of women in decision-making body
Pacific Eminent Persons Group 2004	5 (chaired by Rt Hon Sir Julius Chan)	5	0	0%
Reflection Group Members 2004	12	7	5	42%
Pacific Eminent Persons Group 2013 Pacific Plan Review	6 (chaired by RT Hon Mekere Marautu)	5	1	17%
Sub Specialist Committee on the Framework for Pacific Regionalism	7	5	2	28%

With the exception of the Reflection Group, which was set up to provide specialist advice to the Eminent Persons Group, the representation of women in the Forum's high-level political bodies is far below the 30 per cent minimum global quota promoted by the United Nations (see Table 6.1). While there has been a gradual increase in women's representation, it remains low. There are two women on the Specialist Subcommittee, one of whom is the current Secretary General. In accordance with the PLGED, which calls for the adoption of temporary special measures to put women on decision-making bodies, a 50 per cent quota can be applied to forum bodies. This would set regional standards that could influence national implementation of the PLGED.

The PIF celebrated ten years of its elections observation programme and its special relationship with the Biketawa Declaration in 2011 (Invarature: 2012: 3). Since the PIF first observed elections, in Solomon Islands in 2001, 17 election observation missions have been deployed, including one in the Autonomous Region of Bougainville. This number has increased following recent elections. Forum observer groups have included officials from the Elections Office, which has been dominated by men, and the level of women's involvement has been very low. Some observer missions have included women and gender experts from civil society organizations. In Solomon Islands, for example, a female civil society representative from Tonga and a gender expert formed part of the Commonwealth Observer Group. The absence of agreed regional guidelines on elections monitoring that address gender equality can make getting women on observer missions a real challenge. The 2016 Forum Regional Security Meeting discussed the composition of observer teams and a PIF refocus on elections. This will present opportunities for greater inclusion of women and gender issues in the PIF elections observation programme.

## Gender equality as a regional priority

As noted above, the PLGED represents a significant development in the Forum's recognition of the issue of gender equality. The Framework for Pacific Regionalism also demonstrates a heightened commitment to the principle of gender equality and arguably offers new opportunities for gender issues to be advanced on the regional political agenda.

### Pacific Leaders' Gender Equality Declaration

The PLGED represents the most comprehensive statement to date of Forum Leaders' commitment to enhancing the status of women in the Pacific across the economic, political and social sectors. The Declaration records PIF leaders' commitment to renewed energy to implement the gender equality actions of a suite of international and regional instruments,



most notably CEDAW and the MDGs. It also records their commitment to undertake specific policy actions at the national level in gender responsive government programmes and policies; decision making; economic empowerment; ending violence against women; and health and education. Finally, it documents PIF leaders' agreement that progress on the economic, political and social position of women should be reported at each Forum Leaders' meeting.

Leaders also called on development partners to work in a coordinated, consultative and harmonized way to support national efforts to address gender inequality across the region, and to increase their financial and technical support for gender equality and women's empowerment programmes. Given this chapter's specific focus on women's political empowerment, it is worth noting that the specific actions identified in relation to the priority area of decision making are: to 'adopt measures, including temporary special measures [such as legislation to establish reserved seats for women and political party reforms], to accelerate women's full and equal participation in governance reform at all levels and women's leadership in all decision making'; and to 'advocate for increased representation of women in private sector and local level governance boards and committees (e.g. school boards and produce market committees)'.

### Tracking progress under the Declaration

As directed by Forum Leaders, the PIF Secretariat has documented member countries' progress with the commitments made in the PLGED in annual Pacific Regional MDG Tracking Reports. Four indicators were identified in relation to the commitment to adopt measures to accelerate women's participation in all decision-making: (a) seats held by women in national parliaments; (b) seats held by women in local government; (c) women's representation in senior management roles in the public sector; and (d) women's representation on state-owned boards. The Tracking Reports record progress against each of these four indicators. Specific developments highlighted in the 2015 Report were:

- The appointment of a female Speaker by Fiji's national parliament, as well as the introduction of gender inclusive parliamentary committees, policies and procedures;
- The introduction of temporary special measures in local government systems in Australia, the Marshall Islands, Palau, Papua New Guinea, Tuvalu and Vanuatu, which have resulted in an increase in the number of women represented in local government bodies; and
- An increased number of women candidates contesting elections in Tonga, the Marshall Islands and the Solomon Islands.

The introduction of temporary special measures is identified in various regional instruments, such as the Pacific Plan and the PLGED, as a way of improving women's representation in national legislatures. However, this approach has not gained widespread traction at the national level. As a way to encourage members to consider the option of temporary special measures, the PIF Secretariat initiated regional dialogues in 2008 and 2015 between members and UNDP, UN Women and key partners. This partnership supported wider advocacy on the issue through women's mock parliaments, now referred to as the Women's Practice Parliament, and policy materials on reserve seats.

Proposals to introduce reserved seats for women have been debated in the parliaments of Papua New Guinea, the Solomon Islands and Vanuatu, but have not resulted in changes to the law. Samoa is an exception. The Samoan Constitution was amended in 2013 to reserve five seats for women in Samoa's national parliament, representing 10 per cent of the seats. Samoa's first elections under the new system took place in March 2016 and a record number



of women stood as candidates. Three incumbent female members and one new member won their constituencies outright and a fifth woman, who came second in her constituency, entered parliament based on the quota. In January 2016, nine women among the 261 candidates had contested the election but none had been elected. By DATE Vanuatu had had no women in parliament for the previous 10 years. This led to the introduction of a Bill to amend the constitution to reserve a certain number of seats for women in parliament. A number of positive steps have been taken towards quotas for women in local government in Australia, the Marshall Islands, Palau, Papua New Guinea, Tuvalu and Vanuatu over the years.

The PLGED focuses on promoting gender equality at the national level. Although a regional instrument, it does not include consideration of how women's participation in decision-making can be enhanced in decision-making at the regional level. The potential to address this gap is discussed below.

### The Framework for Pacific Regionalism

Although not specifically directed towards advancing gender equality, the Framework for Pacific Regionalism could be regarded as an important reform for the Forum more generally, with the potential to increase women's participation in regional priority setting and encourage the development of new regional initiatives for promoting gender equality.

The Framework was endorsed by Forum Leaders in 2014 in response to the recommendations made by a 2013 review of the Pacific Plan led by Sir Mekere Moruata, a former Prime Minister of Papua New Guinea. Drawing on its extensive consultations across the Pacific region, the Review found that while regionalism had brought substantive benefits in the past, it had failed to deliver on expectations in recent years. However, it also considered that: 'there is an inherently compelling argument for regionalism: these (mostly) tiny economies, with small populations and tax-bases on which to draw, need to do all they can to leverage voice, influence and competitiveness, and to overcome their inherent geographical and demographic disadvantages' (PIF Secretariat 2013: 11). The review further considered that the Pacific region was 'at a crossroads and needed regionalism more than ever before' (PIF Secretariat 2013).

Sir Mekere and his team identified key obstacles to the successful prosecution of regionalism: (a) the dominance of technically focused initiatives on the regional agenda and an absence of ambitious 'game-changing' regional initiatives; (b) the limited opportunity for leaders to engage in high-level and forward-thinking political dialogue; and (c) the limited opportunities available for the private sector and civil society to contribute to the regional agenda. To address these issues, the team proposed a number of changes to the Forum's approach to priority setting, which in turn informed the development of the Framework for Pacific Regionalism.

Endorsed by Leaders in 2014, the Framework represents a high-level commitment to pursue deeper regionalism and establishes a process for developing and prioritizing regional public policy. The Framework:

- articulates a regional vision and a set of Pacific regional values to guide all regional policymaking and implementation;
- recognizes different forms of regionalism as relevant to achieving the four principal objectives covering sustainable development, economic growth, governance and security; and
- describes the process by which major regional initiatives will be prioritized for Leaders' oversight, and outlines the principles and process for monitoring the progress of regional initiatives.



Gender equality and the principles of equity and inclusivity clearly feature in the regional values articulated in the Framework: ‘We embrace good governance, the full observance of democratic values, the rule of law, the defence and promotion of all human rights, gender equality and commitment to just societies’; and ‘We support full inclusivity, equity and equality for all people in the Pacific’.

### Public participation in the Forum’s policy agenda

A key innovation of the Framework is that anyone in the Pacific can contribute proposals for regional action. It also establishes a specialist advisory body—known as the Specialist Sub-Committee on Regionalism—to evaluate these proposals and make recommendations on which warrant consideration by Forum Leaders. This new body is made up of representatives of different geopolitical subregions of the Forum’s membership as well as representatives of the private sector and civil society. These features mark a fundamental shift away from previous practice, whereby priorities were largely determined by officials or regional agencies with very little consultation with the wider public.

### The profile of gender in the first year of the Framework

The first public call for proposals under the new Framework was initiated in 2015. Sixty-eight proposals were submitted by individuals, NGOs, academic institutions, governments, and international and regional organizations. This indicates the keen interest of the broader public in contributing to and influencing political debate on regional priorities. Issues related to women and gender equality featured among the broad array of issues on which regional action was proposed.

Of the five issues that were ultimately referred to Leaders, one was of direct relevance to women—a proposal for regional action to address cervical cancer. A decision was taken to defer consideration of specific regional cooperation on the issue pending further consultation, but Leaders publicly acknowledged ‘the substantial burden that cervical cancer places on women and girls in the Pacific region as well as the insufficient response to address it across the region’ (2015 Forum Leaders’ Communiqué, para. 14).

Two of the 68 submissions proposed greater regional cooperation on gender issues. One of these proposals proposed the establishment of a standing group within the Forum for women parliamentarians to oversee implementation of international human rights treaties. The other proposed the establishment of a regional human rights mechanism to encourage, among other things, greater awareness of and compliance with CEDAW. Although these submissions were not referred to Forum Leaders, the broader issue of how the promotion and protection of human rights can be supported through regional dialogue and cooperation was identified as warranting further analysis and discussion.

The Fiji Women’s Crisis Centre was one of the coalition of NGOs to propose that Forum Leaders take regional political action to address human rights violations in West Papua. The issue of West Papua featured on the agenda of the Forum Leaders’ meeting and Leaders expressed concern about alleged human rights violations there, requesting the Forum Chair to seek Indonesia’s agreement to a Forum fact-finding mission.

In 2016, 47 submissions were received of which two focused on improving women’s representation by enhancing women’s decision-making on human security and conflict and the establishment of a Pacific Women’s Caucus.

## Recommendations

In the process of describing the ways that the Forum has engaged with the issue of gender equality and women’s political participation, the authors have identified a number of opportunities for these issues to be given greater prominence. The authors have focused on

the opportunities offered by existing Forum mechanisms and instruments, rather than proposing entirely new modalities.

### 1. Ensure more equal participation by women in Forum mechanisms

The PLGED focuses on promoting gender equality at the national level. Although a regional instrument, it omits consideration of how women's representation and participation in regional-level decision-making could be enhanced. However, a range of mechanisms within the Forum present opportunities for greater participation by women.

- **The Specialist Sub-Committee on Regionalism** was established in 2015 as part of the new approach to regional public policy development established under the Framework for Pacific Regionalism. Its role is to assess proposals submitted by the public for new regional initiatives and make recommendations to Forum Leaders. The committee is made up of representatives of different geopolitical subregions of the Forum's membership and representatives of the private sector and civil society. Of the eight members of the committee, currently only one is female.
- **Forum election observation missions.** The Forum has undertaken election observation missions in its member countries since 2001. These missions serve a number of purposes. An observer mission can act as an independent source of analysis of the conduct and integrity of a Forum member's election process, ensure the confidence of voters and other participants and offer expert recommendations on how the electoral process might be improved. More generally, the Forum's involvement in observing elections provides a practical demonstration of its support for good governance and human rights at both the political and the community level, and creates opportunities for valuable sharing of expertise among Forum members.
- **Eminent Persons Groups.** At different times, the Forum has established Eminent Persons Groups to conduct high-level reviews on significant issues. For example, and as noted above, an Eminent Persons Group was established in 2003 to undertake a review of the Pacific Islands Forum's role, functions and Secretariat. Eminent Persons Groups were also established in 2002 and 2006 in response to the political situation in the Solomon Islands and Fiji respectively. On the basis of available records, no Eminent Persons Group has yet included a woman among its membership.
- **Ad hoc Ministerial Committees or Action Groups.** Forum Ministerial Committees have been established on specific issues, for example, to consider the Forum's engagement with the French territories, New Caledonia and French Polynesia. The Biketawa Declaration specifically identifies Ministerial Action Groups as a mechanism for the Forum to respond to regional security crises.

Noting the range of mechanisms that currently exist within the Forum architecture, the Forum could commit to a policy of ensuring greater women's participation in them than has been the case to date. There are different ways of achieving this. For example, a commitment to having a minimum of one woman on any of the above-mentioned bodies would in effect be a form of reserved seat or temporary special measure. Alternatively, there could be a greater commitment to equal representation in these bodies. While a Leaders' level commitment along these lines would be significant, these measures could also be given effect as a matter of practice in the absence of a political directive.



## 2. Broaden the scope of accountability of the Pacific Leaders' Gender Equality Declaration

The PLGED records Leaders' expectations that development partners will work in a coordinated, consultative and harmonized way to support actions to address gender inequality across the region, and to increase their financial and technical support for gender equality and women's empowerment programmes. However, this political call arguably lacks teeth, in that there is no mechanism to formally enlist commitments by development partners and track those commitments. There is therefore scope for strengthening the Declaration by including such a mechanism, which would assist in generating greater alignment by development partners with the Leaders' stated priorities in the field of gender equality.

## 3. Enhance the Forum's advocacy on gender issues

The Framework's conception of regionalism includes the establishment of shared norms or standards, or common positions on an issue, reflecting the strong support of Sir Mekere and his team for the Forum's normative and advocacy roles: 'The championing of common norms and standards on such things as gender, education, audit and trade has exemplified the sort of benefits to be derived from an integrated regional approach' (PIF Secretariat 2013: 15).

The PLGED has provided an important statement of the Forum's shared commitment to enhancing the status of women in the Pacific across the economic, political and social sectors. It has provided a reference point through which a wide range of stakeholders can advocate for the implementation of its specific commitments, and has served as a common policy document to support Forum advocacy in various forums, not least the UN Commission on the Status of Women.

However, as a general observation, the Forum's approach to advocating its common aspirations in relation to gender equality is not as coordinated as in other areas, such as in relation to the management and safeguarding of the Pacific Ocean. Forum advocacy on this issue has been supported in recent years by the appointment of a Pacific Oceans Commissioner (currently the Secretary General of the Forum), whose political profile and networks can support high-level advocacy of regional concerns and priorities regarding the Ocean. As such, there is a precedent for the appointment of an eminent person as a Forum spokesperson or 'ambassador' for gender equality issues.

## 4. Ensure that gender considerations are incorporated into all regional policies developed through the Forum

The Framework for Pacific Regionalism articulates a set of Pacific regional values to guide all regional policymaking and implementation. These values specifically reference gender equality as well as a commitment to equality and inclusivity more generally.

These regional values have been identified as something that the Specialist Sub-Committee on Regionalism must take into account when considering proposals for regional initiatives received through the new open process established under the Framework. However, the values of the Framework are intended to apply across the full gamut of the work of the Forum, and are not confined to proposals submitted by the public. The challenge for the Forum is how to ensure that all the regional policies, positions and measures that are developed through the Forum are consistent with its stated values. Obviously, the establishment of clear processes that mainstream gender considerations into regional policy development would support this goal. However, technical solutions, such as procedural requirements for identifying the gender implications of proposed regional measures, are not

sufficient and the realization of regional values requires conscious political engagement by member countries.

