**Women in Political and Public Life**

Global Report for the Working Group on the issue of discrimination against women in law and in practice

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**Introduction**

This report highlights and synthesizes information on the issue of discrimination against women in law and in practice, within the realm of political and public life. It examines issues of women’s equality and empowerment in relation to their status as full and equal citizens in different political systems, and with different national, regional, global contexts. It explores new developments and trends in women’s political participation, in terms of representation, participation and influencing the agenda. The report also highlights new political arenas for women’s political empowerment, such as ICTs and the use of the Internet. The report has a special focus on the way women’s public and political life is impacted during times of political transition with analysis of the opportunities and challenges that transitions present for empowering women.

The 1997 CEDAW general recommendation on public and political life focused on three rights for women: the right to vote and to be eligible for election; the right to participate in policy formulation and implementation; and the right to participate in non-governmental organizations and associations concerned with public and political life[[1]](#footnote-1). More than a decade later, new understandings of public and political life are emerging based on new ways of thinking about discrimination, gender, public life and political participation. In times of political turmoil and transition, for example, concepts such as political settlement, state-building, inclusive democracy, transitional justice and constitutional design are imperative for consideration, if women are to fully access public and political life in post-transitional society. Furthermore, new technologies for access to public and political life are emerging, and the role of these new forms of communication and new modes of political practice must be interrogated. This is a new horizon for women’s political empowerment and it must include the consideration of collective action and demands for accountability; access to justice and reparation for the violation of rights; and a comprehensive approach to political and civil rights that acknowledges the interconnection with and indivisibility of economic, cultural and social rights.

Eyben (2010) describes political empowerment as “people’s capacity to influence policy, make demands, and call to account the state institutions that impact upon their lives. This includes political representation and collective action”[[2]](#footnote-2). When considering women’s participation in public and political life, empowerment must also consider women’s access and mobilization within formal and informal political spaces. No longer can political empowerment be conceptualized as limited to the formal sector, including elections and political parties. It now must span new public and political spaces that, as yet, remain under-analyzed, raising new questions regarding women’s voices and influence, the power of coalitions that span from local to transnational levels, and new forms of accountability. This report offers insight into the intersections between the formal and informal, highlighting how state-society relations can create opportunities for progressing gender equality goals, and emphasizing these new ways of thinking about political and public life.

The methodology for this report is based on a desk review of relevant information. The information is derived primarily from a synthesis of five regional reports, as provided by the Working Group, that compile key themes, trends and good practices from across all regions. Information from the United Nations and human rights mechanisms, academic resources, and research published by NGOs with established expertise in the field were also important components of this research. Finally, this report incorporates information that was provided to the Working Group during expert presentations on various issues related to women in public and political life.

The first section raises key themes that underpin the consideration of these issues and that must be incorporated into efforts for change. Discrimination against women in public and political life is related to the discrimination that women face in other aspects of their lives, as human rights are indivisible. Structural and systemic barriers in society, such as deeply entrenched gender roles and negative gender stereotyping, limit women. This is linked to the disproportionate burden that women face in caregiving responsibilities, which can limit their ability to access public and political life. Women are also affected by intersectional discrimination: multiple forms of discrimination that can seriously burden gender equality. Their participation in public and political life is also affected by violence against them. This section analyzes the international human rights legal framework that shapes our thinking about women’s rights within public and political life. Local, national and regional actors have used international human rights tools to promote gender equality in law, and these norms frame our understanding of the obligations of states to address gender inequality in public and political life.

The second section analyzes the intertwined issues of citizenship and nationality, which exist at the heart of discussions of women’s participation in public and political life. Central to this issue is the question of how constitutions and national legislative systems hinder or help progress women’s equality. Constitutional protection clauses and legislation that support the principle of equality are essential to provide a framework for further action. In addressing the interplay between international human rights and customary legal systems, this section also recognizes the need to respect multiple and often overlapping forms of justice in plural legal systems, while questioning how these concepts interact. Finally, this section analyzes discrimination against women on the basis of nationality, highlighting the issue of female migrant workers, asylum seekers and refugees.

The third section analyzes the concept of access to public space. This section focuses on a vision of public and political life that must go beyond the formal political sphere to account for the spectrum of public and political activities that range from formal to informal. New forms of political participation for women often span beyond traditional institutionalized forms of politics. Any conceptualization of public space must include an understanding of new and expanding public spaces in the digital sphere. New technologies for access to public and political life are emerging, and these forms of communication are creating new modes of political practice. These spaces provide opportunities for coalition-building; the transfer of knowledge; and the projection of voice, allowing for women’s movements to more effectively promote gender equality goals. This section also analyzes women’s access to public spaces beyond the political, such as women’s participation in trade unions, associations and religious organizations.

The fourth section explores more formal modes of political participation, including the right to choose political leadership; the right to participate in political leadership; and the ability to influence the political process once elected. Progress has been made in all regions regarding these three components of political participation. This section highlights developments and trends across the regions, as well as barriers to women’s participation. In so doing, it analyzes efforts that can be taken to reduce barriers, such as temporary special measures in the form of legislative and voluntary quotas. Quotas can be contentious tools of politics, but research overwhelmingly suggests that they are effective when properly implemented. One theme in this section, which carries through to other sections, is the significance of the women’s advocacy movement to produce change and progress in gender equality. This is especially the case when considering effective ways for women to ensure they have an influence in power once they are elected to politics.

The fifth section considers women’s participation in public and political life during times of transition. These moments open opportunities for positive change regarding women’s rights and gender equality, but they can also lead to backsliding if the sufficient and necessary factors are not in place. It is essential that women participate in transitional processes at all stages to ensure their gender-sensitivity. Women should be active participants in the negotiation of the peace agreement, in the constitution-building or reform process, and in the process of transitional justice. Gender issues should be located at the heart of a transition, rather than as an after-thought, because gender power relations are intimately linked to broader patterns of power and resource distribution in society.

Finally, the conclusion discusses key themes raised throughout the report, such as the importance of conceptualizing formal and informal political spaces; new public spaces through Internet and ICT communications; interrogating the interaction between women’s human rights and culture and religion; the need to adopt a multi-scalar approach, which analyzes the interaction between global, regional, national and local levels; and the need to incorporate new concepts, such as state-building, that are particularly relevant in times of political transition. This section concludes with recommendations to national, regional and international actors.

**Section 1: Public and Political Life: Themes and the International Legal Framework**

Women continue to experience significant discrimination related to their participation in public and political life in most domains of the public sphere and in all geographical regions. For example, The European Commission recently acknowledged that, “Across the EU, women are still largely outnumbered by men in positions of responsibility in all fields. The reasons for the under-representation of women in power and decision-making are multifaceted and complex”[[3]](#footnote-3). There are significant barriers to women’s participation in public and political life that stem from economic, social and cultural issues, as well as from negative stereotypes about women and entrenched gender roles.

One key issue, when conceptualizing gender discrimination within the public sphere, is the issue of how public and private space are differently gendered. For over two decades, feminist scholars have been working to dismantle the divide between public and private space[[4]](#footnote-4). A 2005 IDEA report underlines how the public sphere has traditionally been a domain for men, stating that “[m]en, across virtually all cultures, are socialized to see politics as a legitimate sphere for them to act in”[[5]](#footnote-5). While at the international level, there is increasing consensus about the obligations of States to address the barriers to women’s full and active participation in the public sphere; at the domestic level, there is still progress to be made in advancing women’s equality in this domain. National legislation and constitutions adversely affect women’s participation in public and political life in some states by limiting women’s participation through exclusionary or discriminatory clauses, thus restricting women’s ability to fully engage in the public sphere[[6]](#footnote-6).

The indivisibility of women’s human rights underpins women’s participation in public and political life. The issue of gender equality in political and public life cannot be considered in isolation, as women aspiring to participate in political and public life continue to face complex barriers related to the attainment of their full range of human rights, such as social, economic, cultural, family, health and safety rights. As the former Prime Minister to Norway, Gro Harlem Brundtland has stated: “Everything is interconnected”[[7]](#footnote-7). Social policy, labour market policy, gender equality policy, family policy and economic policy are all elements related and dependent of each other[[8]](#footnote-8). The indivisibility of these rights is made evident, for example, when analysing the continuing financial crisis in Europe, which has significantly impacted women’s participation in national parliaments and gender equality issues in political policy[[9]](#footnote-9).

Another important theme is how entrenched gender roles and negative stereotyping can act as a persistent practical hurdle to women’s participation in political and public life. Entrenched gender roles and stereotypes serve to reinforce discrimination against women through the persistence of harmful norms, practices and traditions, and patriarchal attitudes regarding the roles, responsibility and identities of women and men in all spheres of life[[10]](#footnote-10). For example, the disproportionate burden on women of child-rearing and family responsibilities hinders progress in women’s participation in political and public life in many geographical regions. This may be because “[t]ypically, institutions in the public domain were established on the assumption that those who worked in them had few or no domestic responsibilities.”[[11]](#footnote-11) This phenomenon is identified as the “sexual division of labor”, which is reflected in the lack of an equitable division of labor in the family[[12]](#footnote-12). This has a significant impact on women, since the options to balance work and family responsibilities are still very restricted[[13]](#footnote-13),[[14]](#footnote-14).

In addition to women’s caregiver responsibilities, women’s participation in political and public life can be significantly limited by patriarchal culture, where women are not considered socially fit to enter politics. This can be connected to their stereotyped role as caregivers, such as in the case of Uzbekistan where major media outlets have called for women to return to “the bosom of the family and to refuse the prospect of a public career”[[15]](#footnote-15). This limiting factor is broadly related to women’s and men’s entrenched gender roles in society, such as in the case of behaviour norms for Cambodian women, known as *Chba’p*, which constrain their ability to access opportunities outside of the household, or in Timor-Leste, where there exists a dominant patriarchal system that delegates different functions to men and women, excluding women from many decision-making processes, especially in politics[[16]](#footnote-16). Traditional views on gender roles and stereotypes can be an impediment to the realization of full gender equality and these cultural beliefs can permeate all action within the political and public spheres of the State. Cultural beliefs can constitute direct, indirect and structural discrimination against women.

Intersectionality is a key theme when considering discrimination against women, as women may encounter overlapping forms of discrimination that reinforce their marginalization and unequal access to public and political space. These intersectional forms of discrimination may include their status as indigenous or minority women, migrant women or women with precarious citizenship status, women from the lesbian, bisexual, trans and queer community, and rural women, among others. The Special Rapporteur on violence against women, its causes and consequences has recently stated that multiple and intersecting forms of violence have contributed to and exacerbated violence against women[[17]](#footnote-17).

Where data is available, women who experience multiple forms of discrimination tend to fare worse in terms of participation in public and political life[[18]](#footnote-18). For example, in 2007, Belgium reported the pay gap between men and women was worse for those from immigrant communities because immigrant women earned 10% less than ‘Western women[[19]](#footnote-19). Racism can have a significant impact on women from ethnic and religious minorities and marginalized caste groups. Intersecting strands of discrimination on the basis of sexual orientation and gender make participation in political and public life particularly difficult and inaccessible for LBTQ women. In 53 countries worldwide, consensual homosexual acts between adult women are illegal, denying such women the protection of the law and limiting their access to services[[20]](#footnote-20). Even when countries have decriminalised homosexuality, homophobia and transphobia continue in many regions, acting as a societal barrier to women’s full enjoyment of their rights, which can thus adversely affect their full participation in public and political life.

The literature also suggests that there is an important relationship between discrimination against women in public and political life and violence against women. Violence is a form of discrimination that inhibits equality between the sexes and restricts women’s empowerment, and can act as a significant impediment to civil, political, and economic, social and cultural rights[[21]](#footnote-21). Gender-based violence has become one of the most important areas of new legislation and constitutional provisions. In Africa, while most constitutions mention violence, recently there has been a rise in specific references to violence against women[[22]](#footnote-22). Legislation around domestic violence has recently been enacted in Malawi, Madagascar, Mauritius, Sierra Leone, South Africa and Zimbabwe[[23]](#footnote-23). Harassment and violence against female political candidates can act as a disincentive for women to participate in political life. In Sierra Leone, there was a case of a female district councillor who was prevented from campaigning in public by the male secret society, which would gather at her events and beat her female supporters[[24]](#footnote-24). In addition to violence, the threat of violence can stop women from fully participating in political life. The fear of violence can have the psychological effect on women of restricting their participation.

States have an obligation to exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women whether those actions are perpetrated by the State or by private persons[[25]](#footnote-25). The case of Bolivia offers a good practice, where the House of Representatives in 2009 passed an Act on anti-gender-based-harassment and violence in politics, to defend the rights of female political candidates in elections from violence and harassment. Included in this Act is the prohibition of pressure, threats, harassment, or persecution against a woman candidate, as well as pressure on a female candidate’s family[[26]](#footnote-26). Political violence and harassment against women can significantly limit their capacity to engage in public and political life. It is increasingly clear that violence against women not only affects women in the private sphere, but also can hinder their participation in the public sphere and in political life.

The International Human Rights Legal Regime

While serious impediments to women’s full and active participation in public and political life persist, progress has been made at the international and regional levels to ensure that legal human rights mechanisms are in place to support women’s participation in this realm. Indeed, equality for women in public and political life is an obligation for all regimes as well as being a prior condition for the legitimacy of democratic regimes, as well as their responsibility and obligation[[27]](#footnote-27).

*International Human Rights Mechanisms*

The principle of the right to equality and the prohibition of discrimination, which are at the basis of women’s access to public and political life, are enshrined in the founding document of the UN, The United Nations Charter[[28]](#footnote-28). The Universal Declaration of Human Rights (UDHR), which forms the basis of the bill of rights of many national constitutions, also enshrines the entitlement of all persons to non-discrimination including on the basis of sex[[29]](#footnote-29). Two instruments coming out of the UDHR, the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the International Covenant on Economic Social and Cultural Rights, 1966 (ICESCR) provide more specific agreements on the right to equality between men and women in public and political life and the General Comments of their respective treaty-monitoring organs have actively promoted women’s participation in public and political life[[30]](#footnote-30). This International Bill of Rights guarantees equal protection before the law to all and serves as the basis for international human rights law around the protection of the right to participation in public and political life[[31]](#footnote-31).

The Convention on the Elimination of Discrimination Against Women (CEDAW) is the leading instrument to address women’s human rights, with most states having signed or ratified it and participating in the reporting process[[32]](#footnote-32). By ratifying CEDAW, these countries have an obligation to eradicate all forms of discrimination against women by adopting measures to respect, protect, and fulfill all of the rights contained in CEDAW at the national level[[33]](#footnote-33). The definition of discrimination contained in Article 1 of CEDAW encompasses any difference in treatment made on the basis of sex, which intentionally or in practice, places women in a position of disadvantage, and impairs the full recognition of their rights in the public and private spheres. This prohibition of discrimination extends to domains that limit the full exercise of women’s right to participate in public and political life. Article 7 is particularly relevant to the rights of women in the field of political participation, including their right to be elected to public office, to fully participate in the public functions and service in their countries, and the right to vote[[34]](#footnote-34). This right should be read in combination with Article 8, which provides that States must ensure that women can have the opportunity to represent their governments at the international level, and to participate in the work of international organizations free from any form of discrimination[[35]](#footnote-35).

Several CEDAW General Recommendations are also very useful for clarifying women’s rights and State obligations to ensure equality in public and political life. In General Recommendation 23, the CEDAW Committee has identified a set of obligations States have in order to fully guarantee women’s rights to political participation, including the adoption of general positive measures and temporary special measures to ensure that women have the right to participate fully in public policy formulation in senior level positions; that their right to vote is incorporated in their constitutions and/or legislation; that groups representing the rights of women have adequate participation spaces; to address public attitudes that discriminate against women and discourage their involvement in political, and public life; and to ensure the presence of women in all areas of international affairs[[36]](#footnote-36). It also includes many aspects of civil society concerned with public and political life[[37]](#footnote-37). CEDAW also requires States to ensure that women have equal opportunities to represent their governments at the international level and to participate in the work of international organizations[[38]](#footnote-38).

CEDAW’s General Recommendation 28 clarifies that “discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity.” The CEDAW Committee understands gender equality as a principle, which provides that “all human beings, regardless of sex, are free to develop their personal abilities, pursue their professional careers and make choices without the limitations set by stereotypes, rigid gender roles and prejudices.”[[39]](#footnote-39) States must pursue this aim by adopting an immediate, comprehensive, multi-sector policy oriented towards the elimination of discrimination against women[[40]](#footnote-40).

While all women may experience discrimination, some women experience a greater impact due to their multiple identities. CEDAW therefore adopts an intersectional approach, which recognizes that discrimination may arise based on a combination of grounds, which then produces a kind of cumulative discrimination. This approach takes into consideration the historical, social and political contexts of discrimination. CEDAW also obliges States to consider the intersectional forms of discrimination that women may face, since not all women are similarly affected by discrimination[[41]](#footnote-41). This is important when considering public and political life because women may be multiply discriminated against in access public and political life. For example, Dalit women in India experience multiple discrimination based on sex, class and caste, and this impacts their ability to access political office. Even when quota-based seats have been reserved for them, Dalit women are often overpowered by dominant male caste leaders and have very little autonomy in political and public life[[42]](#footnote-42).

Gen. Rec. 25 on Temporary Special Measures states that “[e]quality of results is the logical corollary of de facto or substantive equality”[[43]](#footnote-43). Under Article 4 of CEDAW, States can and should adopt temporary measures aimed at accelerating the equal participation of women in the political, economic, social, cultural, and civil spheres. The CEDAW Committee’s definition of these measures is broad, as they encompass “a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programs; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems”[[44]](#footnote-44). The Inter-American Commission on Human Rights has affirmed that special temporary measures may be required to achieve women’s *de facto* equality with men, and that such measures are in full compliance with the principle of non-discrimination and human rights standards[[45]](#footnote-45). It is important for States to recognize the difference between the “temporary” nature of these special measures, and general policies that a State must adopt to ensure gender equality, as the former must be discontinued after their desired results have been achieved[[46]](#footnote-46).

In the European Union[[47]](#footnote-47), the term ‘positive action’ is used[[48]](#footnote-48), which includes different forms of directly or indirectly sex-related measures aimed at eliminating the exclusion of women[[49]](#footnote-49). These measures are based on the implicit assumption that positive action must challenge the formal understanding of sex equality, which insists on the principle that men and women ought to be treated consistently according to the same standard of treatment[[50]](#footnote-50). Different forms of sex-based positive action can be distinguished. ‘Hard’ measures are mandatory and create direct, strict preferences for women as an underrepresented group. The most common examples are: equality plans, target-related preferences in appointments to decision-making bodies, nomination parity and quotas. ‘Soft’ (voluntary) positive action measures also play an important role, such as measures favouring the encouragement of women’s participation, through financial support for parties that use positive action efforts, joined commitment programs, or equality prizes. This type of positive action measure may also include outreach measures (e.g. encouraging women to run in an election, to apply for a position or participate in training programs) or antidiscrimination support measures (e.g. an obligation to eliminate non transparent, discretionary decision-making) as well as redefining merit[[51]](#footnote-51).

As to the gender quotas used in relation to political participation, they may have either a mandatory or a voluntary character. In the case of the former, legislation mandated by the constitution or by electoral laws may reserve strict seats or create candidate quotas for women. In the case of the latter, quotas may also be decided voluntarily by political parties. Quotas work differently under different electoral systems and are most easily introduced in proportional representation systems. However, quotas have also been implemented in some majority systems[[52]](#footnote-52). In the context of appointed decision-making bodies, flexible quotas, which involve a combination of numerical targets and a strong or tiebreak preference, are mostly used. The use of temporary special measures will be elaborated further in Section 4 of this report, especially regarding the use of gender quotas in political participation.

Beyond CEDAW, the Beijing Platform for Action and Beijing+5 have been active mechanisms for the promotion of women in power and decision-making positions. The Fourth World Conference on Women, held in Beijing in 1995, drew attention to the persisting inequality between men and women in public life and political decision-making. The Beijing Platform for Action set a target for women to hold 50 per cent of managerial and decision-making positions in the United Nations by 2000[[53]](#footnote-53). To accelerate the implementation of action in this area, the Commission on the Status of Women, at its forty-first session in 1997, adopted Agreed Conclusions (1997/2), which emphasized that attaining the goal of equal participation of men and women in decision-making was important for strengthening democracy and achieving the goals of sustainable development. The Commission reaffirmed the need to identify and implement measures that would redress the under-representation of women in decision-making, including through the elimination of discriminatory practices and the introduction of positive action programmes[[54]](#footnote-54).