## Conclusions

The profile of gender equality on the political agenda of the Pacific Islands Forum has increased significantly in recent years and there is now a clear commitment by Forum Leaders to gender equality, including the promotion of greater participation by women in political decision-making. To date, the focus of regional commitments has been on undertaking reforms at the national level. This is undeniably appropriate. However, there is also a strong case for promoting reforms within the Pacific Islands Forum itself, as a regional political organization, to ensure greater participation by women in the Forum's political deliberations.

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## 4.3. Recommendations from the Asian consultation

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During the Asian consultation, held in Bali on 9–10 December 2016, participants discussed some of the possible solutions and directions governments, civil society, local and regional organizations should take to promote gender equality and women’s political participation. They produced the following set of recommendations.

1. Achieving gender equality must begin with efforts to ensure with equitable access to social protection, as well as developing and implementing frameworks, guidelines and mechanisms to eliminate all forms of discrimination. This includes passing legislation, amending constitutions, and repealing all laws that limit women’s rights and prevent them from participating in all aspects of society.
2. Working to eliminate gender-based stereotypes is fundamental in promoting women’s rights and empowerment in the Asian region. Widely held beliefs that women are more suited toward child-rearing and maintaining the household prevent women from entering politics, which is instead seen as a male space.
3. Men must play a role in dispelling gender-based stereotypes and promoting women’s participation in politics. Men in all sectors of society—politicians, religious leaders, security officials, businessmen, and the media—are key to eliminating traditional mindsets towards women and convincing others of the important role women play in the public sphere. While awaiting broader cultural transformation, in the short term, in these patriarchal societies, endorsement of or praise for a woman candidate for office may significantly increase her chance of getting elected.
4. Political parties are one of the key instruments to implementing change in the political arena. Research has shown that traditional political party leadership is one of the primary obstacles to women’s participation. There must be a shift in traditional political party thinking and behavior with parties that actively promote women’s participation and leadership.
5. Enforcement of international conventions and treaties would result in a significant increase in the number of women in politics. CEDAW has had a clear impact in several countries in formulating gender equality policies. Advocacy by international and non-governmental organizations, along with strong monitoring and oversight,



can transform international commitments into laws and constitutional amendments prohibiting gender discrimination.

6. Temporary special measures like gender quotas have spread across the region. However reserved seats provisions have tended to ensure only a small percentage of women in parliament, while legislated quotas vary greatly in their impact on the numbers of women elected. Making legislated quotas more effective requires mandating that women be placed in 'electable' positions, for example through placement mandates, as well as imposing sanctions for non-compliance, like refusal to register a political party that has not complied with the quota law or reduction in public financing of political parties proportionate to the gap. With such provisions, parties are less likely to nominate and elect more women.
7. For the most effective results, electoral gender quotas should be accompanied by a range of other measures in order to further women's participation in politics, including:
  - Equitable media coverage for female candidates for office, and media (both traditional and social) that moves beyond gender stereotypes when it interacts with female MPs;
  - Advocacy campaigning, lobbying and support from women's organizations and civil society for women running for office;
  - Capacity development programs for women interested in entering politics;
  - Campaign finance support for female candidates; and
  - Monitoring and accountability mechanisms for gender equality, along with legal and policy frameworks that impose penalties for non-compliance.

## 5. Europe

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## 5.1. The role of the European Union in the promotion of gender equality and the political empowerment of women

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Catherine Woollard

### Introduction

This chapter discusses the role of the European Union in the promotion of gender equality and the political empowerment of women. It covers both internal and external EU policies but is weighted towards internal policies for two reasons. First, the bulk of EU power to effect change in the area of gender equality lies in its internal policies, where it has both legal powers and greater resources. Second, the Sustainable Development Goals (SDGs), which are part of Agenda 2030, are universal and therefore apply to all EU Member States.

Universality provides an as yet unexplored opportunity for advocates and reformers to promote change within the EU, by assessing the implementation of the SDGs and comparing the situation within the EU to that of countries in other regions. The implementation of development goals in EU external policies—especially but not only its development policy—continues to be thoroughly analysed, whereas their use within the EU is a new area of advocacy and analysis. There is already debate and mobilization within the EU around the implementation of the SDGs relating to the environment, but little has been done when it comes to gender. On the other hand, the current context in the EU may not be conducive to progress, as the EU and European policymakers more widely struggle with a number of crises, such as the ongoing financial crisis, increasing nationalism and the erosion of democracy.

This chapter discusses the incorporation of gender equality into EU primary legislation and high-level political commitments; gender equality in the EU's core policies, especially on the EU internal market and anti-discrimination; EU strategies, most notably on gender mainstreaming; the roles of and responsibilities for gender equality policies; implementation of gender equality by financial means; and the EU in the world. It concludes with a description of gender-related achievements and challenges and makes recommendations applicable to the EU and other regional organizations based on the experience of the EU. It views political empowerment of women as one component of gender equality, that is, equality in the domain of political power. Thus, throughout the chapter, the shorthand



‘gender equality’ is used to refer to gender equality *including* the political empowerment of women.

Given the huge volume of material available on the subject, the chapter seeks to provide an overview by collating existing evidence. It does not go into detail but provides references for further reading. It focuses throughout on identifying the EU’s legal and political commitments and where the EU has signed up to international standards, but also on assessing implementation of these commitments through resource allocation mechanisms, initiatives, action, and support for the work of other implementers. It therefore covers EU practice as well as the EU’s principles and policies.

## European Union commitments on gender equality

### Legal basis, mandate and commitments

The Treaty of Rome established the EU as the European Economic Community (EEC) in 1957. Since then, EU primary legislation has been contained in a series of treaties and amendments to those treaties, generally known as ‘the Treaties’. From the beginning, it was established that the Treaties were not the same as ordinary international treaties. Instead, they have created a ‘new legal order’ in which the states that join—the Member States—cede part of their sovereignty to the EU. This is crucial for the question of gender equality because it means that, under certain conditions, commitments that appear in the Treaties have legal weight and are enforceable by states, EU institutions and—due to the doctrine of direct effect—EU citizens in national courts.

A commitment to gender equality appeared in the Treaty of Rome:

Each Member State shall . . . ensure and subsequently maintain the application of the principle of equal remuneration for equal work as between men and women workers. For the purposes of this Article, remuneration shall mean the ordinary basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment. Equal remuneration without discrimination based on sex means: that remuneration at piece-rates shall be calculated on the basis of the same unit of measurement; and that remuneration for work at time-rates shall be the same for the same job (article 119, original, unamended version).

This commitment was implemented and enforced in the EU Member States and also provided the basis for the secondary legislation discussed below.

Explicit and broader commitments on gender equality appear in EU primary legislation from the Treaty of Amsterdam (1997) onwards, which also marked the incorporation into EU primary legislation of a set of explicit human rights principles and the concept of EU citizenship. The European Court of Justice (ECJ) argued that these principles were inherent to EU law from the beginning (i.e. from the signing of the Treaty of Rome in 1957). On gender equality as a principle, the Treaties now state that: ‘In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women’ (article 8, Treaty on the Functioning of the European Union). In addition, ‘In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’ (article 10).

### Key points

The key points to consider when discussing the legal basis of the EU's commitments on gender equality are therefore as follows:

1. A partial commitment to gender equality, which applied only to the workplace, appeared in EU law at its foundation in 1957. It constituted a progressive measure given the gender disparities in Europe at the time. It was soon established that EU law had supremacy over national law and that it would be enforced by the European Court of Justice (ECJ). This allowed gender activists to take advantage of the inclusion of equality.
2. The legal nature of gender equality commitments also meant that various enforcement mechanisms were created, including (a) binding secondary legislation on gender equality; (b) ECJ jurisdiction over gender equality and jurisprudence, which included passing binding judgments to ensure respect for EU law on gender equality; (c) a monitoring role for EU institutions, most notably the European Parliament and the Fundamental Rights Agency (FRA); (d) EU institutions/agencies specifically dedicated to gender equality; (e) resources from the EU budget for the implementation of commitments; and (f) a role for the European Commission in initiating policies and secondary legislation on gender equality.
3. Making the EU's commitments to gender equality more explicit in primary legislation in 1997 was important as it provided the legal basis for additional policies and actions to promote gender equality and potentially widened the scope for EU action to other policy domains.
4. The current framing of gender equality principles in EU law demonstrates the mainstreaming approach that the EU has now adopted: the promotion of equality and anti-discrimination apply in all policies and activities. It also provides for positive discrimination.

### Core European Union policies: the internal market and anti-discrimination in employment

From the late 1950s until the early 1990s, the EU was primarily an economic union, a common market, where internal barriers to trade between members were removed and a common stance on trade issues towards non-members was developed. This meant that EU law concerned the functioning of the internal market—trade, employment and social security issues. Other policy areas were beyond the competence of the EU, so it did not have the legal right to act.

Throughout the 1960s, 1970s and 1980s, gender activists, the European Commission, the ECJ and the European Parliament worked to enforce and expand EU provisions on gender equality. Analysts of the era highlight the importance of alliances that brought together policymakers and civil society, including activists and researchers (Jacquot 2015; Mushanbe 2013).

In line with its institutional role as the initiator of legislation, the European Commission developed secondary legislation to promote gender equality using the provisions in the Treaties as its authority for doing so. The first piece of secondary EU legislation in this field was the Equal Pay Directive of 1975, which prohibited discrimination on the grounds of gender in all aspects of remuneration. Ten other Directives followed between 1975 and 2000. EU Directives are legally binding instruments that EU Member States must



implement by a set deadline in order to achieve the objectives set out, although they may choose the form that implementation takes.

### 2004 Gender Directive

A key recent piece of gender equality legislation was the 2004 Directive on implementing the principle of equal treatment between men and women in the access of goods and services (Directive 2004/113/EC), which EU Member States were required to implement by the end of 2007. Member States were also required to create or empower national equality bodies to monitor and support implementation. The great significance of the Directive is that it extended gender equality and anti-discrimination in EU *law* beyond the realm of employment for the first time, although the EU had issued policy statements in other areas. In 2015, the European Commission's first report on the implementation of the Directive found that it had been transposed into the law of all Member States and was being correctly implemented in 22 of them. The length of time it took for the European Commission to assess implementation was criticized by civil society and the European Parliament.

### 2006 Gender Directive

In 2006, the EU approved Recast Directive 2006/54/EC, which consolidated into a single text all of the EU's rules and case law on gender equality. In doing so, it replaced and repealed most of the earlier Directives. The Directive is based on three key principles: equal pay, equal treatment in occupational social security schemes, and equal treatment in access to employment, vocational training and promotion, and working conditions. A point of note is that under the Directive, in cases of discrimination at work the burden of proof continued to lie with the employer.

### 2012 Proposed Gender Directive

In November 2012 the European Commission proposed an anti-discrimination directive, which contained provisions on improving the gender balance of company boards registered in the EU. Initially, the Commission's draft suggested a quota of 40 per cent women as non-executive directors. The proposal proved highly controversial, and some Member States rejected it. In 2014, the Council of the EU (i.e. the EU Member States) redrafted the proposal to remove the quota requirement but could not agree on a final version as some Member States preferred the original provisions on quotas. In December 2015, the draft proposal was again on the Council agenda but still no agreement could be reached.

In addition to these legal provisions, the EU has made multiple policy commitments on gender equality, produced by the various EU institutions. Many of these commitments are non-binding, although in some cases they lead to the development of legal initiatives or funding commitments.

The inclusion of gender equality in the primary and secondary legislation of the EU has meant that the ECJ has played a role in interpreting and enforcing legal provisions on gender equality, including in certain seminal judgements that demonstrate both the progressive approach of the ECJ on gender equality and the centrality of gender and anti-discrimination to EU law since its early years.

### Key points

The key points to consider when discussing the core European Union policies on gender equality are, therefore, as follows.

1. Here the importance of the EU as a legal order is demonstrated. EU legislation is binding on EU Member States and there are consequences for non-compliance. Thus,



gender equality commitments in these areas have legal weight and have led to a gradual transformation of the workplace, employment, professional development and career options within the EU. Numerous cases that rely on EU gender equality law have been brought to the ECJ and to national courts.

2. However, despite the significance of EU gender equality measures linked to the internal market, and the clever use of these measures by gender advocates and the EU institutions, their scope does not cover all—or even most—policy domains. There are policy commitments in other areas but they do not carry legal weight. A set of rights for women has been developed, and these rights are generally enforced in relation to women in the workplace and to some extent women as recipients of social assistance. In other domains of life—such as education, the justice system and the home—the EU does not have the same powers, which remain with or are shared with the national level.
3. The Gender Directive of 2004 marked an important departure as legislation extended beyond the employment sphere for the first time.

### European Union strategies for gender equality

Many policy areas are a confusing mix of national and EU competences. Commitments on gender equality appear in many of these policy areas, but they have varying levels of significance depending on what power the EU has. Attempts have been made to mainstream gender equality in some policy areas, recognizing that it has been a European value since the Amsterdam Treaty; in other policy areas this is not the case.

Since the mid-1990s, the EU has followed broader international trends in gender equality by developing a two-pronged approach: specific policies on gender equality and the integration of gender equality into other policy areas—that is, gender mainstreaming, which calls for all EU policies to take into account the different situations of women and men. It is based on the belief that gender inequality is systemic, and results from the institutionalization of an unequal division of power. Thus, all institutions and policies will reflect and perpetuate gender inequality unless measures are taken to identify and mitigate inequality.

At the same time, under the Maastricht Treaty of 1992 (Treaty on European Union, TEU), the EU itself developed a broader scope. This meant that its powers extended beyond the internal market to cover new areas where the EU was either developing and implementing policy or playing a greater role in the coordination of Member States' own policies, including negotiating common positions when possible. The TEU gave the EU a stronger political identity, building on and spilling over from its economic and trade-based origins. Gender equality was included in some of the new policy areas from the beginning. For example, gender equality has been central to the EU's development policy.

As with other organizations and institutions, the Beijing Platform for Action influenced the EU, as reflected in the series of strategies on gender equality that the EU developed. The first five-year strategy, the Community Framework Strategy on Gender Equality, 2001–05, covered equality in economic, social and civil life, equal participation and representation, and changing gender roles and stereotypes. Responsibility for implementation was allocated to the European Parliament, the Council of the European Union and the European Commission. Civil society (including non-governmental organizations, academics, trade unions and business associations) would be active in monitoring, supporting, criticizing and providing expertise to the EU. It was followed by the Strategy for Equality between Women and Men, 2010–15. Both strategies contained a monitoring mechanism in the form of an annual report, prepared and presented by the European Commission.



In these strategies, the emphasis shifted towards the equality of men and women outside the field of employment. New areas were analysed from a gender perspective, such as trade and globalization, EU enlargement, fisheries, and asylum and refugee policy.

The European Commission's continuous evaluation of the 2010–15 strategy showed that 'it has added value in a number of areas, especially in relation to agenda-setting and learning, by providing a valuable framework for gender mainstreaming'. More objectively, public consultation and the opinions of all EU institutions demonstrated strong support for a new strategy after 2015, indicating that it had been considered valuable.

### Strategic Engagement for Gender Equality 2016–2019

In December 2015 the European Commission produced its new strategic document on gender equality, *Strategic Engagement for Gender Equality 2016–2019*. The document maintains the five thematic priorities that appeared in the previous strategy (with a limited reformulation), namely:

1. Increasing female labour market participation and the equal economic independence of women and men;
2. Reducing the gender pay, earnings and pensions gaps and thus fighting poverty among women;
3. Promoting equality between women and men in decision-making;
4. Combating gender-based violence and protecting and supporting victims; and
5. Promoting gender equality and women's rights across the world.

As with the previous strategies, the priorities go beyond the traditional domain of employment to cover decision-making, sexual violence and EU external affairs. Implementation is by legislative, non-legislative and financial means.