Taking into account the importance of increasing women’s participation in positions of power and decision-making, the General Assembly, at its fifty-eighth session in 2003, adopted resolution 58/142 on women and political participation, which urged Governments, the UN system, NGOs and other actors to develop a comprehensive set of policies and programmes to increase women’s participation in decision-making, including in conflict resolution and peace processes, by addressing the existing obstacles facing women in their struggle for participation. The United Nations Security Council has also promoted women’s political participation through their Resolutions on Women, Peace and Security, beginning in 2000 with Resolution 1325, and including Res 1820 (2008); Res 1888 (2009); Res 1889 (2009) and Res 1960 (2010). Security Council Resolution 1325 (2000) recognizes that women play an important role in conflict prevention, peacekeeping, conflict resolution and peace-building, and stresses the need to increase women’s participation in decision-making with regard to conflict prevention and resolution[[55]](#footnote-55).

*Regional Human Rights Mechanisms*

A number of regional human rights mechanisms support and complement international human rights mechanisms, reinforcing the obligations and responsibilities of States to ensure non-discrimination in public and political life.

The European Union has mandated legislation that has been significant in the advancement of eliminating discrimination against women in political and public life. Most European countries in the region are members of the Council of Europe and are subject to the European Convention on Human Rights (ECHR). When the European Economic Community (EEC) was adopted in 1957, only one provision[[56]](#footnote-56) was included to combat gender discrimination, namely the principle of equal pay between men and women for equal work. With the entry into force of the Treaty of Amsterdam in 1999, the promotion of equality between men and women throughout the European Community became one of the essential tasks of the Community[[57]](#footnote-57). Furthermore, according to Article 3(2) EC, the Community shall aim to eliminate inequalities, and to promote equality between men and women in all the activities. This obligation of gender mainstreaming means that both the European Community and Member States must actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities.

EU gender equality law was further developed with the adoption of the Charter of Fundamental Rights of the European Union. This Charter, inter alia, prohibits discrimination on any ground, including sex (Article 21); it recognizes the right to gender equality in all areas and the necessity of positive action for its promotion (Article 23)[[58]](#footnote-58). It also defines rights related to family protection and gender equality. The reconciliation of family/private life with work is an important aspect of the Charter; guaranteeing the ‘right to paid maternity leave and to parental leave’ (Article 33). Currently, the Charter is a non-binding fundamental rights instrument. However, EU institutions, including the European Court of Justice, often rely on the Charter as a source of fundamental rights that must be respected in the EU[[59]](#footnote-59).

The Athens Declaration in 1992 was an important moment for the advancement of women’s participation in public and political life in Europe. Women with experience in high political office gathered in Athens at the invitation of the Commission of the European Communities for the first European Summit on ‘Women in Power’. The Declaration, “proclaimed the need to achieve a balanced distribution of public and political power between women and men”[[60]](#footnote-60). Over 400 women attended the conference and the declaration was distributed to all European governments and women’s networks in the region. This Declaration is seen as a major turning point in achieving parity for equal representation of women within political life in Europe[[61]](#footnote-61)

In Latin America and the Caribbean, most states have signed on to a number of regional human rights agreements pertaining to gender equality and the prohibition of discrimination on the basis of sex, such as the American Declaration on the Rights and Duties of Man, the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Para). The Inter-American System of Human Rights has also recognized the right of every citizen to participate in government and public affairs as a fundamental right, which must be exercised free from all forms of discrimination and in accordance with the principle of equality[[62]](#footnote-62). Article 23 of the American Convention codifies the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected in genuine periodic elections; and to have access under general conditions of equality to the public service of his or her country.

The Convention of Belém do Pará recognizes the right of women to have equal access to the public services of their countries and to take part in the conduct of public affairs[[63]](#footnote-63). Belém do Para is a particularly important mechanism within international human rights law as it is one of the few international human rights instruments that explicitly incorporates a gender-based perspective, recognizing the link between violence against women and discrimination, and the impact that violence can have on civil, political and economic, social and cultural rights[[64]](#footnote-64). Belém do Para also establishes that States have a positive duty to use due diligence to address structural, direct and indirect discrimination against women.

Since 1948, OAS Member States have adopted a number of international legal instruments, which have become the normative basis of the Inter-American System of Human rights. They have provided for the creation of the Commission and the Court to promote the observance of these treaties across the Americas. These treaties and declarations have incorporated the right to political participation and the right to be free from discrimination on the basis of sex within their texts[[65]](#footnote-65). For example, the Inter-American Democratic Charter states explicitly that discrimination against women is an obstacle to achieving genuine, inclusive, and participatory democracy[[66]](#footnote-66). The Charter also establishes the importance of eliminating all forms of discrimination, including gender discrimination, as a means of strengthening democracy and citizen participation[[67]](#footnote-67). The Ministries of Women in the region have also organized regional women’s conferences with ECLAC, which have achieved and produced consensus documents on the issue of the political participation of women. The 2007 Consensus of Quito was a declaration by the Ministers that reiterated the link between human rights and participative and inclusive democracy; the economic and social development of Latin America and the Caribbean; the contribution of women to the return of democracy to the region; and the importance of the principle of ‘parity’ in decision-making[[68]](#footnote-68).

In the Asia-Pacific region, there have been shifts towards greater co-operation and communication, with the Association of Southeast Asian Nations (ASEAN), the Arab Charter, The Commonwealth of Nations, OPEC and SAARC as notable examples. Cross-country cooperation on a range of issues has become the key to not only a better understanding of women’s rights and gender equality goals, but to also reach regional development goals[[69]](#footnote-69). The Arab Charter of Human Rights of 2004[[70]](#footnote-70) guarantees equality but within the framework of the “positive discrimination’ of the sharia. This raises the question of how to engage international human rights laws within the context of and in intersection with customary legal systems. These questions will be raised again in Section 2 of this report. The Charter also guarantees non-discrimination, including on the basis of sex[[71]](#footnote-71), equal protection of the law[[72]](#footnote-72), freedom of political activity and the right to public office[[73]](#footnote-73), and freedom from domestic violence[[74]](#footnote-74).

The African Union (AU) and its institutions, particularly the Directorate for Women, Gender and Development and the Women and Gender Sectorial Cluster Committee[[75]](#footnote-75), have raised attention for the issue of gender equality in the African region. In 2003, the AU adopted the Women’s Rights Protocol, which offers significant potential for ensuring the rights of women by setting norms and standards for promoting and protecting women’s rights on the continent. The AU Solemn Declaration on Gender Equality in Africa (SDGEA), which was adopted by the AU Assembly of Heads of State and Government in Addis Ababa, Ethiopia in July 2004, also contributes to strengthening African ownership of the gender equality agenda. The African Union Women’s Decade, 2010 – 2020, offers a means of holding national mechanisms accountable. These initiatives have also recently been strengthened by the appointment in July 2012 of Mrs. Dlamini-Zuma from South Africa as first Woman President of the African Union[[76]](#footnote-76).

The Protocol to the African Charter on Human and Peoples' Rights on the rights of Women in Africawas adopted in Mozambique on July 11, 2003. It went into effect in November 2005 after 15 of the 54 African Union Member States ratified it. It is a positive step towards combating discrimination and violence against women and is significant in efforts to promote and ensure respect for the rights of African women. The Protocol requires African States to eliminate all forms of discrimination and violence against women in Africa, and to promote equality between men and women. Member States are obliged to integrate a gender perspective in their policy decisions, legislation, development plans and activities, and to ensure the overall well-being of women[[77]](#footnote-77). The Protocol endorses affirmative action to promote the equal participation of women, including equal representation of women in elected office, in the judiciary and law enforcement agencies[[78]](#footnote-78).

Using International Human Rights Mechanisms to Promote Equality for Women

Across different geographic regions, state and non-state actors have used and mobilized international and regional human rights mechanisms to promote equality of women in the realm of public and political life. There are a number of good practices illustrating the reliance on these legal tools. In light of the fact that these sources of legal authority have assisted state and non-state actors in progressing gender equality within domestic contexts, the continued action and cooperation of international and regional mechanisms, and the dissemination of women’s human rights entrenched by them, is also a good practice[[79]](#footnote-79).

Some very significant constitutional gains have been won in countries where there has been a broader national move for constitutional renewal, and an interest from women’s NGOs in using CEDAW as an advocacy tool. CEDAW principles have been integrated into new constitutions and have guided the reform of established constitutions through amendments. Many States have implemented, amended or repealed domestic legislation to incorporate some or all of the provisions and principles of CEDAW. For example, the Australian 1984 Sex Discrimination Act was established to meet obligations to CEDAW and seeks to eliminate sexual harassment in areas of public activity.

CEDAW principles on public and political life are also being successfully transmitted into the legal principles within regional courts. For example, in the 2012 case of Staatkundig Gereformeerde Partij (SGP) v. Netherlands[[80]](#footnote-80), 10/7/12, the ECHR applied Article 7 of CEDAW to a case where it was asked to reject a national court’s decision to find a political party to be in violation of the State’s Constitution. The party, the SGP, professes the absolute authority of the Word of God over all areas of societal life. The SGP rejects the idea of absolute equality of human beings, which it sees as false teaching of the French Revolution. Essentially, the SGP believes that although all human beings are of equal value as God’s creatures, differences in nature, talents and place in society should be recognised. Thus, women are not inferior to men as human beings; but unlike men, women should not be eligible for public office. Relying on CEDAW, the ECHR rejected the appeal from the political party finding its application to be manifestly ill founded and based on discriminatory stereotypes about women.

**Section 2: Citizenship and Nationality**

This section analyzes the intertwined issues of citizenship and nationality. Full and equal access to public and political space is conditioned by states on citizenship status[[81]](#footnote-81). Citizenship creates members of a political community, and citizenship rights can be linked directly to other fundamental rights, including freedom of movement, the right to own property, the right to participate in politics and government, the right to vote, and the right to hold public office. The issue of citizenship is thus core to women’s participation in public and political life.

Central to the issue of citizenship and nationality is the question of how constitutions and national legislative systems hinder or help progress in women’s equality in the domain of public and political life. This section will analyze how constitutional and legislative guarantees of equality can affect gender equality in public and political life, highlighting good practices to end discrimination through reform within these domains. It will also analyze the interplay between international human rights and customary legal systems, with a focus on how women’s rights are impacted by these layered legal systems. Finally, this section will analyze the issue of nationality, with a focus on the issue of women with precarious citizenship status, such as refugees, asylum seekers and migrant workers, an issue that increasingly requires attention in our globalized economy.

Constitutional and Legislative Guarantees of Equality

Equal citizenship for women and men should be established in the constitution and legislation of a state. Constitutional design is a critical avenue for accommodating social cleavages and redressing power asymmetries in society, and is thus an essential component in progress towards gender equality[[82]](#footnote-82). Irving (2010) argues that constitutions should be analyzed for their gender-sensitivity as a ‘whole’, taking account of the social cleavages and power asymmetries that affect human rights[[83]](#footnote-83).

Increasingly, women’s rights issues and non-discrimination clauses are being incorporated into new constitutions or are part of constitutional reform efforts. This, in part, is a result of organized campaigning by women’s activists in the final decades of the 20th century. For example, women campaigned during the framing of the 1982 Canadian Charter; the 1991 Colombian Constitution; the 1996 South African Constitution; the 1997 Eritrean; the 2003 Rwandan; and the 2005 Iraqi, both informally and as members of the drafting bodies[[84]](#footnote-84). While constitutional guarantees of equality do not necessarily guarantee that these rights will be available to women in practice, the articulation of equality for women is a significant and essential foundation for the realization of women’s rights and is an indispensable expression of political will. Constitutional rights are never interpreted or implemented in a political or ideological vacuum[[85]](#footnote-85), which means that political, cultural and social norms may continue to impact women’s ability to access their human rights. However, having the legal and constitutional framework in place within the state is a first step towards women’s full and active participation in public and political life, as an important political, legal and educational tool.

Research suggests that there are several reasons why gender equality provisions in constitutions may matter for women’s social, economic and political status. Constitutional gender equality provisions may enhance the legitimacy of rights claims and may also be part of an ‘enabling framework’ that facilitates legal change[[86]](#footnote-86). Provisions for gender equality may also provide a more solid legal basis and give women’s rights activists the “tools to challenge state activity in the courts”[[87]](#footnote-87). Research on the U.S. Equal Rights Act suggests that equal rights provisions increase the likelihood of a favourable judicial decision regarding the assertion of women’s rights and increase the likelihood of a court applying a higher standard of law[[88]](#footnote-88).

There are important steps that can be taken from the outset of a constitution-drafting period to ensure that constitutions do not merely become pieces of paper[[89]](#footnote-89). Attention must be given to the inclusion of specific constitutional provisions for gender equality and how the constitutions can be used to bring about real change for women[[90]](#footnote-90). In determining specific constitutional language, the drafting process must also engage with questions regarding additional necessary provisions to be included, such as availability and accessibility of judicial review or mechanisms needed to monitor or implement the constitutional provisions.

Rather than focusing on a narrow set of ‘women’s issues’, a gender-sensitive constitution should analyze all aspects of the document from a gender perspective, questioning issues of fundamental rights, and social and economic rights[[91]](#footnote-91). Key attention should be paid to a number of issues. For example, in the Preamble of a Constitution, it is critical that specific references to equality *between women and men* should be incorporated to frame the equality priorities throughout the entire document. The Rwandan Constitution provides a model example, ensuring respect for equality, human rights and fundamental freedoms, as well as international treaties in the Preamble, and specifying equality between men and women and incorporating a prohibition of discrimination based on gender equality[[92]](#footnote-92).

Second, there should be general gender equality provisions, clearly defining discrimination and related to a series of other issues that should be addressed, such as direct/indirect discrimination in all fields, the recognition of intersectional discrimination, and the issue of violence against women[[93]](#footnote-93). For example, the South African gender equality provision stipulates the prohibition of intersectional discrimination on five grounds: gender, sex, pregnancy, marital status and sexual orientation[[94]](#footnote-94). Both the South African and the EU Constitutions codify the prohibition of direct and indirect discrimination[[95]](#footnote-95). The Kenyan Constitution explicitly prohibits all forms of discrimination including violence against women[[96]](#footnote-96).

Third, there should be attention in a constitution to gender equality in political and public life. For example, the Colombian Constitution states, “the authorities will guarantee the adequate and effective participation of women in decision-making levels of Public Administration”[[97]](#footnote-97). The Ugandan and Rwandan Constitutions have also been praised for going further to introduce concrete thresholds for female representatives in political bodies, prohibiting political discrimination against women and also institutionalizing gender quotas in political bodies[[98]](#footnote-98).

Fourth, there should be provisions related to the uses of international women’s human rights law, such as CEDAW, in order to make these treaties self-executing within the constitution. Both the German and the Slovenian Constitutions provide explicit provision that international law supersedes federal and local laws[[99]](#footnote-99).

Finally, there should be provisions related to the interpretation and implementation of constitutional guarantees, and provisions related to constitutional reform and access to justice[[100]](#footnote-100). The case of the recently reformed Moroccan Constitution illustrates the possibility of gender equality provisions within a constitution more broadly: it institutionalizes women’s rights by encouraging the creation of women’s rights organizations; and by giving women more legal rights, such as the right to sue for divorce and the right to maintain custody over children in the case of remarriage.

Women’s protection clauses, which are constitutional provisions that specifically grant or protect the rights of women, make an important contribution. Research on the constitutional clauses for women’s protection in both Canada and Colombia shows that while women’s protection clauses cannot be shown above all else to be the cause of improved legal protection of women, they are associated with gains in women’s rights[[101]](#footnote-101). In addition, many different forms of women’s protection clauses exist, each with different potential consequences, and constitutional drafters should be careful to select clauses that best serve the needs of women within the context of the country[[102]](#footnote-102). While women’s protection clauses may help improve women’s rights and the legal protection of women, these clauses should not be relied on as the exclusive mechanisms for promoting the legal protection of women. A combination of factors in addition to constitutional clauses, such as social support networks; enabling legislation; and access to justice measures are needed to support them.

*Good Practices in Constitutional and Legislative Guarantees of Equality*

Good practices exist which illustrate how a state can proactively ensure gender equality through constitutional guarantees. The Greek Constitution was revised in 2001[[103]](#footnote-103). Under the new article 116(2), the Constitution no longer provides for derogations from the gender equality principle. Instead, it specifically stipulates that the State is obliged to take specific positive measures for the elimination of discrimination, mainly against women, aiming at the effective implementation of the gender equality principle in all sectors[[104]](#footnote-104). Article 116(2) of the Constitution specifically recognises the need for the State to take measures to promote equality between men and women, particularly in the “removal of existing inequalities especially to the detriment of women”[[105]](#footnote-105). The gender equality principle[[106]](#footnote-106) is a legal norm, which covers all fields and is binding on Greek authorities.

Another example occurs in Belgium where a specific provision was inserted into article 10 of the Belgian Constitution on 21st February 2002, which affirms the principle of equality between men and women. The constitution enjoins the legislature to adopt measures, which are designed to guarantee equality, specifically fostering equal access for men and women to elective and public office[[107]](#footnote-107). These reforms are important because they illustrate the varied ways that constitutions might guarantee equality between the sexes based on the context of the country.

The new 2009 Constitution of Bolivia contains approximately 34 references to the rights of Bolivian women. It also contains a noteworthy catalogue of civil, political, economic, social, and cultural rights that apply to both women and men. Among the rights protected are the right to be free from every form of discrimination and to political participation[[108]](#footnote-108). Article 11 clarifies the goal of a participatory, representative, and community democracy.

Ecuador also adopted a new Constitution in 2008[[109]](#footnote-109). This Constitution contains a series of principles pertinent to equality of the sexes and non-discrimination. It also guarantees important economic, social, and cultural rights such as social security for women who do unpaid work; a reference to the care-giving economy; and the right to water. The Ecuadorian Constitution codifies the principle of parity and provides for its application in all policy-making entities and instances, such as popular elections, cabinet-level ministries, the justice system, and political parties[[110]](#footnote-110). The Constitution stipulates that in regards to political parties, “their organization, structure and functioning shall be democratic and shall guarantee the rotation of power, accountability, and parity membership between women and men on their governing boards.”[[111]](#footnote-111)

The women’s civil society movement were very involved in this Ecuadorian constitutional process[[112]](#footnote-112), illustrating the importance of activism to pressure for the creation of a constitutional framework that supports women’s rights and non-discrimination between men and women. The Ecuadorian Constitution is particularly progressive in relation to indigenous women’s rights. When the Constituent Assembly was announced in 2007, the Kichwa Women’s Network of Chimborazo developed an agenda for equality that focused on ending violence against women and on expanding women’s participation in indigenous governance and decision-making. The women’s network participated in public consultations to call on the State to guarantee collective and indigenous cultural rights, and when the Constitution was approved in 2008, it included far-reaching recognition of both gender equality and indigenous rights, including article 171 guaranteeing women’s participation and decision-making in indigenous governance and justice systems[[113]](#footnote-113).

Constitutional guarantees of equality are an essential first step to establishing a domestic framework that supports women’s full and equal rights as citizens in a country, thus promoting women’s active participation in public and political life. However, the legislative system of a country also needs to support the constitution through gender-sensitive laws that promote equality and non-discrimination in public and political life. Countries in all regions have adopted a range of national action plans to address discrimination against women. For example, Peru just adopted a National Plan for Gender Equality (2012-2017) that includes measures to advance women’s political participation[[114]](#footnote-114).

In 2003, Bosnia and Herzegovina adopted a Gender Equality Law after years of policy pressure and advocacy from women’s civil society. The Law established an Agency for Gender Equality as the state-level gender mechanism, and one of the main roles is monitoring the implementation of the Gender Equality Law and state obligations to CEDAW. The law prohibits direct and indirect discrimination on the basis of gender and guarantees equal opportunities in the public and private sphere. The Law also promotes affirmative action and temporary special measures[[115]](#footnote-115).

Customary Legal Systems

Constitutions which have an override for any other system of law which does not give equality to women violates the requirement of constitutional guarantees for equality[[116]](#footnote-116). In many regions, and especially in Africa and the Middle East, structural impediments to gender equality are firmly embedded within the constitutional texts, containing provisions that specifically subjugate constitutional equality to religious principles or exclude family and customary law from constitutional non-discrimination[[117]](#footnote-117). Although many of these same constitutions articulate a commitment to gender equality, the exclusion of personal or customary law from constitutional protection can severely undermine that commitment to equality, because many issues that commonly affect women are located within the legal spheres regulated by these customary and personal legal systems.

A number of countries in the African region have retained clauses that exclude personal and customary law, including Botswana, Gambia, Kenya, Lesotho, Mauritius, Sierra Leone, Zambia and Zimbabwe. Family and customary law have a direct and indirect impact on women’s participation in public and political life. However, many sub-Saharan countries have recently introduced constitutions and legislation in which customary law is overridden by the constitution and by statutory law[[118]](#footnote-118). There are a number of constitutions, especially in the African region, which demonstrate good practice in addressing women’s rights within the context of plural legal systems. In Swaziland, for example, Section 28(1) of the Constitutions provides that a woman shall not be forced to undergo a custom to which she is by conscience opposed[[119]](#footnote-119). In Kenya, the 2010 constitution states that customary law is subordinate to the Constitution, and that it is ‘void’ if it is inconsistent with the Constitution[[120]](#footnote-120).