In addition to the five thematic priorities, gender mainstreaming is included in section four of the document, and is defined as 'integrating a gender equality perspective into every aspect of EU intervention (preparation, design, implementation, monitoring and evaluation of policies, legal measures and spending programmes) i.e. gender mainstreaming'. Mainstreaming also includes 'incorporating gender-equality considerations in impact assessments and evaluation', for which the EU has developed a tool. A report on gender mainstreaming in the European Commission is expected in 2017.

Responsibility for measures to influence the division of power in national parliaments, public administration and other institutions lies primarily with the Member States and non-state bodies, such as political parties—not the EU institutions. For the most part, the EU is confined to gathering data, and 'encouraging' and 'supporting' Member State actions. The situation within the EU institutions is complicated by the fact that many high-level appointments are either made by Member States or subject to murky Member-State political deal-making. Political factors—nationality, party allegiance, connections and favours owed—all come into play, rather than merit or gender balance. For example, when the current College of Commissioners was being formed in 2014, the European Commission President, Jean-Claude Juncker, pleaded with Member States to propose female candidates for 'their' Commission posts (each Member State provides one of the 28 Commissioners), not least because he had promised 40 per cent female representation in the 2014–19 Commission. In the end, only nine female commissioners were appointed (amounting to 32 per cent female representation).

Member States meeting in the Council have also highlighted the issue of decision-making and made commitments, such as those in their Resolution of 1996. These commitments

generally do not have binding force, and thus also remain at the level of collectively ‘encouraging’, ‘urging’ or ‘supporting’ Member States to take the necessary action at the national level (Council of the European Union 2015).

### Key points

The key points to consider when discussing the EU’s strategies for gender equality are, therefore, as follows:

1. The EU’s *Strategic Engagement for Gender Equality 2016–2019* has considerable merit. At 14 pages plus annexes, it is short and the text is clear and comprehensible. It contains five distinct thematic areas and there is a list of objectives and actions for each thematic area. The annex lists the EU policymakers responsible for carrying out the actions and preliminary information on the funds available in the EU budget for gender equality measures.
2. The concerns of supporters of gender equality focused on the status of the document. EU policymakers and civil society had campaigned for the European Commission to produce a strategy that could be approved and endorsed by all relevant EU institutions. Instead, the document has the status of a European Commission Staff Working Document, and is described as ‘a reference framework for increased efforts at all levels’. When the document was presented at the Council in December 2015, a large number of Member States ‘stressed that a formal Strategy endorsed by the Commission was needed and expressed their disappointment in having received an informal working document instead’. In addition, many ‘felt that a new strategy covering the period 2016–2019 was essential for the promotion for gender equality and as a benchmark and guiding framework for national policies’ (Council of the European Union 2015). The European Parliament had also strongly supported a new strategy, as had the European Women’s Lobby (EWL), which argued that the new document should be a formal strategy to give it greater weight. The Parliament’s Committee on Women’s Rights and Gender Equality questioned the European Commission: ‘Why did the Commission not adopt a transparent and public communication for a “New Strategy for Gender Equality and Women’s Rights post-2015”, in line with its European and international objectives and agenda?’. It further asked: ‘Taking into account the views of civil society, as expressed through the public consultation, and those of the Advisory Committee on Equal Opportunities for Women and Men, as well as Parliament’s own position as expressed in its resolution of 9 June 2015 and the opinion of the EPSCO Council of 7 December 2015, can the Commission inform us as to when it will present its official strategy on gender equality?’ (European Parliament 2016).
3. The challenges facing the EU are not explored in depth and thus, for the areas that are most problematic, theories of change are unclear. For example, on decision-making, the reasons for the low levels of equality are not fully understood and it is not clear how the actions proposed by the European Commission will lead to change. In some cases, the objectives for the five thematic priorities are specific, quantifiable and include targets; in other cases, they do not.
4. There is a notable difference in the actions for areas that are covered by EU law and those which are not. The first two thematic areas cover employment, where the EU has legislative measures at its disposal. On combating violence against women, the EU has some legislative tools as some areas of justice fall within the EU’s competence, and it also has a strong role to play in raising awareness. The thematic priority on which



least progress has been made, and which demonstrates the weakest potential for change, is thematic area three, promoting equality between women and men in decision-making.

5. The overall impact of gender mainstreaming as a strategy and its effectiveness compared to other approaches to gender equality has not been assessed—perhaps now is the time to do so. On the one hand, it is clear that gender is part of almost all EU policies and actions, in the sense that at least some analysis of the likely impact of policies on men and women is required. On the other hand, gender mainstreaming has turned gender analysis into a bureaucratic formality, which someone—often a junior staff member—has to add into all policies, documents and applications. Thus, gender mainstreaming in practice is far from the radical questioning of the unequal structures underlying policymaking and political decision-making envisaged at the time of the Beijing Platform for Action.
6. The European Commission rightly includes a target of ‘40% women in senior and middle management positions in the Commission by the end of 2019’. The baseline figures provided show that the current situation is 28 per cent and 32 per cent, respectively, which makes 40 per cent feasible. The following section shows that, for administrative positions in other EU institutions and for political positions, the situation is far worse. Comparative assessment could help to understand whether the relative success of the European Commission is a result of its commitment to gender mainstreaming.

## Implementing gender policy in the European Union: roles and responsibilities

Putting policy into practice requires human resources—people and institutional structures responsible for the actions set out. There are numerous policymakers within the EU with some responsibility for implementation of the EU’s gender commitments. Since the introduction of gender mainstreaming, of course, it could be argued that all policymakers have a role to play. The most important among the institutional structures with specific responsibility for gender equality are discussed below.

### The European Commission

The European Commission is the executive and the civil service of the EU. In certain respects, it has more powers than a traditional national civil service, most notably the right of initiative, or the right to launch initiatives on policies covered by EU law. The Commission is also responsible for defending and protecting the EU treaties. For gender equality, this means that it can launch initiatives and respond to requests from the EU Member States. It also means that it is responsible for ensuring the protection of the values of the EU as set out in the Treaties, and for implementation of EU policy in the areas where power has been transferred to the European level.

The College of Commissioners consists of 28 Commissioners, each nominated by an EU Member State. In the current College, which took office in 2014 for a five-year term, Vera Jourová, Commissioner for Justice, Consumer Affairs and Gender Equality, is responsible for gender equality. She has frequently stated that equality between men and women is one of her priorities. She is supported by the Directorate-General for Justice, Consumer Affairs and Gender Equality, which has a unit for gender equality and a unit working on equality legislation.

At the working level, the Inter-Service Group on equality between women and men brings together representatives of all Commission directorates, covering all policy areas. It meets twice a year and is primarily responsible for gender mainstreaming, by monitoring and guiding the integration of a gender perspective into all EU policy areas.

### Recent developments

- Commissioner Jourová and her team have worked to support an agreement in the Council on the anti-discrimination directive.
- Preparation of the working document, *Strategic Engagement for Gender Equality, 2016–2019*, formed part of the European Commission's work in 2015.
- The unit for gender equality was previously located in the Directorate-General responsible for social and employment affairs, and some have questioned whether the move to the DG for Justice might lead to a change in approach to focus on the legal matters rather than the social dimension of gender equality (Jacquot 2015).
- The Inter-Service Group is considering whether to prepare a report on gender mainstreaming in the European Commission for publication in 2017.

### The European Parliament

The powers of the European Parliament have gradually increased since the mid-1970s, to the current situation in which it plays a strong role in legislation, which includes providing amendments to legislation drafted by the European Commission and shared decision-making power with the Council in some policy areas. It also monitors the implementation of EU policy. These roles have enabled it and individual Members of the European Parliament (MEPs) to put forward numerous amendments to EU legislative proposals in support of gender equality, and to organize hearings and events on gender equality.

In addition, the European Parliament is now involved in the appointment of the team of 28 European Commissioners. It conducts hearings with nominees and has the power to reject the Commission as a whole at appointment stage and later by passing a vote of no confidence. It has used this power to demand a sufficient number of female appointees and to question nominees about their position on gender equality. (In 2009, doubts about his commitment to gender equality, among other issues, contributed to the Italian government's decision to withdraw its nominee, Rocco Buttiglione).

The European Parliament's standing Committee on Women's Rights and Gender Equality, known as the FEMM Committee, has played a central role in supporting gender equality. It has wide-ranging responsibilities, including:

1. the definition, promotion and protection of women's rights in the EU and related EU measures;
2. the promotion of women's rights in third countries;
3. equal opportunities policy, including the promotion of equality between men and women with regard to labour market opportunities and treatment at work;
4. the removal of all forms of violence and discrimination based on sex;
5. the implementation and further development of gender mainstreaming in all policy sectors;



6. the follow-up and implementation of international agreements and conventions involving the rights of women; and
7. encouraging awareness of women's rights.

In 2015 its work covered the potential new EU strategy on gender equality, gender mainstreaming at the European Parliament, the rights of women refugees and asylum seekers, trafficking and many other issues (FEMM Committee 2015). It plays a role similar to any parliamentary committee: drafting amendments to legislation; monitoring implementation of policy; issuing opinions and reports; assessing mainstreaming efforts; holding hearings to gather evidence from experts; and questioning officials from other EU institutions in line with its role set out in the Treaties. The Committee has traditionally benefited from attracting committed and active members, including some men—most notably the former chair of the committee.

### Recent developments

- In 2015 the FEMM Committee prepared an 'own initiative report' on the EU's strategy for gender equality after the 2010–15 strategy. Maria Noichl MEP took the lead in the preparation of the report. The report argued that a new strategy should include specific targets, a monitoring mechanisms to assess progress with implementation, greater incorporation of gender analysis and gender-related targets in assessments of individual member states (European Parliament 2013 ??).
- The Committee has continued to call for a new strategy rather than the informal working document that has been produced.
- The European Parliament is significantly expanding its research and analysis capacity, including work on assessing the impact of legislative proposals. This will provide opportunities for the promotion of gender equality.

### The Council of Ministers

The Council of Ministers is the most important legislative body of the EU. It brings together the ministers from the Member State governments responsible for a particular policy area (e.g. foreign ministers meet in the Foreign Affairs Council). The Council gathering that focuses on gender equality is the Economic and Social Council, known as EPSCO. It can pass EU legislation on gender equality and request measures from the European Commission. It has made numerous recommendations and statements on gender equality.

### Recent developments

- The EPSCO Council has requested that the European Commission prepare a new strategy on gender equality.
- The Council has yet to reach a decision on the anti-discrimination directive.

### The European Institute for Gender Equality

Based in Vilnius, Lithuania, the European Institute for Gender Equality (EIGE) began work in 2010. Its purpose is 'to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens' awareness of



gender equality'. It is an autonomous body of the EU, which means that it is an EU agency founded by the EU to meet EU objectives, and its governing regulations are part of EU law, but it operates with a level of autonomy, including in its recruitment of staff, decision-making and activities. Its main role is data collection and analysis, in line with its mission to become the 'European knowledge centre on gender equality issues'. Its three strategic objectives for the next three years give a sense of its particular role in knowledge production:

1. To provide high quality research and data to support better informed and evidence based decision-making by policymakers and other key stakeholders working to achieve gender equality.
2. To manage all knowledge produced by EIGE to enable timely and innovative communication that meets the targeted needs of key stakeholders.
3. To meet the highest administrative and financial standards while supporting the needs of EIGE personnel.

### Civil society

Most researchers attribute the development of EU gender equality policy in part to the role of activists throughout the history of the EU. Women's rights organizations and individual campaigners have worked in alliance with the EU institutions—most notably the European Parliament and the European Commission—to drive forward policy and action.

The EU has a strong record of working with civil society, in part because the Treaties contain legal commitments on cooperation with civil society. In Brussels, where most of the EU institutions are based, civil society organizations working on particular issues are often organized into alliances or networks to enable collective advocacy. In some cases, the EU institutions support civil society networking—including through funding—in order to simplify cooperation. These networks can play various roles, such as presentation of joint policy positions, the provision of expertise to the EU and representation of the interests of European civil society from across the EU.

In the domain of gender equality, the EWL (founded in 1990 with support from the European Commission) is the most important civil society interlocutor. It brings together 48 full member organizations, which are all either networks or platforms. It carries out two main types of activity: (a) lobbying at the EU level, including providing information to decision-makers to ensure that women's rights and a gender perspective are taken into account in policy and legislation; and (b) promoting the participation of women's organizations at the EU level and providing them with information.

Trade unions and business associations (or 'social partners') have also been involved in promoting gender equality, serving on expert groups and providing advice to the EU as well as campaigning. The European Trade Union Congress (ETUC) has a strand of work on gender equality, which includes campaigning to influence EU policy, for example, on improved maternity leave rights and the gender pay gap. It is also committed to gender mainstreaming in its own management.

### The Fundamental Rights Agency

The Fundamental Rights Agency (FRA) is an EU body based in Vienna. Created in 2007, its role is to monitor the situation with regard to the fundamental rights listed in the Charter of Fundamental Rights of the European Union (CFR). The CFR was drafted in 2000 following inclusion of human rights in the Amsterdam Treaty, but only came into effect in 2009 as an annex to the Lisbon Treaty. The CFR lists the fundamental rights of all EU citizens and residents, and draws heavily on the European Convention on Human Rights (ECHR, see



below). The chapter on equality contains an article on equality between men and women: ‘Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages for the under-represented sex’ (article 23).

Following backtracking by the Member States, the legal effect of the CFR is unclear. It has the same legal status as EU primary legislation (i.e. the Treaties) but contains an article stating that it does not extend the competence of the EU. In practice, this means that the EU cannot legislate to give effect to the rights in the CFR except where it already has the power to do so, and individuals cannot take a Member State to court to enforce the rights in the CFR unless it involves a question of implementing EU law. Finally, the United Kingdom and Poland have a form of opt-out from the Charter.

The FRA does not investigate or get involved in individual cases. Its activities are primarily monitoring, analysis, the provision of expertise to the EU and Member States, and public communication: ‘collecting and analysing data on fundamental rights with reference to, in principle, all rights listed in the Charter’ and in particular the areas that fall within the scope of EU law. According to a 2013 Council Decision (No. 252/2013/EU) approving the FRA’s Multiannual Framework for 2013–17, the thematic areas on which it focuses are access to justice; victims of crime; the information society; Roma integration; judicial cooperation; the rights of the child; discrimination; immigration and the integration of migrants; and racism and xenophobia. It explores gender equality within the framework of these topics. The FRA carried out a survey of violence against women in the Europe, which demonstrated the widespread nature of the phenomenon (see below).

### The European Court of Human Rights

The European Court of Human Rights is a completely separate international organization responsible for the ECHR, which was signed by all the EU Member States as well as other European countries. Discussion of the ECHR is beyond the scope of this chapter, except to note that the EU is preparing to accede to the ECHR, as set out in the Lisbon Treaty, effective from 2009. The lengthy process of accession has stalled due to a negative opinion by the ECJ on the legality of the proposed agreement.

### Key points

The key points to consider when discussing roles and responsibilities for implementing gender policy in the European Union are, therefore, as follows:

1. As with all areas of EU policy, the implementation of EU policy on gender equality involves a complex constellation of institutions and agencies, as well as independent civil society. The EU has the resources within its institutions to develop and implement gender policy. There are also internal and external accountability mechanisms—institutions that act as checks and balances monitoring the actions of other institutions.
2. It is too early to judge the added value of the EIGE: it is clearly important to have specialized gender expertise at the EU’s disposal and it has had an opportunity to prove its worth by producing resources that are of use to EU institutions and gender activists. On the other hand, the policy of decentralization means that the EIGE is based in Vilnius, far from the centre of EU policymaking. Like many of the agencies and institutes created by the EU, its status is ambiguous. It is not wholly independent but nor is it a core EU institution with a role in decision-making.