In many countries, family laws on marriage, divorce, custody and maintenance, as well as inheritance and land laws, can be subject to plural legal provisions, which can be discriminatory. This can be illustrated by the heavy reservations on CEDAW articles that pertain to family and customary law. The CEDAW Committee regrets that customary and/or religious laws that discriminate against women are allowed to persist and sometimes prevail over civil laws, which would otherwise protect women’s rights. The CEDAW Committee urges States to harmonize their civil and customary legal systems so that discrimination against women does not persist. States have begun to respond to these calls for reform. Algeria and Egypt recently lifted their reservation on article 9 on nationality and Morocco and Tunisia have recently withdrawn all of their reservations. Jordan withdrew its reservation to Article 15(4) on freedom of mobility and choice of residence. However, there remain impediments to the realization of women’s human rights as a result of customary legal systems. In the current international system, it is imperative to consider the intersection between these legal systems in order to ensure that women are able to access their cultural rights in addition to their right to equality in other domains.

The progressive reinterpretation of religious laws is a good practice to advance women’s rights. Since 2000, 13 states in northern Nigeria have formally adopted Sharia laws and penal codes, in addition to the secular laws. Under these religious laws, a number of women have been convicted of extramarital sex, which carries the death penalty. A Nigerian women’s organization, BAOBAB for Women’s Human Rights, took on the legal defense of these women and argued that the current Muslim laws are a product of a particular interpretation of religious laws and that women have been excluded from participating in the process of defining them. BOABAB has made advances in critiquing, popularizing and integrating women’s rights into religious frameworks, using religious arguments in protection of these women. As a result of this work, in all cases so far, the Sharia court of appeals have rejected the former convictions[[121]](#footnote-121).

There is an important role for feminist movements in family and customary legal reform. Feminist activism alone does not suffice to produce change, but feminist pressure can facilitate change and progress in women’s rights and anti-discrimination. The successful case of reform of the Moroccan “Moudawana” family code in 2004 reveals a combination of factors conducive to reform, including feminist mobilization, state allies, and a window of opportunity to undermine the religious opposition[[122]](#footnote-122). The new Moudawana code made significant advances for gender equality, including establishing that both spouses share the family responsibility; raising the minimum age for marriage for both men and women to age 18; limiting the terms of polygamy and divorce; and granting women more rights in the negotiation of marriage contracts. Women’s NGOs in Morocco pushed these reforms to transform the economic and social landscape, through the creation of networks to fight against gender-based violence; to advocate for the reform of the Moudawana; to campaign to raise public awareness about equality, violence, the promotion of human rights, tolerance and citizenship; and to create initiatives to boost women’s participation in public and political life.

The Equality Without Reservations campaign brings together women’s organizations from across the Middle East and North Africa region to call for the removal of reservations to CEDAW and the CEDAW-Optional Protocol. More than 600 organizations from the region and from all over the world are part of this campaign and have signed the Rabat Call for Support, which calls on states to remove their reservations to CEDAW and to harmonize their national legislation with their CEDAW obligations[[123]](#footnote-123). The global Musawah initiative for equality and justice in the Muslim family is another civil society campaign that calls for reforms to discriminatory family laws and practices, some of which impact women’s participation in public and political life. Musawah reclaims and promotes the Islamic principles of justice, non-discrimination, equality and human dignity, to advance women’s rights in Muslim contexts in private and public life[[124]](#footnote-124).

Nationality Rights

International human rights law imposes an obligation on States to bestow equal citizenship on both men and women, and to guarantee women’s equal right with men, both as regards acquisition of citizenship and as regards exercise of citizenship rights in the public and political spheres[[125]](#footnote-125). In some countries, there exists discriminatory legislation around nationality rights and the right to confer nationality on spouses or children. For example, a number of African constitutions, in Nigeria, Zambia, Ghana and Swaziland, specify that citizenship be determined by the nationality of the father alone[[126]](#footnote-126).

There have also been a number of good practices in changing domestic legal systems to ensure equal eligibility to acquire nationality and to confer one’s own nationality on others. For example, the case of Botswana v. Unity Dow (1992) was the first court ruling in southern Africa based on the unconstitutionality of sex discrimination in the transfer of nationality to one’s children. Other countries, such as Mozambique, Eritrea, and Kenya, now explicitly specify that either the mother or father can pass citizenship to children[[127]](#footnote-127). In 2007, Morocco reformed the Nationality Code allowing Moroccan women to pass their nationality on to their children. While laws specifying the nationality of children have increasingly received attention within domestic contexts, women continue to be discriminated against in their citizenship rights by the unequal treatment of male foreign spouses as compared to the treatment of female foreign spouses.

The situation of migrant women and the general protection of their human rights is an increasing challenge in the present day, where economic globalization has led to increases in cross-border migration. Migrant workers can face difficult working conditions and discrimination based on their gender and their migrant status. For example, in 2011, the CEDAW Committee expressed concern with a policy in Israel that migrant workers who give birth must leave the country with their babies within three months of giving birth or send their babies out of the country so as to safeguard the woman’s work permit[[128]](#footnote-128).

The issue of women as asylum seekers or as refugees is also an important component for consideration. Refugee and asylum claims of women may be differently determined than those of men. Even where policy and legislation dealing specifically with women refugees and asylum seekers does exist, it may not actually address some major gendered insecurities[[129]](#footnote-129). Despite the fact that there are as many women as men in global refugee populations, fewer women than men reach developed countries as asylum seekers, indicating that women may face different obstacles from men in seeking asylum. One of the major problems women may experience is that their claims are not equally recognized within the remit of international and national conventions granting refugee and asylum status[[130]](#footnote-130). It has been argued, that “it is men who have been considered the principal agents of political resistance and therefore the legitimate beneficiaries of protection from resulting persecution”[[131]](#footnote-131). The international asylum standard is largely based on men’s political activity, which may be different from women’s political roles, as women may participate more ‘indirectly’ in political activity. The institutions and authorities that decide on asylum claims may not recognize these alternative political activities[[132]](#footnote-132). In addition, gender-specific forms of persecution such as FGM/C or forced marriage are often not recognized as justification for asylum.

While feminist advocacy has actively pushed norms around refugee and asylum claims at the international level and within UNHCR, these norms have rarely translated into the national context in order to support women’s rights. The transfer of these norms has especially been uneven concerning the recognition of gender-specific persecution and the protection of female asylum seekers and refugees[[133]](#footnote-133). Few countries have officially integrated such gender-sensitive directives into their legislation on asylum, but the first country to integrate gender guidelines into their national asylum policies and legislation was Canada. In 1993, the Canadian Immigration and Refugee Board issued Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution. These guidelines affirmed that the definition of a refugee should be interpreted so as to protect women who demonstrate a well-founded fear of gender-related persecution, and sought to provide principles that would lead those making decisions on asylum claims to more fully account for the particularities of women’s experiences of persecution[[134]](#footnote-134). Following this legislative change in Canada, similar policies were adopted in the USA and Australia. Of note, the Australian, New Zealand and Canadian governments administer a program called ‘Women at Risk’, which identifies women and their dependent children abroad and offers a separate visa category for them. The Canadian program works with UNHCR to identify and process women for humanitarian resettlement[[135]](#footnote-135).

**Section 3: Access to the public space**

Access to the public space requires both physical and cultural access. This includes access to public places, including buildings, parks, forests and beaches, and to public services, including judicial processes, administrative agencies, education, training and health. Women’s right to equal access to the public space is derived from their equal right to all the political and civil rights and the economic, social and cultural rights secured under international human rights law[[136]](#footnote-136).

Currently, the obligation of states to secure women’s right of equal access to public space has not been fully implemented. There is continuing discrimination in law and/or state practice that limits women’s right to full and equal access to public space. For example, cultural practice in some regions still requires that women have a male guardian in public space. This requirement can significantly restrict women’s participation in public life. In Saudi Arabia, personal status law states that an adult woman is the ward of her father, a married woman is the ward of her husband, and a widowed woman is the ward of her sons. In fact, in the past, Saudi Arabian women were only named, and not pictured, on family identity cards, which identify them as dependents of their husbands or fathers. This significantly restricts women’s potential for empowerment[[137]](#footnote-137).

Women may also be segregated and excluded from public places or services. For example, in Morocco, there is quite a strong separation of public and private spaces: the public space is the street and the marketplace where men are located, and the private space is the home, where women are primarily located[[138]](#footnote-138). Although women are seen on the street, it is often not a welcoming place for them, where they can be vulnerable and subject to sexual harassment. Social norms in Morocco also dictate that people would generally not defend a woman alone in the street if she experienced harassment, especially if she were young[[139]](#footnote-139).

The imposition of restrictive dress can also limit women’s right of equal access to public space. In many regions, the police enforce restrictive dress codes. The Islamic tradition of women wearing a burka or headscarf creates paradoxical effects for women’s presence in public space. On the one hand, veiled women can have greater access to public space; on the other hand, they remain symbolically in private space[[140]](#footnote-140). Religious laws about women’s restricted dress are often rigorously enforced. In Iran, women must conform to strict dress codes, and in recent years, there have been attacks on women deemed to be dressed immodestly[[141]](#footnote-141). Another example of restrictive dress exists in Swaziland, where it is customary for widows or women in mourning to wear black mourning gowns for the duration of the mourning period, which can range from six months to two years, and in this time, women wearing such gowns cannot participate in public gatherings or meetings[[142]](#footnote-142). In the Asia-Pacific region, the rise of fundamentalism and militarization has led to high levels of religious assimilation which, in many cases, leads to heightened control over women’s bodies. In the case of the Pahari women in Chittagong Hill Tracts, women have been forced to dress more conservatively and have had their rights to free movement and physical integrity compromised due to harassment from the army and settlers[[143]](#footnote-143).

Women’s right to access the public space may be limited by women’s inability to participate in justice processes. In some communities, women are unable to access legal systems without the assistance of a male relative. For example, in some countries, such as Timor Leste, it is customary practice that a woman does not speak on her own behalf in local disputes[[144]](#footnote-144). This social barrier can be especially challenging if a woman is speaking out against violations perpetrated by her family.

Women are also discriminated against when they are limited from accessing certain sections of public space, or when their presence in public space is regulated by rules about where they are or are not allowed to be. The case of the Israeli Supreme Court ruling against segregation on buses illustrates this point. In 2011, the Court ruled that gender segregation on public buses was unlawful. While the practice is still condoned on a voluntary basis, so long as all parties consent to it, prior to the ruling female passengers were frequently harassed and forced to move to the back of the bus. Certain religious figures have publicly stated that sex segregation in public spaces is not Jewish ‘law’, even if it has become Jewish religious practice.