3. When the EU accedes to the ECHR, this may provide interesting opportunities for gender equality advocates. The rights in the ECHR are more explicit and comprehensive than the EU's current commitments. In addition, a non-discrimination article forbids discrimination on the grounds of sex in the enjoyment of the other rights and freedoms contained in the ECHR. EU citizens can already pursue cases against their country for violation of their rights. If the EU accedes, they will also be able to take a case against the EU, insofar as it has the competence or is responsible for the lack of realization of the right in question.

### Funding for the implementation of European Union gender policies

Implementation involves moving from a set of principles to policy consisting of concrete commitments and plans, and then to practice: the actions. For the EU, the allocation of financial resources is a way to implement policy. In the EU and in the rest of the world alike, the EU is known as a donor—that is, as a provider of funds. It has an annual budget of EUR 145 billion, which is divided among different policies. The funds are received from the Member States which also decide on the overall amount of funding and the rough breakdown over the seven-year funding cycle. The current cycle is 2014–20. The largest area of spending is growth and economic development within the EU (46%), followed by agriculture, food and land (41 per cent).

The EU has taken preliminary steps towards gender budgeting by providing some figures on the funds used to support gender equality, which includes funding for specific programmes on gender equality and funding within broader programmes that have gender equality among their objectives and priorities.

Detailed legal instruments form the basis of the funding programmes. These set out the objectives of the programme, its priorities, the distribution of funds, eligible beneficiaries and so on. They are applied in conjunction with other relevant legislation, such as the EU financial regulations on how funds are disbursed and reporting procedures. To make it legally possible to support gender equality under a particular funding programme, it has to appear in the legal instrument for that programme. According to the EU's own analysis, in the period 2014–20, the following programmes allow support for the promotion of gender equality and gender mainstreaming, which means that they could potentially support such measures:

- European Structural and Investment Funds
- Asylum, Migration and Integration Funds
- Rights, Equality and Citizenship Programme
- Horizon 2020 Framework Programme for Research and Innovation
- Erasmus + (EU programme for education, training, youth and sport)
- Connecting Europe Facility (programme to co-fund trans-European network projects)
- Development Cooperation Instrument
- European Neighbourhood Instrument
- European Instrument for Democracy and Human Rights
- Programme for Employment and Social Innovation



In some but not all cases, funding is specifically earmarked for gender equality because the programme includes gender equality objectives and indicators, as outlined in the following subsections. For full details see the *Strategic Engagement for Gender Equality 2016–2019*.

### European Structural and Investment Funds

Approximately EUR 5.85 billion will be spent in 2014–20 on measures to promote gender equality. This includes around EUR 4.6 billion in European Social Fund spending programmed for gender equality, of which EUR 1.6 billion is under the ‘equality between men and women in all areas, including in access to employment, career progression, reconciliation of work and private life and promotion of equal pay for equal work’ investment priority chosen by 12 Member States. It also includes approximately EUR 1.25 billion from the European Regional and Development Fund programmed for investment in childcare infrastructure.

### Rights, Equality and Citizenship Programme

Around EUR 440 million is allocated to the Rights, Equality and Citizenship (REC) Programme, which has nine specific objectives, including one on gender equality and another on preventing and combating violence against women, children and young people, and protecting victims and groups at risk. These two objectives currently account for around 35 per cent of REC funds (around EUR 154 million).

### Development Cooperation Instrument

EUR 100 million will be committed to improving the lives of girls and women through the 2014–20 Global Public Goods and Challenges programme. Of this, EUR 70 million is earmarked for the ‘gender, women empowerment and girls rights’ budget line, while EUR 30 million is earmarked for the ‘child well-being’ budget line, which will include EUR 18 million to tackle harmful practices such as female genital mutilation and child marriage. Gender equality will be mainstreamed in bilateral and regional geographical programmes. Examples include the Development Cooperation Instrument, covering Asia and Latin America, which will dedicate EUR 16–18 million to specific actions on gender equality, and the EUR 2 million Gender Equality Facility in Albania.

### Horizon 2020

Gender equality is promoted in three ways under Horizon 2020. First, gender balance is encouraged in advisory groups (50 per cent target) and evaluation panels (40 per cent); data on this measure will be published in monitoring reports. Second, grant beneficiaries are encouraged to aim at gender balance and equal opportunities in research teams engaged in projects. Third, a gender dimension is promoted in research content, taking account of women’s and men’s biological characteristics and social/cultural factors. Within the Science with and for Society Work Programme 2014–17, a budget of about EUR 43 million will be allocated to projects that promote awareness and implementation of gender equality in research systems and organizations.

### Key points

The key points to consider when discussing funding for implementation of gender policies in the EU are as follows:

1. While EU funding for gender equality is significant, recent longitudinal analysis shows it is declining as a proportion of overall funding and in absolute terms (Jacquot 2015).

2. There are opportunities for advocacy in relation to financial provisions (see below).

## Development, enlargement, neighbourhood and external affairs

The EU has been attempting to forge a role for itself in the world since the early 1990s, with mixed results. It is a major player in humanitarian assistance and development policy, although in terms of the latter it is widely—and often correctly—criticized for being a ‘payer not a player’, meaning that it is a donor providing funds rather than a political player seeking to influence the system.

Related to this point, the record of EU diplomacy or foreign policy is mixed. It has had some success with the launch of 25 crisis management missions, many of them small scale, and the use of instruments such as economic sanctions, but diplomacy and defence remain very much the preserve of individual EU Member States, which maintain their own policies and capabilities, including on most third countries (i.e. those outside the EU). It is not an area that has been significantly ‘Europeanized’. The EU’s enlargement policy has been successful but is now stalling, and is being questioned following a perceived retreat from democracy and lack of solidarity—most notably on the refugee issue—in certain of the Member States that joined the EU in 2004 and 2007. The Neighbourhood Policy—the EU’s policy towards the states beyond its eastern and southern borders which it does not plan to integrate—has been widely criticized and has recently been revised.

In all areas of external action, the EU presents itself as a normative actor, meaning that it is committed to and seeks to promote a set of values. Gender equality is one of these values. Thus, its external policies all refer to the principle of and include measures to promote gender equality. In some cases, this is also part of wider policies on human rights.

In 2015 the EU adopted a new policy, Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations, 2016–20. It follows on from the Gender Action Plan, 2010–15 and contains objectives, specific actions and an allocation of responsibilities for delivery by the main EU actors in external affairs—the European External Action Service (EEAS), including the EU Delegations in third countries; the European Commission; and, to some extent, the EU Member States. The new policy covers four priority areas: (a) institutional culture shift in EU external relations; (b) girls’ and women’s physical and psychological integrity; (c) economic and social empowerment; and (d) voice and participation. The latter three priorities include cross-references to the SDGs, to which each will contribute.

## Achievements and challenges

Fully understanding the impact of the measures described in this chapter on gender equality is a complex and probably impossible task. Some conclusions can be drawn, however, by looking at levels of inequality within the EU. Establishing causation between gender equality outcomes and EU policy is also challenging. However it is reasonable to assume that the EU’s gender equality policies—among other factors—have contributed in some way. Overall, deeper analysis of the reasons for lack of progress in problem areas would help to improve policy.

Despite some gaps, good data on gender inequality in the EU is available from a range of sources, including the Gender Equality Index (GEI) compiled by the EIGE; UN agencies’ work on gender equality globally, within which the data on Europe are adjudged sound (most importantly UN Women and UNDP); the International Monetary Fund; the FRA; academic research; the national statistical agencies of EU Member States (which have to be of a certain standard); and opinion polls, including the Eurobarometer surveys.

This section draws extensively on the European Commission's databases and on the GEI, which provides a comprehensive comparative assessment of gender equality in the EU. However, the most recent data is from 2012, so the full impacts of the global financial crisis and the measures taken in response have not been captured.

On average, gender inequality is lower in the EU than in any other region. However, as the EIGE states, 'gender equality remains far from a reality, with only marginal progress between 2005 and 2012' (EIGE 2015). It estimates that women are only half way to equality with men.

The GEI captures levels of gender inequality by using indicators to compare the position of men and women. For example, in the domain of power, indicators include the number of men and women in parliament and the number of men and women on the boards of companies. In the domain of knowledge, one of the indicators is the literacy rate for men and women. For all measures, the scores for women are expressed as a percentage of the scores for men, so that if the score for women is 100 per cent that for men, there is equality. If the score for women is just 50 per cent of that for men (e.g. 150 seats in parliament compared to 300), the inequality rate is 50 per cent.

The GEI takes a set of indicators for every domain it covers—time, power, knowledge, work, money and health—and calculates a composite figure for the inequality rate in each EU Member State. Across all domains and all Member States, women were 52.9 per cent equal to men in 2015 (see Table 4.1). The Index shows that in 2010 women were 52.4 per cent equal compared to men in 2005, and thus progress appears to be stalling. While there is no sphere of life where men and women are equal, levels of inequality vary by domain and by country. The average figure for all domains by country ranges from Sweden, which has an overall score of 74.2 per cent, to Romania, which has an overall score of 33.7 per cent. The GEI also shows that inequality is increasing in eight countries. Inequality is lowest in the domains of health, pay and work, however, and there are positive trends in all three.

Table 4.1. Gender equality in the European Union across six domains

Domain	2005 (% equality)	2010 (% equality)	2015 (% equality)
Time	41.5	37.6	37.6
Power	31.4	37.9	39.7
Knowledge	52.1	49.1	49.1
Work	61.1	62.2	61.9
Money	64.1	67.0	67.8
Health	87.8	90	90
<b>Overall</b>	<b>51.3</b>	<b>52.4</b>	<b>52.9</b>

Source: European Institute for Gender Equality, Gender Equality Index, <<http://eige.europa.eu/gender-statistics/gender-equality-index>>, accessed 3 September 2017.

In the economic sphere the picture is one of progress despite continued inequality. The employment rate for women has risen to 62.5 per cent compared to 74.3 per cent for men and the gap is set to narrow further in line with EU targets—the EU's Agenda 2020 strategy contains a target of 75 per cent for both men and women. The pay gap between men and women in the EU is significant but narrowing, down from 22 per cent in 2010 to 20 per cent in 2015 (adjusted for working time), meaning that on average women earn 20 per cent less per hour than men. One area that is gaining increasing attention is the pension gap. Due to unequal earnings over a lifetime, women's pensions are 40 per cent lower than men's,



leading to a higher percentage of women in poverty among the retired population. This issue will grow in prominence given the EU's ageing population.

### Political empowerment of women

The figures from the GEI and from the European Commission's databases on gender and decision-making show that political empowerment is a key problem for the EU. Women are significantly under-represented in positions of power across all the Member States and EU institutions (see Table 4.2). Key indicators of equality of power are the percentage of women in national parliaments, in government and in public administration. The European Commission also collects figures on other institutions, such as research institutions, NGOs and the media.

Table 4.2. Women in decision-making roles in the European Union

Average for all 28 Member States	Women (%)	Men (%)
National parliaments	28	72
Government (senior ministries only)	28	72
Senior positions in public administration (level 1)	31	69
Senior positions in public administration (level 2)	40	60
Positions in Member States' supreme courts	39	61
<b>EU Institutions</b>		
European Parliament	37	63
Leadership in EU financial institutions	10	90
Positions in EU courts	19	81
Senior positions in administration (level 1)	15	85
Senior positions in administration (level 2)	33	67

*Note:* Figures for senior positions in administration in EU institutions cover administrators in the European Parliament, Commission and Council.

*Source:* European Commission, 'Gender Equality', <[http://ec.europa.eu/justice/gender-equality/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/index_en.htm)>, accessed 15 January 2016.

These cumulative figures are useful but must be accompanied by in-depth analyses of the statistics for individual Member States, as the differences can be stark. For example, over 40 per cent of parliamentarians are women in Sweden (44%), Belgium (42%) and Finland (42%). At the other end of the scale, there are Member States where women make up 20 per cent or less of parliamentarians: Bulgaria (20%), the Czech Republic (20%), Ireland (20%), Slovakia (20%), Latvia (16%), Cyprus (13%), Malta (13%), Romania (12%) and Hungary (10%). When it comes to national governments, the contrast is similarly striking. While Sweden has an even split for male and female ministers in its government, and France (48% women) and Slovenia (47% women) come close, there are no female ministers in the governments of Greece, Hungary and Slovakia (see Table 4.3).



Table 4.3. Gender balance in national governments in European Union Member States

Member State	President	Prime Minister	Senior ministers	Women (%)	Men (%)
Belgium	—	M	14	4 (29%)	10 (71%)
Bulgaria	M	M	20	7 (35%)	13 (65%)
Czechia	M	M	17	3 (18%)	14 (82%)
Denmark	—	M	17	5 (29%)	12 (71%)
Germany	M	F	16	6 (38%)	10 (62%)
Estonia	M	M	15	2 (13%)	13 (87%)
Ireland	M	M	11	4 (27%)	11 (73%)
Greece	M	M	18	0 (0%)	18 (100%)
Spain	—	M	14	4 (29%)	10 (71%)
France	M	M	33	16 (48%)	17 (52%)
Croatia	F	M	21	3 (14%)	18 (86%)
Italy	M	M	16	6 (38%)	10 (62%)
Cyprus	M	M	12	1 (8%)	11 (92%)
Latvia	M	F	14	4 (29%)	10 (71%)
Lithuania	F	M	15	4 (27%)	11 (73%)
Luxembourg	—	M	15	4 (27%)	11 (73%)
Hungary	M	M	11	0 (0%)	11 (100%)
Malta	F	M	15	1 (7%)	14 (93%)
Netherlands	—	M	13	5 (38%)	8 (62%)
Austria	M	M	14	4 (29%)	10 (71%)
Poland	M	F	24	6 (25%)	18 (75%)
Portugal	M	M	18	4 (22%)	14 (78%)
Romania	M	M	20	7 (35%)	13 (65%)
Slovenia	M	M	17	8 (47%)	9 (53%)
Slovakia	M	M	15	0 (0%)	15 (100%)
Finland	M	M	14	5 (36%)	9 (64%)
Sweden	—	M	24	12 (50%)	12 (50%)
United Kingdom	—	M	22	7 (32%)	15 (68%)
Total	3F 18M	3F 25M	479	132 (28%)	347 (72%)

Notes: Current as of January 2016. F = female; M = male.

Source: European Commission, 'Gender Equality', <[http://ec.europa.eu/justice/gender-equality/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/index_en.htm)>.

### Violence against women

In 2014 the FRA prepared a report on violence against women in the EU based on interviews by trained researchers with 42,000 women across the 28 Member States. Its work filled a gap as data on this issue was sparse and inconsistent across the Member States. Despite the existence of this new, collated information, it is likely that the phenomenon remains underreported. In addition, comparisons between countries can be methodologically challenging because the figures vary according to a number of factors identified in the report. These include whether it is socially acceptable to talk about violence, the overall level of gender equality (which increases levels of reporting), the approach and effectiveness of the criminal justice system and the overall level of violence in society. That said, the FRA's report received considerable attention. It shows that, despite the generally peaceful situation across the EU, levels of violence against women are high. The key findings are that:

- 33 per cent of adult women had experienced physical and/or sexual violence since the age of 15;
- 33 per cent had experienced physical and/or sexual violence as a child;
- 22 per cent had been subject to physical and/or sexual violence from a partner;
- 22 per cent had been subject to physical and/or sexual violence by someone other than a partner; and
- 5 per cent had been raped.

These rates are high given that EU territory, with a few exceptions, has not experienced conflict or a generalized break down of law and order.

Analysing all the information described above, it is possible to provide a summary of the EU's achievements. The EU has developed a solid body of law on combating gender inequality, which includes primary and secondary legislation and the jurisprudence of the ECJ. It has made numerous political commitments and expressions of support for gender equality, ranging from the highest to lower institutional levels and covering all EU institutions and policies. The EU has developed coherent strategies for the promotion of gender equality—including objectives, monitoring mechanisms and clarity on the allocation of responsibility for delivery—and has allocated significant financial resources to measures for the promotion of gender equality.

However, the following key points need to be considered when discussing these achievements:

1. Despite notable achievements, challenges remain and gender inequality is still a significant problem across the EU in most spheres of life. Political empowerment—equality in decision-making—remains the most serious problem but it is also the case that the EU and its Member States have not managed to adequately protect women against violence. In terms of violence and physical security, women are less vulnerable than in other regions. Nonetheless, protection for those who are vulnerable to violence in their domestic settings or in public spaces remain inadequate.
2. There are striking differences between the EU Member States when it comes to gender equality. Some are global leaders while others are way below the global average, particularly in certain domains such as political power. This illustrates a number of limitations. EU law and policy do not cover all policy areas. Many remain national competences, meaning that the power and sovereignty remain at the member state level. However, even in the policy areas where the EU has competence or shares



competence, it relies on the Member States to implement decisions and they do so to varying degrees. In addition, the EU Member States show varying degrees of commitment to gender equality and to implementing EU and their own measures.

3. Other limitations, such as the economics of gender inequality, require further exploration. The EU does not yet have a policy on how it will implement the SDGs. Other than references to supporting implementation elsewhere in the world, there has been little if any debate in EU policy circles on how the SDG might help improve gender equality in the EU itself, or on how EU Member States might implement SDG 5.
4. The domains where the EU is active, such as economic matters, health and education, show lower rates of gender inequality. In domains where the EU has a limited role, such as time and power, inequality is higher. That said, the disparities mentioned above show that while the EU makes a difference, the difference is not huge. All EU Member States are subject to the same legal and political requirements but there are significant differences in outcomes. While this could simply indicate that many areas of policymaking remain national, it is likely also to indicate that even where the EU plays a role, other factors also influence outcomes, including national politics but also culture and tradition. One factor highlighted by the GEI is wealth, as there is a clear and consistent correlation between GDP levels and levels of gender equality, although patterns of cause and effect have not been established.
5. It is imperative that the EU increase the percentage of women in senior positions across all its institutions. It has committed to doing so by 2019 but given the current disparity, the prospects are grim. The statistics for the EU institutions are worse than for EU Member States and rank among the lowest of any institutions globally.

## Implementing Agenda 2030: the role of the European Union

After years of discussion and negotiation, a new set of development goals to replace the Millennium Development Goals was adopted in September 2015. The SDGs bring together development, human rights and environmental sustainability. Women's rights and equality between women and men form a standalone goal: SDG 5, to 'achieve gender equality and empower all women and girls'. Further decisions were taken in 2016 on the indicators for measuring progress, interim milestones to be achieved and organizational arrangement for states to reviews progress (see Table 4.4).

The adoption of SDG 5 provides the EU with opportunities to contribute to the promotion of gender equality both globally and within the EU. As universal goals, the SDGs apply to European states and, as such, provide an opportunity for advocates in the EU to advance their cause and compare the situation across Europe with that elsewhere in the world (Woollard 2014). Given the persistence of inequality in the EU, however, Member States should not approach the SDGs solely in terms of supporting their implementation in the context of external affairs. This will need to be combined with implementation in their own countries and an assessment of how Europe's 'internal' policies might hinder development in other regions.

The SDGs apply to states, in that states are the unit of analysis, the targets concern the situation within states, progress within states will be measured and states will be primarily responsible for implementation. Nonetheless, there are a number of roles that regional organizations such as the EU could choose to play:

1. *Promoting equality within their own institutions.* For example, the EU institutions could start by ensuring equality in senior management positions.
2. *Directing implementation of the SDGs in terms of helping to meet targets where they have the power to do so.* For example, the EU has legislative power in certain policy areas. It can legislate to achieve SDG 5. Legislation, policies and strategies constitute implementation of point 5.1 and can contribute to meeting other aspects of the Goal.
3. *Preparing measures to be implemented by others.* In the EU, many gender equality measures are implemented by others. For example, its Directives are implemented by the Member States, and its financial measures are implemented by local and national authorities, international organizations, civil society and the private sector. It does have the power, however, to integrate SDG 5 commitments into these measures and to enforce them.
4. *Supporting Member State action.* In policy areas where regional organizations cannot oblige their member states to act, they may be able to support and encourage action through the facilitation of cooperation, information-sharing, monitoring, debate and the negotiation of commitments by states.
5. *Monitoring the situation in Member States.* Notwithstanding the sensitivity attached to the monitoring of states by regional organizations, it could be in the interests of Member States to outsource some responsibility to regional organizations' structures and agencies. For example, why should the EU Member States not take advantage of the existence and expertise of the EIGE by allocating it a role in compiling information on SDG 5?

Following final agreement on the indicators for the SDGs, the first steps will be to carry out a baseline assessment of the situation in different states, take decisions on the allocation of responsibilities for implementation and develop plans. It is beyond the scope of this chapter to provide a detailed analysis of the extent to which the EU and its Member States meet the different parts of SDG 5. However preliminary analysis is provided below. Table 4.4 sets out the components of SDG 5 and the proposed indicators, which have yet to be agreed (there is consensus on some but disagreement on others).



Table 4.4. Agenda 2030: Sustainable Development Goal 5 and its proposed indicators

SDG 5. Achieve gender equality and empower all women and girls	
Target	Proposed indicator(s)
5.1. End all forms of discrimination against all women and girls everywhere	5.1.1. Whether legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex
5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation	5.2.1. Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner, in the last 12 months, by form of violence and by age group 5.2.2. Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner, in the last 12 months, by age group and place of occurrence
5.3. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation	5.3.1. Percentage of women aged 20–24 who were married or in a union before age 15 and before age 18 5.3.2. Percentage of girls and women aged 15–49 who have undergone female genital mutilation/cutting, by age group
5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate	5.4.1. Percentage of time spent on unpaid domestic and care work, by sex, age group and location
5.5. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life	5.5.1. Proportion of seats held by women in national parliaments and local governments 5.5.2. Proportion of women in managerial positions
5.6. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, and the outcome documents of their review conferences	5.6.1. Proportion of women aged 15–49 who make their own informed decisions regarding sexual relations, contraception use and reproductive health care 5.6.2. Number of countries with laws and regulations that guarantee women aged 15–49 access to sexual and reproductive health care, information and education
5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	5.a.1. (a) Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure 5.a.2. Percentage of countries where the legal framework (including customary law) guarantees women equal rights to land ownership and/or control
5.b. Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women	5.b.1. Proportion of individuals who own a mobile telephone, by sex
5.c. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels	5.c.1. Percentage of countries with systems to track and make public allocations for gender equality and women's empowerment.

Sources: UN Women, 'SDG 5: Achieve gender equality and empower all women and girls', <<http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality>>, accessed 10 August 2017; various UN documents.

The analysis in this chapter shows that there are certain areas of SDG 5 where some EU Member States might be lagging behind, specifically SDG 5.2 on the elimination of violence against women and SDG 5.5 on women's participation in decision-making. Incorporating the SDGs into internal EU law, policymaking and practice could help states make progress in



these problematic areas. In other areas, the EU is already at least partially implementing SDG 5. EU legislation implements SDG 5.c. Non-controversially, this is the basis for the development of measures that contribute to meeting SDG 5.1., 5.4 and 5.b. By some interpretations, EU primary legislation could form the basis for legal measures that contribute to all parts of SDG 5. EU secondary legislation in core areas contributes to the partial achievement of SDGs 5.1, 5.4 and 5.a. The extent to which it meets these aspects of SDG 5, however, cannot be assessed until more detailed indicators have been developed and the EU assesses its performance against SDG 5, if it chooses to do so. The *Strategic Engagement for Gender Equality 2016–19* document contains a brief reference to the SDGs and the full text of SDG 5. Unfortunately, however, there is no further analysis. A short policy paper should be prepared to explain how the measures it contains will contribute to meeting different aspects of SDG 5.

In terms of responsibilities, any or indeed all of the EU institutions described above could take on the issue of SDG 5 implementation in the EU. It would probably fall most appropriately within the mandate of the European Commission to prepare a plan on which measures the EU will use to implement SDG 5 and how these relate to the Strategic Engagement document. The European Parliament and the Council could initially request and then assess, amend and approve such a document.

The EIGE and/or the FRA could assess the extent to which the EU member states (and the EU institutions where relevant) meet SDG 5, in all its constituent parts. If the EU institutions and/or member states are unwilling to consider implementation of SDG 5 in the EU, as opposed to EU support for implementation elsewhere in the world as part of its external action policies, then civil society should take on the issue, either as a campaign or by carrying out direct research.

As it stands, the discussion on funding for gender equality has not been linked to the implementation of the SDGs. It would be to the EU's benefit to demonstrate how internal funding is contributing to implementation of SDG 5 and other goals within the EU, and to show separately the support provided to achieving the SDGs from its development cooperation funds.

On external affairs, it is suggested that the EU present implementation of its Gender Action Plan as its means of supporting SDG 5. Thus, in its annual report on the Gender Action Plan, the EU can make reference to how each section has contributed to SDG 5 and the other Goals as relevant. Similarly, in its policy on implementation of the SDGs, the EU should also refer back to the Gender Action Plan.

## Recommendations

The following recommendations are made to support progress towards gender equality within the EU.

### Commitments: policy and legislative initiatives

- Ensure continued monitoring and enforcement of EU legislation on gender equality even in the face of the continuing retreat from democracy taking place within the EU.
- Prepare an assessment of how the Strategic Engagement document, or a future strategy on gender equality, could contribute to implementation of SDG 5 in the EU, including by Member States.
- Maintain a two-pronged approach to gender equality: specific gender equality policies and gender mainstreaming. It is clear that gender mainstreaming alone is not enough.



- Assess whether gender mainstreaming as a strategy is working, including through the preparation of a report by the European Commission.
- Agree on a new gender strategy or upgrade the Strategic Engagement document.
- Pass the 2012 Anti-Discrimination Directive, and follow up with Member State implementation.
- Prepare implementation reports on other EU legislative measures, such as the Recast Directive of 2006.
- Consider other areas of gender equality on which the preparation of secondary legislation would be valid, in particular, the increased power of the EU in the area of justice provides opportunities for additional EU measures on violence against women (following the provisions in the Victims Directive).

### Financial resources

- Use the mid-term reviews of the EU's funding programmes ('instruments') to assess whether money earmarked for gender equality measures is being used for such.
- Ensure that at least the same proportion of funding is provided for gender equality in the next multi-annual financial framework; careful preparation and strategizing ahead of negotiations will be essential.

### Human resources

- Improve the gender balance in senior positions within the EU institutions in order to meet the target of 40 per cent women in senior management across the board.

### Data collection and analysis

- Assess the extent to which SDG 5 with all its components is being met in the EU Member States.
- Continue to support the Gender Equality Index as a source of high-quality data on gender issues within the EU.
- Identify further opportunities for dissemination and discussion of the results of the GEI, including presentations to the College of Commissioners, individual commissioners, civil society networks (informal networks for women leaders, women in think-tanks and women in international security), academic networks, and networks within the EU Institutions and in Member States.
- Ensure that additional research produced and commissioned by the European Parliament adequately covers gender issues, in particular for impact assessments.
- Encourage the Court of Auditors to prepare an own initiative report into the cost-effectiveness of EU gender equality policy, or aspects thereof (e.g. the costs of gender mainstreaming versus other strategies could be explored).
- Further investigate the cultural dimension of gender inequality, covering attitudes, stereotypes, psychological elements and institutional approaches, and assess the reasons for the differences across Member States.

- Use the mid-term review of the Horizon 2020 research programme to argue for greater prominence for gender, an increase in funding for research on gender inequality in the EU and actionable policy recommendations.

### Economic policies

- Assess the impact of the economic crisis and policy responses, including austerity measures, on men and women.
- Where the economic situation is having a disproportionate effect on women, take steps to correct the balance.

### Political empowerment

- Increase support for the political empowerment of women within EU institutions and the EU Member States.
- Extract a standalone annual report from the broader report on gender equality to highlight the ratio of men to women in senior positions within EU institutions and Member States, published via the European Commissioner for Gender Equality.
- Organize a European Parliament hearing on the topic.
- Raise questions on the male:female ratio in EU institutions in hearings with all relevant commissioners, including Vice Presidents Timmermans and Mogherini.

### General recommendations drawing on the European Union's experience

The EU's experience demonstrates the importance of the following:

1. *Enforcement of commitments.* Wherever possible, develop legal mechanisms for the enforcement of gender commitments.
2. *Funding as a form of implementation.* Attach resources to gender equality commitments and monitor levels over time.
3. *Allocation of staff responsibilities for monitoring implementation.* Identify internal accountability mechanisms responsible for monitoring gender commitments, that is, bodies with an oversight role within the regional organizations that can be given a mandate for monitoring the implementation of gender equality commitments by the regional organization as a whole.
4. *Alliances between policymakers and civil society.* Support and cooperate with independent civil society monitoring and campaigning for gender equality.

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## 5.2. The role of the Council of Europe in the promotion of gender equality and the political empowerment of women

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Liri Kopaci-Di Michele

### Introduction

Founded in 1949, the Council of Europe (CoE) has 47 Member States and seeks to develop common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals. Achieving gender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law, and economic growth and competitiveness. The pioneering work of the CoE in the fields of human rights and gender equality has resulted in a solid legal and policy framework that contributes to advancing women's rights and supporting CoE Member States in their efforts to achieve genuine equality between women and men.

### Council of Europe standards and recommendations

Since the 1980s the CoE has also promoted standards that have resulted in a new approach to the issue of gender equality and shaped its development in Europe. It has, for example, been instrumental in developing concepts such as parity democracy, gender budgeting and gender mainstreaming. Some of the milestone achievements in this respect were the drafting of two legal treaties. First, the 2005 Convention on Action against Trafficking in Human Beings (Council of Europe 2005) recognized that trafficking in human beings is a heavily gendered phenomenon and contains several strong references to gender equality and gender mainstreaming.

Second, the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011) is the most far-reaching international treaty on tackling violence against women and domestic violence. It aims for zero tolerance for such violence and is a major step forward in making Europe and beyond a safer place for women. As a result of the link established between achieving gender equality and the eradication of violence against women, the Convention contains a number of provisions that advance the status of women in society, in law and in fact. As legally binding obligations, they are



expected to give new impetus to the pursuit of equality between women and men at the national level.

The CoE Committee of Ministers' Recommendation (2007)17 on gender equality standards and mechanisms requests governments to take, or reinforce, measures to implement gender equality in practice, taking account of existing principles and standards. The comprehensive text contains general standards on:

1. gender equality as a principle of human rights and a government responsibility;
2. gender equality as a concern and responsibility of society as a whole;
3. commitment, transparency and accountability in the achievement of gender equality;
4. the ratification of relevant treaties and implementation of all relevant international legal instruments;
5. adoption and effective enforcement of gender equality legislation and the integration of a gender perspective into legislation in all areas;
6. the elimination of sexism from language and the promotion of language that reflects the principle of gender equality;
7. standards in specific areas such as private and family life, education, economic life, political and public life, reconciliation of private and professional life, social protection, health care, the media, violence against women, the trafficking of women, conflict and post-conflict situations, and women exposed to multiple discrimination; and
8. strategies, mechanisms and tools for achieving gender equality.

The Recommendation should be treated as a checklist for assessing the progress made in the achievement of *de jure* and *de facto* gender equality and the extent to which gender equality is being pursued. To comply with the commitments made, governments must put in place and efficiently implement proactive policy measures and strategies that pursue the objective of gender equality in an effective way, including information and communication strategies and national gender equality action plans.