While customary practice and discriminatory legal systems can lead to rules and laws that restrict women’s full access to public space, there are good practices to suggest that progress can be made to prevent this discrimination. In Vanuatu, the traditional Malvatumauri (House of Chiefs), supported by church leaders, attempted to pass a ‘new’ customary law in 2005 to prevent women from wearing trousers, shorts, pants or jeans. Women’s non-governmental organizations, such as The Vanuatu Women’s Centre, challenged this law with a media campaign saying that the new dress code was unconstitutional and against women’s rights. The efforts of this NGO led to the withdrawal of the new code, preventing the introduction of this restrictive dress code[[145]](#footnote-145).

When considering women’s access to public space, it is also important to consider the discrimination that women experience in self-expression within the public space. This is connected to women’s use of communication technologies to gain access to public and political life. Women’s writing published in print or online, is a strategic tool that increasingly permits women’s voices to enter the larger public sphere despite cultural filters, which might try to silence their voices. The case of Rana Husseini, a Jordanian journalist, illustrates the importance of women’s voices in the public sphere, as she unveiled the cultural and legal institutions that directly and indirectly sanction ‘honor crimes’ in Jordanian society. Her published writing sparked public debate around this contentious issue and provided support to activists who could then press for legal reform using her concrete data[[146]](#footnote-146).

In Iran, there has been an interesting trend seeing rising numbers of women ‘bloggers’ in cyberspace. Through their personal narratives, women bloggers are entering into the public sphere to become more visible and to speak out about their experiences[[147]](#footnote-147). Bloggers are participating in online demonstrations and public debates through their participation in cyberspace. The process of writing and publishing is an expressive and publicly visible forum for women’s participation, especially in a society where women have few avenues for more physical forms of public participation. An interesting case occurred in Iran in April 2008 where women bloggers began to write about their own bodies and their sexual relations. This sparked fierce debate in the cyber-sphere about the limits of freedom of expression and the limits of transparency regarding women’s private lives in relation to religious law and Iranian social conventions[[148]](#footnote-148).

Women’s activism through civil society organizations has encouraged women’s participation in the public sphere through engagement in media and journalism. Women’s NGOs in many regions, especially the Middle East, have been active in breaking the culture of silence around women’s lives and experiences. There is an increasing realization among activists and media professionals in the MENA region that communication technologies can contribute to a refashioning of political culture. The Jordanian-based Arab Women Media Center seeks to play a pivotal role in journalists’ lives and careers by offering training sessions and sharing information and experiences at local and regional levels. One of its goals is to raise public consciousness about gender stereotyping and to establish advocacy to facilitate change in discriminatory policies[[149]](#footnote-149). A similar goal led to the creation of the first Women and Media Forum, in Abu-Dhabi in 2002, which brought together more than 1000 Arab women to denounce the media’s failure to support women’s achievements and discuss strategies for progressing women’s rights[[150]](#footnote-150).

Cultural Barriers to Women’s Equal Access to Public Space

Women’s access to public space increasingly must address the role of religious discourse in all aspects of life. Access to public space can be limited by religious and cultural factors. Religious institutions, in particular, play a key role in the development of social and cultural norms regarding women’s role in society and in the public sphere. In Latin America and the Caribbean, the church has played a notable role in this domain, as well as in the development of legislation, public policies, programs and services in areas pertaining to women’s rights issues[[151]](#footnote-151). Even in countries that are experiencing increasing social and economic modernization, and/or that are introducing constitutional provisions to separate the Church and the State, the hierarchy of the church significantly influences women’s political participation and access to the public sphere. In fact, a recent ECLAC survey related to political participation in Latin America noted the significant influence of the church in opposing gender parity in public decision-making positions[[152]](#footnote-152).

While religious and cultural barriers may limit women’s access to public space, examples also exist of women who have mobilized within the public sphere around the cultural symbolism of their role as mothers to create change in public and political domains. The culture of motherhood provides a space for women’s political participation, and women’s activists in many regions have used this symbolism for political goals. For example, the *Mothers and Grandmothers of the Plaza de Mayo* is an association of Argentine mothers whose children were subject to disappearances during the military dictatorship. With the aim of finding abducted children, the group started demonstrating in 1977, in front of the Presidential Palace, and became well-known for their public showings[[153]](#footnote-153). Another example of a movement of mothers occurred in the Balkans, where women used the cultural symbolism of motherhood to protest against their sons being drafted into the army[[154]](#footnote-154). Women activists from diverse groups in South Lebanon have also used motherhood as an avenue for civil participation during the time of war in South Lebanon[[155]](#footnote-155).

New Political Spaces: Cyberspace, ICTs and Social Media

While women’s participation in formal public and political life remains important, there is increasing recognition that political decision-making occurs within a continuum of formal and informal spaces and institutions. We increasingly live in a ‘network society’, characterized by broad webs of connection and connectedness[[156]](#footnote-156). Social and political practices are increasingly emerging in interaction with digital technology[[157]](#footnote-157). The Internet has the capacity to open new public and political spaces, by allowing new discourses to flourish, giving powerful voice to previously marginalized communities for anti-discrimination and gender equality.

Research shows that there has been a decline in engagement in traditional, institutionalized forms of political participation and a rise in more informal, fluid and personal forms of civic engagement[[158]](#footnote-158). There has been a steady increase in the number of people involved in emerging forms of civic engagement, such as Internet campaigns, ad-hoc protests, political consumerism and life style politics. These emerging forms of participation abandon traditional organizational structures that involve high levels of formality and bureaucratic order and they are also less concerned with institutional affairs like party and parliamentary politics. This new form of participation blurs the traditional boundaries between the public and private sphere because spheres traditionally perceived as private can become politicized. The individualized character of this participation allows for more flexibility, choice and ways of involvement[[159]](#footnote-159).

These new forms of participation, and particularly the use of the Internet, are so important that governments have started to pay attention to the Internet as a source of protest. For example, in China, India and across the Middle East, attempts are underway to censor the Internet. In the network age, democratic processes need to account for emerging Internet spaces, and need to consider the trade-offs in how political organization functions in new digital spaces. During regime change in Egypt and Libya, and at times of heightened tension in countries such as Pakistan and Thailand, one government response has been to shut down ICT communications[[160]](#footnote-160).

These new forms of political participation raise the question of how these emerging political action repertoires impact patterns of inequality. The significance of socio-economic resources such as education, for example, might diminish when considering informal participation because the entry costs of signing a petition are lower than the costs of joining a political party. The gender equality gap is also diminished by the rise of these new forms of political participation. Research shows that for these emerging forms of participation, the gender gap was reversed in 2002, with women now being significantly more active than men in acts such as signing petitions and joining boycotts and protests[[161]](#footnote-161). Women now have 13% higher odds of being engaged in the emerging action repertoires when compared to men[[162]](#footnote-162). The proliferation of Internet sites such as Facebook, Twitter, Youtube and online petition sites such as avaaz.org can be effective mediums for political participation.

Internet use by women’s rights activism signals the emergence of new trends that could change the nature of the women’s activism in the public sphere[[163]](#footnote-163). New technologies are useful for activists for three key reasons. First, it permits access to information and knowledge outside of censorship, so that relevant information can be retrieved faster and more effectively. Second, it increases the volume of women’s voices and initiatives without relying exclusively on traditional media. Third, it encourages women to think about new ways to establish professional relations and forge alliances[[164]](#footnote-164). ICTs have facilitated the construction of a more inclusive public space and can help women’s organizations to mobilize international public opinion against discriminatory and unjust actions in domestic contexts. Key players at the Fourth World Conference on Women in Beijing have been at the forefront of promoting women’s rights through the strategic use of ICTs. Information sharing and dialogues through the Internet between women from the Global North and South, and among women in the South, have contributed to effective collaboration on a global scale to promote gender equality[[165]](#footnote-165).

The Internet is a driving a force in accelerating progress in development and human rights, and in promoting freedom and democracy. International human rights law and declarations confirm that everyone has a right to communicate through new technologies[[166]](#footnote-166). Furthermore, the Internet is an ‘enabler’ of human rights, boosting economic, social and political development and contributing to the progress of humankind, and this significance implies that ‘digital literacy’ is essential for freedom of expression in the present and future[[167]](#footnote-167). ‘Digital literacy’ can particularly support women’s empowerment, improving health and education, and allowing for informed decisions and greater economic opportunities, which are all connected to an increase in women’s access to and participation in public and political life.

A new concern when considering the rise of ICTs in public and political life is the question of anonymity. The possibility of functioning anonymously online can help women to invent safe spaces in which to mobilize and communicate. The case of lesbian feminist Lebanese women using anonymity online to mobilize was key to their movement and became a defining aspect of the Lebanese experience of being a lesbian[[168]](#footnote-168). Research shows that anonymity was key to the success of lesbian organising in Lebanon, however there are also disadvantages of anonymity in online culture. Being anonymous can restrict women’s rights online by facilitating harassment, stalking and trafficking because of the ability of perpetrators to operate anonymously and at a distance from victims[[169]](#footnote-169).

The noted increase in the use of ICTs in recent years by women’s rights activists can be seen in the enhanced capacity of women’s advocacy and support groups to exchange information and coordinate action. For example, the use of electronic media was paramount to mobilize around the major conferences on women’s rights, in Beijing, Durban and the World Social Forum in Porto Alegre[[170]](#footnote-170). Women activists have also used the Internet to mobilize in the cases of the ‘Free Mona’ campaign, to free Mona El-Tawahy, who was arrested in Tahrir Square; and as part of the ‘Tahrir Bodyguards” to support women’s role in the process of democratisation in Egypt. In this case, women’s presence in the public space of the streets was an important step for women to be able to express their support or opposition in the process of drafting the Constitution. However, many women experienced harassment, which had the effect of silencing women’s voices. A group of women began the group, ‘Tahrir Bodyguards”, who came to protect women at the protests. They used SMS, micro-blogging and social networking to help prevent violence and to address the safety of women to ensure they had the right to demonstrate in the public space[[171]](#footnote-171).

The ‘Pink Chaddi’ campaign in India in 2009, which protested cultural right wing attacks on women in public spaces, also gained momentum through the use of social media tools[[172]](#footnote-172). However, these new possibilities are also bound by new politics: the ‘Pink Chaddi’ campaign was attacked by ‘trolls’ and broken into, but the Facebook social media platform was unresponsive to repeated requests for help, forcing the group administrator to disable the account[[173]](#footnote-173).