The CoE Transversal Programme on Gender Equality, which was launched in 2012, aims to increase the impact and visibility of gender equality standards by supporting their implementation in member states through a variety of measures, such as gender mainstreaming and action in a number of priority areas. To achieve its aim, the Programme works closely with Member States to ensure continuing political and financial support, which is essential for mobilizing all CoE decision-making, advisory and monitoring bodies and involving them in the development, implementation and evaluation of the gender equality agenda. The CoE Gender Equality Commission (GEC) is at the centre of this effort. Gender Equality Rapporteurs have been appointed to the steering committees and monitoring bodies of the Council of Europe and work in areas as diverse as education, media, local government, cinema, drug abuse, counterterrorism and anti-corruption to provide crucial support to the work and activities of the GEC.

The CoE *Gender Equality Strategy, 2014–17* (CoE 2014) provides guidance on action to be taken on:

1. combating gender stereotypes and sexism, with a particular focus on media, education and sexist hate speech;



2. preventing and combating violence against women, with a focus on promoting the ratification and implementation of the Istanbul Convention and monitoring the implementation of other CoE standards in the area of protection of women from violence;
3. guaranteeing equal access to justice for women, with a focus on access to justice for women victims of violence, on persistent barriers and tackling the gaps in research and lack of data disaggregated by sex;
4. achieving a balanced participation of women and men in political and public decision-making, with a particular focus on monitoring the implementation of Recommendation (2003)3 of the Committee of Ministers (see below); and
5. promoting gender mainstreaming in all policies and measures in the CoE.

In achieving its aims and objectives, the CoE is seeking to further develop and strengthen its cooperation with partner organizations, in particular the EU, the UN and its various agencies—most notably UN Women—as well as the Organization for Security and Co-operation in Europe, the Organisation for Economic Cooperation and Development and the World Bank.

### **Achieving balanced participation of women and men in political and public decision-making**

Women's political representation and participation in political decision-making are central to both democracy and gender equality. For the CoE, women's political participation has always been a priority concern. Equality initiatives have stressed the 'close relationship between women's political participation on equal terms with men and the reinforcement of the democratic process and democratic institutions'. The adoption of positive action and special temporary measures is strongly advocated and remains one of the main pillars of CoE standards and work to promote balanced participation.

Towards the end of the 1980s, the CoE firmly established equality between women and men, which until then had been considered mainly a social question, as a principle of human rights. This pioneering way of thinking was recognized by the international community in 1993 at the Vienna Conference on Human Rights. The concept and framework for action was further developed in the 1990s. In 1997, the CoE adopted its Declaration on Equality between Women and Men as a fundamental criterion of Democracy, which agreed that gender balanced representation is a requirement of justice and a necessity for attaining genuine democracy. The Declaration also set out a programme of action, including measures for equality in political and public life.

In 2003, the Committee of Ministers of the CoE adopted Recommendation (2003)3 on balanced participation of women and men in political and public decision-making (CoE 2003), which defined balanced participation. It noted that: 'representation of either women or men in any decision-making body in political or public life should not fall below 40%' and put together an array of legislative, administrative and supportive measures to be taken to promote women's equal participation in political and public life and decision-making.

The Recommendation also contains highly practical suggestions for monitoring such measures. For example, it suggests that member states consider establishing independent bodies, such as a parity observatory or a mediation body, to follow governmental policy in this area or entrust such action to national equality mechanisms; or the setting up of indicators for monitoring evolution in participation. A list of indicators is suggested, such as the percentage of women and men in parliament, local assemblies, national delegations to

nominated assemblies and international forums; the percentage of women in government at various levels; the percentage of women in the highest ranks of the civil service, the judiciary and bodies appointed by government; and the percentage of women in the decision-making bodies of political parties or social partners.

It also recommends the submission of reports to national parliaments on measures taken and progress made, as well as the publication of such reports; the systematic gathering and dissemination of statistics on candidates for political office and elected representatives; and regular analyses of the visibility and portrayal of women and men in news and current affairs programmes, especially during election campaigns. Tavares da Silva (2010) compares the results of the first and second rounds of monitoring of CoE Recommendation Rec (2003)3. The CoE completed a third round of monitoring on the implementation of the Recommendation in 2017 and published the results in an analytical report (CoE GEC 2017). The 2017 report is divided into six main sections: legislative power, executive power, political parties, judicial power, diplomatic service and Council of Europe institutions. It concludes that progress has been slow and scattered and that much more needs to be done to achieve gender equality in political and public decision-making.

## Gender mainstreaming in the Council of Europe

The CoE was instrumental in developing the concept of gender mainstreaming in the 1990s. In 1995 it established a Group of Specialists on Mainstreaming which was asked to carry out a survey of the measures taken by Member States and regional or international organizations to mainstream a gender perspective into general policies, programmes and planning, as well as sectoral policies and activities at all levels of society. On the basis of this survey, in 1998 the Group prepared a conceptual framework and a methodology for mainstreaming a gender equality perspective in the most effective and visible way. This work led to the adoption of the definition of gender mainstreaming used by the CoE and many other organizations and countries: ‘Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels at all stages, by the actors involved in policy-making’. The CoE Committee of Ministers adopted a Recommendation on Gender mainstreaming in 1998 (Council of Europe 1998). A gender mainstreaming strategy has been an integral part of the work and activities of the CoE since that date.

When properly understood and implemented, gender mainstreaming is a transformative approach with great potential for social change. There is now wide consensus on the effectiveness of a dual approach that combines gender mainstreaming and specific measures for the advancement of women to ensure better policymaking and better use of resources, as well as progress towards effective equality between women and men. While the understanding and implementation of a gender mainstreaming strategy—which includes gender budgeting, gender-based analysis and gender impact assessments—among policymakers and decision-makers needs to be improved, the past decade has witnessed significant developments. The appointment of Gender Equality Rapporteurs (GER) in the CoE’s institutional bodies and some of its monitoring mechanisms has led to coordinated and sustained efforts to introduce a gender equality perspective to all policies and at all levels. Recommendations on gender mainstreaming in different areas adopted by the Committee of Ministers and specific initiatives undertaken by the intergovernmental structures and institutional bodies of the CoE provide useful instruments and benchmarks to support Member States in their efforts to implement a gender mainstreaming strategies and achieve gender equality.



## Implementation: achievements and good practice

Support for Member States to implement standards in the area of gender equality is central to the activities, working methods and partnerships developed across the Transversal Programme on Gender Equality and activities to implement the Gender Equality Strategy. A thorough assessment of work in progress in Member States has enabled the CoE to better respond to their needs. This has been achieved through:

1. *Ensuring ownership of the Strategy and related processes and activities by the Member States through continued engagement, consultations and exchanges.* The Transversal Programme in the GEC meets twice a year in its formal setting and once a year for a major thematic conference. The conference has become a strategic platform for debate and discussion on a theme decided by the GEC, which brings together a diverse range of stakeholders from government and independent gender experts, to representatives of civil society organizations and the private sector, and regional and international organizations. Using the Strategy as a baseline, the choice of specific themes, activities and tools is the result of close consultation, engagement and cooperation with the representatives of the 47 CoE Member States and the GEC. Past themes covered by the Conference include 'Media and the image of women' (Amsterdam, 2013); 'Combatting gender stereotypes in and through education' (Helsinki, 2014); and 'Towards guaranteeing equal access to justice for women' (Bern, 2015).
2. *Publicizing and disseminating activities, developments and progress on gender equality in Member States on the CoE website and among relevant structures and stakeholders.* This has led to greater recognition of the efforts of the Member States to comply with CoE and other international standards, and a flow of information and experience between Member States. Regular updating of the dedicated webpages on gender equality has helped significantly to increase the visibility of the CoE's standards and activities among experts and the general public. Furthermore, many activities on gender equality carried out by Member States are inspired by and linked to CoE standards and tools.
3. *Promoting, monitoring and evaluating standards to identify gaps and obstacles, and developing activities, tools and cooperation programmes to address such gaps and support the implementation of relevant standards.* Implementation monitoring is used as a tool to support Member States in their efforts to comply with CoE standards. One example is the fourth round of monitoring of the implementation of the Committee of Ministers Recommendation (2002)5 on the protection of women against violence, which was successfully completed in 2013 and the results published in an analytical report (Hagemann-White 2014). The findings provided Member States with information on gaps and recommendations for further action. In 2017, the GEC finalized the third round of monitoring on the implementation of Recommendation (2003)3 on balanced participation by women and men in political and public decision-making.
4. *Carrying out targeted cooperation projects related to gender equality to provide input on Member States' efforts to achieve de facto gender equality.* Examples include a two-year regional project funded by the EU Programmatic Cooperation Framework to improve women's access to justice in five countries of the Eastern Partnership (Armenia, Azerbaijan, Georgia, Moldova and Ukraine); cooperation with UN Women on the preparation of a multi-country study on the availability and accessibility of services in response to violence against women and girls and on a framework for measuring

women's access to justice; cooperation with Jordan, Morocco and Tunisia to combat gender-based violence and promote gender equality; and cooperation with Norway in the area of violence against women and domestic violence.

5. *Developing and disseminating practical tools, publications and promotional material on the CoE standards and their implementation.* Such publications are in high demand from Member States, and internal and external partners, and are considered useful tools for monitoring progress and compliance with benchmarks and standards in the area of gender equality. A number of Member States have translated and distributed relevant CoE standards, such as the Gender Equality Strategy, the Istanbul Convention and the recommendations of the Committee of Ministers on gender equality issues. All such information is also made available on the CoE Gender Equality website.
6. *Transversal and close cooperation with the various bodies and institutions of the CoE to ensure gender mainstreaming in all CoE policies and measures.* Cooperation and synergies were reinforced with the various steering committees and monitoring mechanisms to introduce a gender equality perspective to CoE policies at all levels, as called for by the Strategy. GERs have been appointed in all 32 steering committees and other institutional bodies, as well as in three monitoring mechanisms: the Group of States against Corruption (GRECO), the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the European Commission against Racism and Intolerance (ECRI). Over 50 GERs are currently operational in their respective committees and monitoring bodies, leading efforts to integrate a gender dimension into their work and activities. To create an enabling environment for the GERs to carry out their functions and responsibilities, the GEC provides support in the form of regular exchanges of views between the GEC and the GERs in order to share information, expertise, know-how, working methods and practices, and to discuss challenges, the training of GERs and training materials such as the manual supporting GERs in their role or the fact sheet 'Achieving Gender Mainstreaming in all Policies and Measures'. The Gender Mainstreaming Team (GMT) brings together secretariat representatives from CoE institutions and bodies, intergovernmental committees and monitoring mechanisms, and is an important component of the Transversal Programme. The GMT meets twice a year to exchange information on the implementation of the Strategy, discuss challenges and share good practices for overcoming difficulties.
7. *Strategic partnerships with other regional and international organizations to ensure synergies, avoid duplication and strengthen impact, as well as with the civil society to increase outreach and visibility.* The CoE continues to develop and enhance strategic partnerships with the EU (in particular the EIGE and the FRA); the UN (in particular UN Women, CEDAW and the OHCHR); the OAS; the OSCE; networks of women's organizations (including the EWL, the European Network of Equality Bodies, Women against Violence Europe Network), international NGOs, and research institutes and think tanks. Regular exchange, consultation and cooperation have furthered synergies and coordination based on the value added by each stakeholder. Participation in and contributions to high-level political events, in particular at the EU and UN Women level, have increased the visibility and impact of CoE standards and activities in the area of gender equality.





## Challenges

The fourth year of the implementation of the Gender Equality Strategy 2014–2017 confirmed the prominent global role of the CoE in the field of women’s rights and gender equality. Its comprehensive and extensive body of standards and work also provides important input towards the efforts of member states to achieve the UN 2030 Agenda for Sustainable Development.

With regards to challenges, violence against women remains the most pronounced expression of the unequal power relations between women and men—as both a violation of women’s human rights and a major obstacle to gender equality. Misconceptions about the concept of ‘gender’ also persist. Gender equality and women’s rights policies and measures are being increasingly attacked under the misleading label of ‘gender ideology’, which is used both to undermine progress towards equality between women and men, to jeopardize the rights of LGBTI persons, and to spread misconceptions about the Istanbul Convention thus deviating attention from its primary goal: to protect women and girls from violence.

In addition, the prevalence of gender stereotypes and prejudices within society including in the justice system continues to be a critical challenge hindering progress on gender equality and affecting women and men, girls and boys.

While gender mainstreaming is making progress, improving the awareness, knowledge and skills of policy makers to successfully integrate a gender equality perspective in all sectoral policies remains an important challenge shared by national authorities, international organisations and other stakeholders.

Other challenges affecting European societies include ensuring women’s economic independence; the barriers to achieving reconciliation between private and family life; the difficulties in ensuring that all women benefit equally from gender equality policies; and the need to address the rights of migrant, refugee and asylum-seeker women in Europe. These issues will be addressed in the next Council of Europe Gender Equality Strategy 2018–2023.

## Conclusion

The challenges that CoE member states face in the implementation of the Gender Equality Strategy are related to the wider global and regional context. This includes budgetary cuts and austerity measures affecting gender equality mechanisms and policies and a backlash against women’s human rights that contributes to widening the gap between gender equality standards and their implementation. Moving towards substantive gender equality requires political will, a change in mentalities and in the perception and consideration of both women’s and men’s roles. A strong commitment to de facto equality between women and men at all levels and in all areas, will benefit entire societies, including men and future generations.

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## 5.3. Recommendations from the European consultation



The participants in the European consultation, held in Strasbourg on 10 November 2016, discussed which direction regional organizations dealing with gender equality should take. They agreed that all stakeholders—including international institutions, states, civil society organizations and equality bodies—need to work together in favour of a more equal society, and the best way forward would be to combine political will with affirmative action.

1. CEDAW provisions, combined with the implementation of UN Council Resolution 1325 on Women, Peace and Security, provide a strong normative basis for seeking to increase the number of women in politics.
2. The OSCE experience suggests the need for a multi-actor, multi-stage approach to advancing women's political participation, specifically by developing gender action plans (for political parties); conducting post-election gender analysis; keeping gender disaggregated data (local politicians); establishing a quota system to help women enter parliaments, and create an environment so they can stay longer (parliaments); and developing cost effective joint efforts between international institutions and local stakeholders, such as civil society and parliaments, to promote women in politics.
3. Men should be part of the discussion on how to reach gender equality. This is especially important at the political level where decision making should be made collaboratively by both men and women. More men advocating for equality means more recognition from society. One of the best examples is HeforShe, the United Nations campaign in which men are speaking out about positive aspects of equality between men and women.
4. Young men and women should be educated about democratic processes and the importance of an equal share of both sexes in the political sphere. Involvement of youth is vital to the advancement of women's rights.
5. Ongoing training for media is needed to ensure more balanced coverage of all candidates, regardless of their gender. Journalists should be made aware of conscious and unconscious bias, which may lead them to portray candidates based on gender stereotypes rather than according to their plans and qualifications. UNDP projects on gender equality and the media could help inform this work.



6. Most of the top-performing countries in Europe use some form of gender quota, whether legislated or at the party level. This suggests that the most effective way to advance women's political participation is by introducing quotas or gender parity, leading to more women becoming candidates.
7. Because political parties are crucial in the process of empowering women in the election process, gender equality training should be mandatory for all party executives and party bodies. If there is no political will to implement a quota/parity system, the focus should be on introducing internal party regulations. Transparency of party funding should go along with economic empowerment of women. Women should have access to campaign funding to run for office. The OSCE political party gender audit experience suggests that auditing may be an effective way to assess progress, although many parliamentarians agree that their countries are still struggling to find the resources for implementation and assessment is still a challenge. Adopting gender action plans can also provide a clear roadmap for political parties to further increase women's political participation and sensitize internal policies and procedures.
8. There is a need for greater collaboration between different actors engaged in this issue. Joining forces would enable international and regional organizations to promote stronger and more cohesive mechanisms for advancing women's political participation. Fostering connections between female parliamentarians and civil society might help promote solidarity among female parliamentarians as well as better coordinate their gender equality efforts.
9. Finally, women from vulnerable groups should be more involved. The EWL has a mentoring project promoting women from marginalized groups, such as migrant or refugee women, to be candidates in elections to the European Parliament.