While the increase in new public spaces through ICTs have vastly changed the landscape for women’s public and political participation, it is important to note that not all women can access these resources. A study from ECLAC and IDRC showed that in Latin America and the Caribbean, less than 12 percent of individuals are Internet and broadband subscribers[[174]](#footnote-174). Gloria Bonder has noted that Internet connectivity is primarily an urban phenomenon in Latin America, and this trend applies in other regions[[175]](#footnote-175). There is still a gap in users of new technologies according to education level and quality, as well as age and gender. Gender gaps may be connected to low levels of literacy and computer skills, deep-seated socio-cultural norms, a lack of financial resources to gain access to ICTs and a lack of culturally relevant software.

Participation in Public Space: Organizations, Associations and Unions

In addition to women’s access to public space, women’s full participation in public life requires non-discrimination and gender equality within public organizations and associations.

Case law in the US shows a good practice in addressing the issue of discrimination against women by the male-only membership of a club called the Jaycees. The US Junior Chamber (JC, Jaycees) is a leadership training and civic organisation for young people up to age 41. Females were limited to associate membership that prevented them from voting or holding office within the organization. Two chapters allowed women full membership, but when the national organisation revoked these chapter’s licences, they filed a discrimination claim. In a unanimous decision, the Court held that the Jaycees lacked the distinctive characteristics that would permit it to discriminate against women and that the eradication of gender discrimination within the Jaycees was justified by State enforcement of anti-discrimination[[176]](#footnote-176).

In terms of religious organizations, research suggests that in the US, as in other countries, women are more likely to be members of church groups and other religious organizations than men[[177]](#footnote-177). However, when it comes to leadership positions within religious organizations, there are barriers that discriminate against women. Often, where laws prohibit sex discrimination in employment, exceptions are made for religious organizations. For example, in the case of the Church of England, women are permitted to be ordained as Ministers but are not eligible to take the position of bishop in the Church. While many Christian denominations have responded progressively to calls for gender equality, such as the Episcopal Church in the USA, other denominations such as Catholicism and certain strands of Evangelicalism share an opposition to female ordination. Within Islam, women may become imams, and most Sunni and many Shia denominations agree that women may lead prayer for other women, but also believe that women may not lead a mixed-gender congregation in prayer. Within Orthodox Judaism, only men can become rabbis, however in all other strands, women are eligible to become rabbis.

Women also face barriers in access to membership and leadership positions within trade unions. Barriers include women’s lack of knowledge about the benefits of trade union membership, fear of reprisals by employers and lack of time due to family responsibilities. In 2000, according to a worldwide survey by ILO and ICFTU, there was no proportional representation for women in trade union management. Women held less than a third of senior decision-making posts in over 60 percent of the trade unions studied[[178]](#footnote-178). A 2011 report by the African Labour Research Network cited that women’s involvement in trade union activities is low on the African continent, with the exception of nursing and teacher unions, where women still remain underrepresented at higher leadership levels[[179]](#footnote-179). In 2012, Frances O’Grady made history in the UK by becoming the first female to be elected General Secretary of the Trades Union Congress. In spite of this progress, research suggests that there is a lack of women at union leadership levels. Among the UK’s 10 largest unions, there are now four women general secretaries, but only two unions have achieved proportionality in the National Executive[[180]](#footnote-180). In 9 major unions within the USA with significant female membership, women comprise 24 percent of top leadership positions and in none of these unions do the leadership levels represent the proportion of females in membership rates[[181]](#footnote-181).

Where there has been progress in gender equality in trade unions, it is often a result of strong ‘women structures’ within the union: the sum of women’s collectives and posts within a union, such as women’s caucuses, committees, networks and meetings. In the UK, ‘positive action’ strategies inform the liberal union approach, helping women to access their union and develop the skills and experience, such as through childcare provision, to compete equally with men within existing union arrangements. More extensive positive discrimination measures have also been adopted which assist with equal outcomes in women’s representation, through a shift in the union structure such as quota setting or women’s reserved seats. In some Canadian unions, such as the Canadian autoworkers and the United Steel Workers unions, ‘affirmative action’ initiatives encompass anti-discrimination, positive action and positive discrimination measures, sometimes through the creation of union goodwill or mandatory measures[[182]](#footnote-182).

**Section 4: Political Participation**

Political participation has traditionally been broadly understood according to three factors: the right to choose the political leadership of the country, the right to be a participant in the political leadership and the gender sensitivity of the political decision-making mechanisms. There are important provisions within international human rights law that require states to respect, protect and fulfill women’s rights to political participation[[183]](#footnote-183). This section analyzes these three components to synthesize trends in progress; to highlight where reform is needed to better align existing practices with non-discrimination; and to suggest good practices for reaching the goal of gender equality in public and political life.

The Right to Vote

There is widespread state practice that gives women an equal right to vote, enshrined in almost all constitutions and also gaining the status of customary international law. The right to vote is intrinsically linked to women’s participation in her citizenship and in political life. In 1893, New Zealand became the first nation to grant women full voting rights. Countries continue to change their laws in correspondence with international legal norms to allow women’s suffrage, with Bahrain and Oman most recently allowing women to vote, in 2002 and 2003, respectively. However, there are still countries where women remain ineligible to vote. In Brunei Darussalam, women are not eligible to vote. Men, however, cannot vote either. In Saudi Arabia, women are ineligible to vote, although King Abdullah recently declared that women would be able to vote and run for office in 2015. There is also limited suffrage for both men and women in the United Arab Emirates; and in Lebanon, proof of elementary school education is required for women to vote, but not for men; and voting is compulsory for men, but optional for women.

Voter turnout among women is also climbing. In India, more women than men voted in recent elections held in Punjab, Uttar Pradesh, Manipur, Uttarakhand, and Goa[[184]](#footnote-184). The CEDAW Committee has also noted that 54.2 percent of voters in the last election in Bhutan were women[[185]](#footnote-185). This increased voter turnout may be a result of both government measures and activist awareness-raising. For example, before the election, the Indian Election Commission took measures such as the distribution of voter slips and support to first time voters, to ensure a minimization of violence and women’s increased confidence[[186]](#footnote-186). An example of mobilization for voter turnout through media outreach is the ‘Use Your Voice’ campaign, held by NDI and the Lebanese Association for Democratic Elections, in the 2003 parliamentary elections. This campaign featured five prominent Lebanese women who appeared across multiple media platforms to encourage women to get out and vote[[187]](#footnote-187).

In Latin America and the Caribbean, research also shows that the percentage of women voters is higher than that of their male counterparts. In recent elections in Ecuador, El Salvador, Honduras and Mexico, women accounted for more voters than men[[188]](#footnote-188). Where an increase in women voters is observed, there may be a connection to the growing participation of women in public life, employment, and politics in general[[189]](#footnote-189). However, the rise in the number of women voters does not necessarily imply a rise in the equal representation of women at decision-making levels of government, as the next section will show.

Despite this success, there exist a number of cultural barriers to women voting or taking part in public debate. While women may be constitutionally eligible to vote, there are cases where women are prevented from exercising their own choice due to cultural or family pressures. For example, in parts of Eastern Europe, especially those with large minorities in which traditional gender roles persist, a phenomenon called ‘family voting’ exists, where men as family heads vote or attempt to vote for all the women in the family, including wives, adult daughters and mothers. In family voting practice, men exercise voting rights in place of all women in a family, entering the poll booth together and filling out the ballot allotted to the women. The countries where this has been a problem, such as the Former Yugoslav Republic of Macedonia, have implemented regulations forbidding such family voting, but violations of the ban and attempts to circumvent the regulations still occur[[190]](#footnote-190). Family voting is, however, on the decline in other regions. For example, researchers from the Centre for Developing Societies in New Delhi conducted a study on voting behaviour since the 1970s, which showed that fewer than 50 percent of women now vote based on what their husbands or male family members have to say[[191]](#footnote-191).

The Right to Take Part in Public Debate

Women’s participation in political life must include women’s access to and participation in public debate. A key group to consider would be women’s human rights defenders, who play a significant role in eliminating discrimination against women, but who often are threatened or in danger because of their participation in public debates. This illustrates that even when there is space for women’s participation, there are still significant risks that women face when they make use of those opportunities. This raises the question of how the threat or experience of violence may inhibit women from engaging in political arenas, or conversely, how political participation can make women more vulnerable to violence.

States are often very resistant to demands for change from women’s human rights activists, because these activists denounce the existing practices of the regime, often in contexts of military conflict and authoritarianism, and because they are often seen as challenging ‘traditional’ notions of the family[[192]](#footnote-192). Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, or sexual abuse and rape; may experience intimidation, attacks, death threats and killings by family and community members; or may experience judicial consequences, such as arrest. These forms of violence are prevalent in several geographical regions, and in countries such as Sri Lanka, Nepal, Pakistan, China and Iran. For example, according to the International Campaign for Human Rights in Iran, women’s rights advocates for the One Million Signatures Campaign have been beaten and persecuted for peacefully demonstrating[[193]](#footnote-193).

A good practice decision was made in Egypt when a military court banned virginity testing on women demonstrators from Tahrir Square. Virginity testing is used to humiliate and restrict women’s freedom of assembly and expression by stigmatizing them. In March 2011, a number of women were arrested while participating in a protest at the Tahrir Square and while in prison, were subjected to virginity testing. On behalf of Samira Ibrahim, one of the human rights defenders, human rights groups filed a case before the Military Administrative Court. The court made the decision to ban virginity testing, deeming it a violation of both the Egyptian Constitution and international human rights law. While the case will probably not go so far as to prosecute the doctors who performed the tests for sexual assault, this case establishes precedent to ensure that the rights of women’s human rights defenders are protected, as they engage in public and political life[[194]](#footnote-194).

The Right to Participate in Political Life

The right to participate in political life, and particularly in leadership, applies to the position of the Head of Government; national parliaments; local government, including mayoral positions; the judiciary; state boards; councils; and office holders in the civil service[[195]](#footnote-195). Women have succeeded less in reaching high levels of participation in political life than they have in economic and social life. However, the expansion of women’s formal political representation across most regions ranks among the most significant trends in international politics of the last 100 years[[196]](#footnote-196).