## Conclusion: Gender equality and advancing women's political participation

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### Community of Democracies

The world has witnessed dramatic changes in women's political participation over the past two decades. The proportion of women in national parliaments has nearly doubled from 12 per cent in 1997 to 23.6 per cent in 2017 (Inter-Parliamentary Union; for regional figures see Table 1). In an effort to assess what these changes have meant for gender equality and the political empowerment of women, the Community of Democracies, International IDEA and the United Nations Development Programme (UNDP) organized five regional consultations, bringing together politicians and representatives from international, non-governmental, and civil society organizations. The consultations were held in in Strasbourg (November 2016), Bali (December 2016), Johannesburg (March 2017), Tunis (March 2017) and Mexico City (May 2017). Each consultation addressed ongoing challenges, existing tools and mechanisms, and best practices and recommendations for effectively advancing women's political participation.

This Conclusion provides an overview of the global legal and policy instruments identified in the regional consultations, and practical guidance for stakeholders seeking to devise concrete strategies for electing and empowering women in the political realm. Section 1 describes the global treaties, charters and declarations in support of women's political participation. Section 2 discusses the regional bodies and frameworks that inspire, complement, and/or extend these global commitments. Section 3 reviews national laws and policies—including measures by political parties—to enhance women's political participation, highlighting the best practices that emerged from the regional consultations. The final section provides an overview of the ongoing obstacles to women's full and equal political participation, as well as possible strategies identified by the consultation participants to overcome these barriers, concluding that existing instruments have laid important groundwork but—as indicated in the regional conversations—additional support and commitment from a variety of actors is required at the global, regional, national and local levels to advance gender parity in politics.



Table 1. Percentage of women in lower and single houses of parliament, 1997 and 2017

Region	1997	2017	Change
Americas	12.9%	28.2%	+15.3 points
Arab states	3.3%	18.2%	+14.9 points
Sub-Saharan Africa	10.1%	23.8%	+13.7 points
Europe	13.8%	27.5%	+13.7 points
Asia	13.4%	19.7%	+6.3 points
Pacific	9.8%	15.0%	+5.3 points
<b>Global average</b>	<b>12.0%</b>	<b>23.6%</b>	<b>+11.6 points</b>

Source: Inter-Parliamentary Union, <<http://www.ipu.org/wmn-e/world-arc.htm>>, accessed 21 August 2017.

## Global treaties, charters and declarations

Article 2 of the Universal Declaration of Human Rights, signed in 1948 by delegates to the UN General Assembly, establishes that ‘Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’. Article 21 states:

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.

These rights are reiterated in the International Covenant on Civil and Political Rights, adopted in 1966 and entering into force in 1976 (articles 2, 25, and 26). Clarifying the meaning of Article 21 in 1996, the Human Rights Committee issued General Comment no. 25 in which it stressed that any restrictions to the right to participate in public affairs should be based only on “objective and reasonable criteria,” for example age or mental capacity.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the United Nations General Assembly, is an international bill of rights for women and a legally binding instrument that obliges states to promote gender equality. At present, there are 189 states parties, which makes CEDAW an important tool for national and international advocates of gender equality. Article 7 specifically addresses the elimination of gender discrimination in political and public life:



States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In 1997, the CEDAW Committee issued General Recommendation No. 23 to elaborate on article 7, making a stronger case for ‘temporary special measures’ such as gender quotas to achieve equality of participation. The Recommendation states that the ‘formal removal of barriers and the introduction of temporary special measures to encourage the equal participation of both men and women in the public life of their societies are essential prerequisites to true equality in political life’. It also notes that states parties, political parties and public officials should actively encourage women’s full and effective participation, together with all other sectors of society.

The Beijing Platform for Action, signed unanimously by all UN member states at the UN’s Fourth World Conference on Women in Beijing in 1995, lists ‘women in power and decision-making’ as Objective G among its 12 Strategic Objectives. Under Objective G, states commit to take measures to ensure women’s equal access to and full participation in power structures and decision-making, as well as to increase women’s capacity to participate in decision-making and leadership. Paragraph 190a calls on governments to:

Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions.

Paragraph 191 urges political parties to:

- (a) Consider examining party structures and procedures to remove all barriers that directly or indirectly discriminate against the participation of women;
- (b) Consider developing initiatives that allow women to participate fully in all internal policy-making structures and appointive and electoral nominating processes;
- (c) Consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men.

UN Security Council Resolution 1325, adopted in 2000, emphasizes the involvement of women in conflict prevention, crisis management and post-conflict reconstruction. Recognizing ‘the importance of [women’s] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security’, the Resolution:



1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict,
2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes.

The Sustainable Development Goals (SDGs), adopted at the UN Sustainable Development Summit in New York in 2015, enumerate Gender Equality as SDG 5. The 2030 Agenda situates women's rights within human rights and development frames, explaining that 'ending all forms of discrimination against women and girls is not only a basic human right, but it also crucial to accelerating sustainable development'. SDG 5 includes among its targets to:

- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

## Regional bodies and frameworks

The African Union (AU) has taken numerous steps to promote good governance and democratic consolidation across the continent in the past 15 years. The AU Constitutive Act enshrines the principle of gender equality and, together with other AU declarations, resolutions and decisions, calls for the full participation of women as equal partners in Africa's development. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), adopted by the AU in 2003, has been signed and ratified by 36 of the 54 African countries—and signed but not ratified by 15 more. Article 9, on the 'Right to Participation in the Political and Decision-Making Process', states that:

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
  - a) women participate without any discrimination in all elections;
  - b) women are represented equally at all levels with men in all electoral processes;
  - c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.
2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

The AU African Charter on Democracy, Elections and Governance, adopted in 2007, lists among its objectives the aim to 'promote gender balance and equality in the governance and development processes'. Article 29 links this to the goals of development and democracy and establishes that:

2. State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.

3. State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

The Protocol on Gender and Development of the Southern African Development Community (SADC), signed in 2008, makes highly concrete pledges for action to achieve gender-balanced decision-making. Article 12 on ‘Representation’ states that: ‘States Parties shall endeavour that, by 2015, at least fifty percent of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5’. It goes on to call on states parties to conduct public awareness campaigns, demonstrating a link between equal representation and democracy and good governance. Article 13 on ‘Participation’ specifies a number of policy measures that states parties should implement to achieve equal opportunities for women and men, such as legislation, capacity-building, training and mentoring, support structures, and changing discriminatory attitudes and norms—and crucially identifying the need to engage men in all of these activities.

The Association of South East Asian Nations (ASEAN) adopted a Declaration on the Advancement of Women in the ASEAN region in 1988, which promotes the equitable and effective participation of women in all fields and at various levels of political, economic, social and cultural life. The ASEAN Committee on Women Work Plan for 2016–20 has a focus on increasing the number of women in leadership positions in all ASEAN member states, particularly in appointed and elected positions (ASEAN 2016).

Leaders in the Pacific region signed a Pacific Leaders’ Gender Equality Declaration in 2012, committing themselves to the implementation of specific national policy actions aimed at advancing gender equality in government programmes and policies. With respect to women in decision-making, the agreement called for the adoption of temporary special measures (TSMs), such as reserved seats and political party reforms, to accelerate women’s full and equal participation in governance at all levels.

Various institutions of the European Union have similarly expressed their support for greater efforts to promote women’s political participation. In 1995, the European Council approved a resolution on the balanced participation of men and women in decision-making, affirming that ‘the objective of balanced participation of men and women in decision-making and the sharing of responsibilities between men and women in every sphere of life constitutes an important condition for equality between men and women’. The resolution invited member states to ‘develop an integrated global strategy for promoting the balanced participation of men and women in decision-making’, including compiling data, developing incentives and launching public awareness campaigns. In 1996 the Council passed a recommendation on the balanced participation of women and men in the decision-making process, calling on member states to develop a ‘comprehensive, integrated strategy’ that, ‘where necessary’, might include ‘legislative and/or regulatory measures and/or incentives’.

In 2000 the European Parliament approved a resolution on women in decision-making, calling for a concrete action plan formulated by the various EU institutions with a timetable for achieving gender balance. Among its main recommendations were ‘calls for the use of quotas as a transitional measure to even up the involvement of men and women in internal party structures and, at an electoral level, for the introduction of a system in which there are alternate men and women candidates on election lists, and for the provision of political



training and information for women candidates by the parties so that they can take up political life with full confidence’.

Alongside these efforts, the European Commission established a European Expert Network on Women in Decision-making, funded for the years 1992–96. A new group, the European Network to promote Women in Decision-making in Politics and the Economy, was funded for 2008–12. It provided a platform at the EU level for discussing successful strategies and best practice to improve the gender balance in decision-making positions. Continuity in the work of both networks has been provided in the form of an EU database on women and men in decision-making. The current version is maintained by the European Institute for Gender Equality. It tracks information on women and men in key decision-making positions—politics, public administration, the judiciary, business and finance, social partners and NGOs, the environment, and the media—in 35 European countries.

The Council of Europe (CoE) first organized a ministerial conference on ‘equality between women and men in political life’ in 1986. In 1989, a CoE seminar on political strategies for the achievement of real equality of women and men introduced the concept of ‘parity democracy’, linking gender equality and democracy, and laying a strong foundation—especially in countries like France—to mobilize for gender quotas in politics. In 2003 the Committee of Ministers of the CoE adopted a recommendation on ‘balanced participation of women and men in political and public decision-making’, which set out clear objectives, guidelines and measures aimed at remedying inequalities in representation. The two types of measure it proposed were legislative and administrative measures, focused on elected and appointed offices; and support measures, such as awareness-raising, research and capacity-building. The 2014–17 CoE Gender Equality Strategy lists ‘balanced participation of women and men in political and public decision-making’ among its five strategic objectives (CoE 2014).

The Office for Democratic Institutions and Human Rights (ODIHR) at the Organization for Security and Co-operation in Europe (OSCE) implements programmes to increase the participation of women in politics and the public arena, contribute to the capacity building of women’s networks, combat violence against women, and implement UN Security Council Resolution 1325. The ODIHR developed a political party gender audit methodology—piloted in Armenia, Georgia and Tajikistan between 2013 and 2015—to determine the level of gender equality in key internal party processes, procedures, structures and policies. On the basis of this diagnosis of discriminatory practices, the methodology provides parties with tools to adjust their policies and strategies in line with gender equality principles (OSCE-ODIHR 2014). In Georgia, for example, three parties worked to develop plans that included organizing internal party meetings to discuss gender equality, improving coordination among their parties’ female MPs to raise issues of concern to female voters, countering negative media portrayals of female candidates, and developing more active women’s wings.

The Inter-American Commission of Women (Comisión Interamericana de Mujeres, CIM) of the Organization of American States (OAS) was the first intergovernmental organization in the world dedicated to women’s rights. It played a key role in promoting women’s suffrage across the Americas through the 1948 Inter-American Convention on the Granting of Political Rights to Women, which also called on member states to guarantee women’s right to be elected to political office. CIM was also involved in drafting the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará), which has been monitored since 2004 via the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) of the OAS. Reflecting its focus on combating violence in both the public and private spheres, article 4 of the Convention reiterates women’s ‘right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making’. Article 5 recognizes that

violence may prevent and nullify the exercise of this right, which regional and international instruments on human rights must be relied on to protect.

In 2015 states parties to the Belém do Pará Convention, together with the competent authorities of MESECVI, issued a Declaration on Political Harassment and Violence against Women, which noted that political parity could not be achieved by quotas alone, but rather ‘requires a comprehensive approach that on the one hand, ensures equal access of women and men to all government institutions and political organizations and, on the other hand, ensures that the conditions for exercising that access are free of discrimination and violence against women at all levels and in all arenas of political life.’ It calls on numerous actors—such as governments, political parties and the media—to take concrete steps to collect statistics and devise interventions to tackle political violence and harassment. To support national legislative initiatives across the region, since 2016 CIM has organized a series of workshops and meetings in Spanish to elaborate a Model Law on Political Violence against Women.

The Economic Commission for Latin America and the Caribbean (ECLAC), one of the five UN regional commissions, has organized a series of regional conferences on women since 1977. In 2007, the 10th Regional Conference approved the Quito Consensus, in which countries agreed to adopt all necessary affirmative action measures and mechanisms, including legislative reforms and budgetary measures, to ensure the full participation of women in public office, with a view to achieving gender parity in the state (executive, legislative and judicial branches) and in representative bodies at the national and local levels. The Quito Consensus calls on countries to develop electoral policies, and to address work–family conflicts and gender stereotypes as obstacles to women’s full participation.

In 2016, delegates to ECLAC’s 13th Regional Conference approved the Montevideo Strategy to achieve gender equality in the region by 2030—closely tied to the UN’s 2030 Agenda. The 10 implementation pillars focus on normative frameworks; institutions; popular and citizen participation; state capacity-building and strengthening; financing for gender equality; communication; technology; cooperation; information systems; and monitoring, evaluation and accountability. The Montevideo Strategy states that true democratization is conditional on achieving parity in the distribution of power, in both a quantitative and a qualitative sense. Under the state capacity-building pillar, the strategy calls on governments to ‘Design specific training processes to build the leadership capacities of women of all ages in order to achieve parity-based participation in decision-making roles and, in particular, in senior management, executive and technical positions’.

The League of Arab States (LAS, Arab League) seeks to improve relations between member states in the Middle East and North Africa (MENA) region by coordinating collaboration to safeguard the affairs and interests of the Arab countries. Although the LAS was established in 1945, it was only in 2003 that the Arab Women Organization (AWO) was created under the umbrella of the League. The impetus for the founding of the AWO was the Cairo Declaration coming out of the First Arab Women Summit convened in Egypt in November 2000. The AWO structure consists of a Supreme Council composed of Arab First Ladies (or their representatives) and an Executive Board consisting of representatives from member states specializing in women’s issues.

AWO priorities include enhancing women’s political participation, among other goals. Its main tools and instruments for action include collecting and disseminating data regarding the status of Arab women, coordinating local and national efforts pertaining to women’s issues, networking and cooperating with governmental and non-governmental actors, organizing seminars and workshops to coordinate joint Arab action on women’s issues, and conducting research on Arab women’s issues and their role in society. However, participants in the consultations were critical of what they saw as limited efforts for Arab women on the





part of the LAS, which appeared to emerge from the priorities of member governments rather than civil society organizations working in the area of women's rights.

## Global and regional programming

UNDP has supported women in politics worldwide. Its work includes raising awareness among women who wish to enter the political realm; working with male leaders and political parties to gain their support for women in politics; training female candidates ahead of elections, for instance on navigating gender stereotypes and improving their public speaking skills; and liaising with local non-governmental organizations (NGOs) to provide gender-balanced analysis of elections and electoral trends.

In Indonesia, for example, UNDP implemented a project that trained female candidates and, after the elections, worked with the newly elected female MPs to build their individual capacities and to strengthen the parliamentary women's caucus. In Uganda, UNDP facilitated education and skills training for female candidates and politicians in the areas of women's leadership, conflict mitigation and democratic governance.

UNDP has also worked with other stakeholders to draft and lobby for legal reforms to empower women in politics, including a gender parity law adopted in the Central African Republic in 2016. In Zambia, UNDP provided support for the drafting of the country's constitution, which called for the establishment of a Gender Equity and Equality Commission, as well as minimum of 30 per cent representation of both genders in decision-making bodies.

UN Women's work in Latin America includes programming for parity democracy, linking this to the SDGs. The two main axes of this work focus on substantive equality across public institutions, legislation, public policies and public services; and parity in decision-making in both the public and private spheres. Its model of parity democracy, presented together with the Latin American Parliament (PARLATINO), calls for a parity state, guaranteeing substantive equality through all public institutions; parity representation, with equal numbers of women and men in decision-making; and political parties to be key entities involved in transforming the political culture away from the reigning 'macho' mentality through all the means at their disposal—electoral, financial and programmatic.

In Latin America, UNDP, International IDEA and UN Women partnered in 2014 to develop the Mechanism to Accelerate Women's Political Participation (ATENEA), a mechanism to monitor and promote women's political participation. Measuring 40 indicators along eight dimensions, ATENEA has now been applied to measure and compare progress towards political parity in six countries: Panama, Chile, Argentina, Uruguay, Peru and Mexico. It collates data on the presence of women in different spheres of political participation to measure access to, and the exercise and permanence of, power for women in positions of power, with the goal of promoting coordinated action by national actors to transform structures, rules and processes that impede women's effective exercise of their political rights.

## National laws and policies

Electoral gender quotas are the primary tool employed globally to fast-track women's representation in parliaments and, to a lesser extent, other levels of political decision-making. According to the Quota Database, these policies have been introduced in more than 130 countries, mostly since 1995, and take three main forms.

Reserved seats stipulate a minimum number of women to be elected. There are several ways a reserved seat can be filled, such as elections in districts specifically designated for female parliamentarians, on all-women national party lists and indirectly based on a party's



share of the national vote. The existence of reserved seats for women does not preclude women's election to non-reserved seats. In some countries, women are limited to serving only one or two terms as reserved seat parliamentarians.

Samoa is one of the most recent countries to institute reserved seats. It amended its constitution in 2013 to reserve five seats for women in the national parliament, which amounts to 10 per cent of all MPs. The system is distinct from that employed in many other countries, as the quota is activated only after the election results are known. If fewer than five women are elected, additional seats are added to parliament and awarded to the unsuccessful female candidates with the highest number of votes. In the 2016 elections, a record number of women stood as candidates, and four women won in constituencies. A fifth woman, who had come second in her constituency—was awarded a seat due to the quota.

Legislated candidate quotas require all political parties to include a minimum proportion of women—or maximum and/or minimum shares of one sex—among their nominated candidates. Legislated quotas generally appear in constitutions, electoral laws or political party laws. Unlike reserved seats, these laws do not guarantee outcomes in terms of the proportion of women elected. The most successful quotas tend to be those with high percentages of required female candidates (30 per cent or more), mandates with regard to the placement of female candidates on the list and sanctions that compel parties to meet quota requirements.

In Serbia, legislated quotas have been highly effective at electing a large proportion of women to parliament. A 2011 reform requires that the candidate lists of all political parties must include at least 30 per cent of candidates of each sex. In 2016, women were elected to 34 per cent of the seats. The importance of oversight can be seen in the case of Nepal, where parties did not initially meet the 33 per cent quota requirement for elections to the Constituent Assembly in 2014. However, when the Election Commission refused to register parties that had failed to meet the required proportion of women, parties were forced to prepare new lists. The case of Poland suggests, however, that when parties are required to nominate women under threat of such a penalty, they may subvert the impact of the law by nominating women to list positions where they stand little chance of being elected.

Most of the countries in Latin America have adopted legislated quotas. The first wave of quota laws introduced in the 1990s generally stipulated at least 30 per cent women among party candidates. In the past ten years, however, a growing number of these countries have increased their quota requirements, moving increasingly to parity. In 2014, for example, the principle of parity was incorporated into Mexico's Constitution, followed by a new electoral law requiring 50 per cent male and female candidates. Parties must alternate between men and women on their party lists in the proportional representation portion of the electoral system, and they must nominate equal numbers of men and women across all constituencies in the majoritarian component. While parties may not nominate women 'exclusively' to losing districts, they still tend to place women in less winnable seats. Similar trends can be seen in Honduras, where parties must nominate at least 40 per cent female candidates but the parity requirement tends to be diluted by the primary elections inside the political parties.

Party candidate quotas entail voluntary pledges by political parties to include a minimum percentage of women—or maximum and/or minimum shares of one sex—among their candidates. These quotas tend to be institutionalized in party constitutions and statutes, but may also exist in less formal forms as well. With little outside oversight, these quotas vary greatly in terms of their impact on the number of women elected—while their overall impact depends on the size of the party adopting them.

In addition to political recruitment policies, actors around the world have begun to call attention to—and explore new policy solutions for—the rising backlash against increased political participation by women. The European consultation framed this problem in terms



of a growing tendency towards sexism and hate speech in politics, especially on social media and the Internet more generally. Women may also be disregarded by their party and parliamentary colleagues because of their gender. In extreme cases, women may even receive death threats as a means of excluding them from the political decision-making process.

An entire day was devoted to political violence and harassment in the Latin American consultation, reflecting the centrality of this theme in current debates on women's political empowerment in the Americas. Violence and harassment can occur during women's political campaigns, as well as during their time in office. This can affect women's cost-benefit analyses when deciding whether to pursue decision-making positions. In 2012, Law 243 Against Political Harassment and Violence against Women was passed in Bolivia. Similar laws have been proposed in Costa Rica, Ecuador, Mexico, and Peru. According to the consultation participants, such initiatives are crucial for identifying these actions as crimes in order to increase protection of women's political rights. Sanctions for perpetrators and their accomplices must be made explicit in order to deter such crimes and transform the political culture that supports them.

Another strategy to address political violence and harassment is the Observatory on Women's Political Participation, established in Mexico in 2014 by the Supreme Electoral Tribunal, the National Electoral Institute and the National Institute for Women, with the objective of coordinating actions to promote women's participation in decision-making in the public sphere. Based on positive results at the national level, 32 local observatories have since been created. Participants also suggested possible reparations to victims of violence and harassment. For example, if women are harassed by a political advertisement, the offending political party might be required to provide free airtime to the women affected.

Beyond legal and party frameworks, women have also used their positions in parliament to promote women's participation in other positions of political and public responsibility. In El Salvador, the women's parliamentary caucus succeeded in getting women into 50 per cent of parliamentary leadership positions by insisting that women's résumés must also be evaluated for such positions. Women in parliament also succeeded in getting women elected to half of the positions on the National Judicial Council, the government body responsible for selecting, evaluating and training candidates for magistrates in the Supreme Court of Justice, as well as candidates for the Appeals Court, the District Courts and Justices of the Peace.

## Conclusions

The substantial changes in women's political representation that have taken place over the past two decades have been a global phenomenon, and there have been a growing number of conventions, declarations, agreements and policies in support of gender-balanced decision-making. According to participants in the regional consultations, progress has not been easy or automatic. Success in electing and empowering women in politics has required a great deal of effort over many years. Moreover, full equality has not yet been reached: women still constitute a minority of political office-holders worldwide and their effectiveness in these positions is often undermined by ongoing resistance to women's political participation. In addition to mapping normative frameworks and best practices, discussions also focused on identifying remaining challenges and suggesting further mechanisms that might be pursued to attain greater parity in political life.

One set of challenges is rooted in basic political structures. Democracy is a relatively new phenomenon in some parts of the world, and some countries still lack some of the key components necessary for healthy democratic governance. High levels of corruption, in particular, may make it difficult for new groups of participants to enter politics. A second issue relates to the enforcement of international treaties, which may have the force of international law but still not translate into concrete actions at the country level. A third

problem stems from an information deficit: while statistics on women's representation in legislatures are collected systematically for all countries, this is not true of other levels of governance—especially the local level, which constitutes the bulk of political positions in a given country. In addition to being the level of government at which representatives may have the greatest direct policy impact, participating in local politics can provide an important entry point to national politics. The lack of knowledge about, and attention paid to, women's representation at this level has been a crucial oversight in both global and national debates.

A second group of challenges concerns gender stereotypes. Despite the presence of greater numbers of women in political office, societal norms and practices contribute to a cultural mindset that politics is a man's job. The tendency to associate women with household and family duties can reduce opportunities for political participation—as well as creating specific burdens for women when they do decide to engage in politics. Traditional views on gender roles mean that many women do not even entertain the idea of running for office. They may also be less inclined to support other women who put themselves forward as candidates. Lack of widespread education for girls can compound these barriers, as well as tenets of customary or religious law that reinforce male dominance in the name of culture or local tradition. These societal dynamics can undermine normative advances in favour of gender-balanced decision-making made at the international, regional and national levels. As one consultation participant observed, achieving true parity democracy will therefore require cultivating a commitment to parity at the cultural level as well.

A third set of challenges relates to resources. Consultation participants across the various regions shared the view that women rarely face a level playing field in politics. Two barriers, in particular, were raised repeatedly across the consultations: political financing and media coverage. In many countries, the costs of contesting political office are very high. Due to gender inequalities in society, women are less likely than men to have personal monetary resources to spend on political campaigns. Due to discrimination, they may also find it more difficult to raise funds from outside donors, who may prefer to support men—either because they view men as more viable candidates, or because they believe that men are more open to corruption. Political parties also tend to allocate more money to male candidates, enabling their electoral victories and, in turn, reinforcing perceptions that men are 'more electable' than women. The media also plays a crucial role in shaping women's electoral prospects, as the bulk of political coverage in most countries is devoted to male politicians. Coverage is also highly gendered in terms of its content, often underplaying women's qualifications and performance in comparison to men.

Solutions to these various challenges entail building on, but also going beyond, existing strategies. Ways to deepen democracy include working with electoral management bodies to ensure that gender quotas are fully respected, as well as implementing the gender equality recommendations of election observer reports to promote more inclusive elections. Convening forums, summits and conferences to identify and share success stories can help strengthen adherence to international commitments by transferring practical knowledge on how these global accords might be translated effectively into national laws and policies. More coalitions between local organizations and international actors such as International IDEA, UNDP and the Community of Democracies can further facilitate these exchanges of information by providing both technical and financial support. Partnering with youth organizations might also promote sustainability and long-term impact at the country level. Data collection initiatives on local politics could model themselves on the ATENEA project in Latin America, systematically measuring the degree of gender parity at different levels and in different arenas of government.

Tackling gender stereotypes is a difficult but urgent task. Many consultation participants emphasized the need to provide capacity-building programmes for women interested in



entering politics, to bolster their confidence and equip them with the skills necessary to win elections. Another suggestion was to use online technologies to promote leadership among young women and thus encourage more women over time to run for political office. Once elected, women should receive further training and support to ensure that they are effective, including orientation sessions to acquaint them with the formal and informal rules of policymaking. Training could also focus on how to integrate a gender perspective into their political work. Other strategies to empower women more broadly might encompass forming a parliamentary women's caucus, as well as developing alliances between women in politics and women in civil society.

Overcoming gender gaps in resources requires close working with governments, political parties and media outlets. In Latin America, political parties allocate women a small fraction of the financial resources they accord to male candidates, an inequality that is exacerbated by the fact that men often also have greater access to non-public sources of political financing. Potential solutions include conducting analyses to compare how men's and women's campaigns are financed, to better diagnosis the dynamics at work in different countries and political parties; developing and strengthening state regulations on public funding, for example by mandating parity in party support for the campaigns of male and female candidates; and setting up specific funds, at the party or civil society level, to support women as candidates. Strategies to overcome the lack of equitable media coverage might involve working with journalists to raise awareness of gender bias, and encouraging them to avoid gender stereotypes in the language and images they use to discuss female politicians and, more broadly, when deciding which politicians they include in their news stories. Media and social media outlets could also serve as platforms for promoting parity democracy, especially at election time.

Cutting across these various solutions, finally, consultation participants stressed that in order to make further progress, campaigns for gender parity in politics should work on cultivating two types of alliances. The first is with political parties, which play a direct role in recruiting, nominating and supporting political candidates. Parties are therefore indispensable to achieving equal representation; their commitment can help deepen democracy, combat gender stereotypes and provide the resources needed to level the political playing field.

The second type of alliance is with men—particularly, but not exclusively, those in political leadership positions. Male resistance to women's political participation is a key factor driving women's political exclusion. The support of male allies can therefore be crucial for tipping the balance and leading to efforts to encourage and support female candidates. Developing such alliances, however, is not only important for creating new opportunities for women to participate in political life. Greater gender balance increases the likelihood that political debates and policy reforms will identify and address new and neglected issues alike, enabling societies—of both men and women—to thrive.

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## About the organizations



### The Community of Democracies

The Community of Democracies is an international organization that drives the global democracy agenda in partnership with governments, multilateral institutions and nongovernmental organizations. Building on the Warsaw Declaration, the Community's founding document signed by 106 countries in 2000, the Community of Democracies seeks to support democratic transition and consolidation worldwide by assisting societies in the development and strengthening of democratic institutions and values; identifying, alerting and responding, consistent with the UN Charter and the Warsaw Declaration to threats to democracy so as to assist states to remain on the path to democracy; supporting and defending civil society in all countries; advancing broad-based participation in democratic governance; and giving a voice to those working peacefully for democracy in all countries.

<<http://www.community-democracies.org/>>

### The United Nations Development Programme

The United Nations Development Programme (UNDP) has been the United Nation's primary development agency since 1965. UNDP works in about 170 countries and territories, helping to achieve the eradication of poverty, and the reduction of inequalities and exclusion. We help countries to develop policies, leadership skills, partnering abilities, institutional capabilities and build resilience in order to sustain development results. The promotion of gender equality and the empowerment of women is central to the mandate of UNDP and intrinsic to its development approach. UNDP is also the largest implementer of parliamentary support projects in the world, dedicated to helping parliaments at both the national and sub-national levels to fulfill their mandate to implement the Sustainable Development Goals.

<<http://www.undp.org>>



## International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democratic change by providing comparative knowledge, assisting in democratic reform, and influencing policies and politics. In the fields of elections, constitution-building, political parties, gender in democracy and women's political empowerment, and democracy self-assessments, it undertakes its work in three activity areas: (a) providing comparative knowledge derived from practical experience of democracy-building processes from diverse contexts around the world; (b) assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and (c) influencing democracy-building policies through the provision of our comparative knowledge resources and assistance to political actors. International IDEA works worldwide. Based in Stockholm, Sweden, the Institute has offices in Africa, the Asia-Pacific and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations.

<<http://www.idea.int>>

## The Inter-Regional Dialogue on Democracy

The Inter-Regional Dialogue on Democracy (IRDD) is a unique platform led by International IDEA, which allows a space for regional organizations to interact and discuss relevant issues related to democracy and good governance, as well as cross-cutting issues such as gender, conflict and security, and development. Currently, the IRDD includes the African Union (AU), the Association of South East Asian Nations (ASEAN), the Council of Europe (CoE), the European Union (EU), the League of Arab States (LAS), the Organization of American States (OAS), the Pacific Islands Forum (PIF) and the South Asian Association for Regional Cooperation (SAARC). The IRDD also enjoys the support and permanent participation of the United Nations and, more recently, the Community of Democracies.



Gender equality and the political empowerment of women are key elements for the consolidation of sustainable democracies worldwide. Global and regional organizations play an important role in the development of legal and policy frameworks, as well as in the design of effective action plans to better support the advancement of the gender equality agenda at the global, regional and national levels.

This report presents key instruments for promoting gender equality and political empowerment of women that are currently in place at the global and regional levels, highlighting the challenges, opportunities and successes that each organization has encountered in the implementation within their respective regions. The report offers policy recommendations based on the analysis at the institutional level, but also recommendations that resulted from a multidimensional regional consultation process that gathered governments, civil society organizations, specialized agencies, experts and citizens.

International IDEA, the Community of Democracies and UNDP present this report as an instrument to inform policymakers and relevant actors on what is the current situation of gender equality, what has been done in terms of the political empowerment of women, and what is expected from the global community in order to successfully advance Sustainable Development Goal 5 to achieve gender equality and empower all women and girls by 2030.

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