*Female Heads of State and Ministers*

Women in all regions have been elected to power as head of state or government since the 1980s. In Africa, the successful candidacy of Africa’s first female president, Ellen Johnson Sirleaf in Liberia in 2006 was followed by the election of Joyce Hilda Banda in Malawi in 2012[[197]](#footnote-197). In the Asia Pacific region, current heads of state include Prime Minister Sheikh Hasina in Bangladesh and Yingluck Shinawatra in Thailand. Another recent head of state in that region includes President Pratibha Patil in India[[198]](#footnote-198). In Latin America and the Caribbean, currently five women occupy the positions of head of state, as President or Prime Minister, which is one of the largest numbers worldwide, in Argentina, Costa Rica, Jamaica, Trinidad and Tobago, and Brazil[[199]](#footnote-199). In Europe and North America, there are five out of thirty female heads of state, including in Australia, Switzerland, Iceland, Germany and Denmark.

Women are also increasingly being represented in ministerial and leadership positions within parliament or government. Countries like Cape Verde and South Africa have female ministerial representation at 47 percent and 40 percent, respectively, ranking the highest in the region[[200]](#footnote-200). Countries in the African region with the lowest ministerial representation are Morocco and Algeria, with 3.3 percent and 3.1 percent representation, respectively. The Western region has some of the highest rates of ministerial appointments in the world, with Finland, Norway, Sweden, France, Spain and Switzerland within the top ten across the world[[201]](#footnote-201).

In Latin America and the Caribbean, there has also been a significant increase in the number of women who have been appointed as Ministers. As of 2012, several countries have high representation in ministerial positions, including Nicaragua at 46.2 percent, Bolivia at 45.5 percent, and Ecuador at 40 percent female representation. A notable effort to incorporate ‘parity’ and gender equality into cabinet-level appointments is the case of Michelle Bachelet, elected President of Chile in 2006, who promoted a gender parity policy to rectify the under-representation of women in cabinet. As such, she appointed a cabinet in which approximately half of the Ministers were women[[202]](#footnote-202). Presidents Rafael Correa of Ecuador and Evo Morales of Bolivia also incorporated the principle of gender equality into their cabinet-level appointments.

Heads of state may be limited in advancing substantive equality in a sustainable way due to their obligations to their political parties and constituents, and because of the brief nature of their political appointment. This suggests that a unified, coalition-based approach is necessary to ensure gender equality measures that are sustained in spite of changes in political leadership or political will. Mala Htun’s work suggests that while women’s presence in elected office is important, it is insufficient to cause policy changes to promote gender equality. The election of women can instigate egalitarian change when elected representatives work in coalition with women’s movements[[203]](#footnote-203). In addition, the election of a woman does not necessarily guarantee that she will protect and promote women’s rights, which is why it is essential for women’s rights advocacy movements to support and pressure states to reform discriminatory legislation. For example, President Laura Chinchilla in Costa Rica is allied with the religious right and has emphasized the relationship between the Church and the State, making statements against women’s reproductive rights, such as the legalization of abortion and access to emergency contraception.

While women are increasingly being nominated to ministerial positions in government, women still tend to have low levels of representation in ministries that are seen as ‘masculine’, such as in defense or finance. Women tend to address social issues such as women, children, the family, education and labour. A study of the Inter-American Development Bank shows that while 364 women have held ministerial positions in Latin America between 1950 and 2007, the presence of women has been preeminent in ministries on the aforementioned social issues[[204]](#footnote-204). Also, according to the Women in Politics survey, as of 2012 between 79 and 89 percent of women around the world hold the position of ministers in social, family and women’s issues, whereas only 7 percent are ministers of defense and veteran affairs[[205]](#footnote-205). Even in the Western region, with typically high female ministerial representation, only Sweden has a female Defence Minister, Karin Enström, and only the USA has a female Secretary of State for Foreign Affairs, Hilary Clinton.

While the numbers of women in positions of power are increasing across all regions, kinship ties are an important consideration when analyzing the election of women in politics. Women may attain political standing due to kinship ties, as they have male family members who are involved in politics. For example, in Bangladesh, the current Prime Minister, Sheikh Hasina, is the daughter of founding president Mujibur Rahman, and her prominent rival, Begum Khaleda Zia, was the wife of a former President. In the Philippines, Cory Acquino became President on the strength of the sympathy generated by her husband’s assassination. These dynastic women tend to be from higher income, higher status families. While these particular women became powerful leaders, the question of how effective other women leaders can be when they are elected as a result of kinship ties remains[[206]](#footnote-206).

*Women in Parliament and Legislature*

Across all regions, tremendous progress has been made that has increased the representation of women in parliament and legislative positions. While in 1995, women accounted for 11.3 percent of members of parliament; in 2005 this figure has risen to almost 16 percent[[207]](#footnote-207). By 2011, women had won 21.8 percent of all seats up for renewal in that year and the global average stood at 19.5 percent[[208]](#footnote-208).

In 1960, only one percent of African legislators were women and today this share has reached approximately twenty percent[[209]](#footnote-209). There are 10 chambers in sub-Saharan Africa with at least 30 percent women in their national parliament[[210]](#footnote-210). On average, women in sub-Saharan Africa now hold 20.4 percent of single or lower house seats, which is an increase from 18.3 percent in 2010, and from 12.4 percent ten years ago. In South Africa in 2009, women took 43.5 percent of the seats in the lower house election, which ranks fourth in the region and eighth in global rankings, as a result of a voluntary quota adopted by the political party, ANC[[211]](#footnote-211). In West and Central Africa, the figures for women’s political representation are lower, but Senegal is progressing, having almost reached parity in its National Assembly[[212]](#footnote-212).

In the Asia Pacific region, most sub-regions show that the average proportion of women in the lower or single houses of parliament has doubled or more than doubled since 1995. There are country leaders across the sub-regions, including Kyrgyzstan with 26 percent, China with 21 percent, Timor-Leste with 38.5 percent, Nepal with 33 percent, and Iraq with 26 percent[[213]](#footnote-213). The elections in Nepal, Timor-Leste and Iraq are particularly notable for their high rates of participation, illustrating a country’s ability to overcome conflict and poverty through the collaborative effort of women’s movement activism. There are, however, still many countries in the region with very low numbers of women in parliament.

The case of Eastern Europe is interesting because, after the political transformation of the 1980s and 1990s, the proportion of women within political representation significantly decreased. Under communism, some Eastern European countries had quotas for women, and the transition led to a significant reduction in women’s political participation. In Albania, for example, in 1974, the participation of women in parliament reached over 33 percent; however, in 1991, it fell from 29.2 percent to 3.6 percent, and in 1993, there were only 2.8 percent women among the members of parliament. While it has increased to 15.7 percent since then, this case illustrates a similar trend across all post-communist countries[[214]](#footnote-214). In recent years, the proportion of women in parliament has increased across the region, but these countries still do not rank very high. Only four countries – Serbia, Slovakia, Belarus, and Macedonia – have exceeded 30 percent of female parliamentarians[[215]](#footnote-215).

An interesting trend in Latin America and the Caribbean is the strong disparity that exists between women’s participation in the lower and upper chambers of parliament. In Belize, Barbados, and Antigua and Barbuda, women hold 3.1%, 10.1%, and 10.5% respectively of the seats in the lower chambers. In contrast, women hold 38.5%, 33.3% and 29.4% of the seats in the upper chambers. Overall, Latin America and the Caribbean, have one of the highest percentages of female members of parliament in the world, at 22.5 percent, only surpassed by Nordic Europe[[216]](#footnote-216). The Inter-American Development Bank has noted that the number of women elected to parliaments in the region has increased from an average of 5 percent in 1990 to 20 percent in 2010[[217]](#footnote-217). In Nicaragua, there has been promising progress recently, with the proportion of women elected in 2006 at 18.5 percent jumping to just over 40 percent in 2011[[218]](#footnote-218). This may be connected to the fact that the Sandinista National Liberation Front has a voluntary party quota of 30 percent; and in the 2011 election, women won more than 50% of that party’s seats[[219]](#footnote-219).

In Latin America and the Caribbean, a study on women ministers shows that indigenous and Afro-descendent women have been particularly excluded from cabinet-level positions, despite accounting for the majority population. Progress is being made, where in Bolivia, Guatemala, Ecuador, and Venezuela, indigenous women have been appointed to lead certain government ministries, and in both Colombia and Brazil, an Afro-descendent woman has been appointed to lead a ministry[[220]](#footnote-220).

The Western region has fairly consistently high rates of female participation in national parliaments. Most Western countries rank within the top 50 countries in the world. Seven countries in this region rank below the world average of 20.2 percent of women in national parliaments: Malta, Cyprus, Turkey, Ireland, USA, Monaco and Israel. Nordic countries have the highest regional average overall at 42 percent of women’s representation in parliament. In the face of continuing financial crisis, ‘electoral realignments’ have occurred, whereby an incumbent coalition of parties is replaced by a new coalition, and this has led to a decline in women’s representation in countries such as Cyprus, Estonia, Portugal and Spain[[221]](#footnote-221).

Research suggests that the political structure of a parliament can significantly affect women’s recruitment to parliament. For example, the system of elections based on proportional representation has resulted in three to four times more women being elected in countries with similar political cultures[[222]](#footnote-222). An important factor is whether the electoral system has a single-member district system, where only one legislator is elected, or a multi-member district system, where several MPs are elected in each district. All proportional representation systems use multi-member districts[[223]](#footnote-223). One of the big problems with single-member district systems is that, by definition, the party can only nominate one candidate, so it is not possible to provide gender balance on the party ticket. This can lead to women becoming ‘sacrificial lambs’: in the case of Canada, women are more likely than men to serve as party standard bearers in districts where their party has little chance of winning[[224]](#footnote-224).

*Women’s Participation in Local Government*

In spite of the progress that has been made in women’s political representation at national levels as heads of state and in parliaments, there is a tension between this progress and the low rates in women’s representation at local political levels. Women continue to represent a small percentage of mayors and councillors in local and sub-national contexts. A UN-INSTRAW study concluded that in 16 Latin American countries, women accounted for only 5.3 percent of the total mayors[[225]](#footnote-225). Another study of the English-speaking Caribbean shows that of 94 municipalities in six countries, women headed only 10[[226]](#footnote-226). The Inter-American Commission has observed that women remain excluded as leaders and direct representatives of the population within local communities[[227]](#footnote-227). This gap in participation between national and local levels of government is also evident in the Western region. The World’s Women 2010 reports that of 83 countries of the world with available data for 2003-2008, only four had more women than men councillors[[228]](#footnote-228).

In other regions, women’s participation in local politics has seen more progress. For example, India and Pakistan have both applied constitutional gender quotas that apply to the equitable representation of women at the local level. This has played a part in the relatively higher proportions of women in local councils (at 38 and 25 percent, respectively). However, the proportion of women in top leadership positions in local government is more limited than in local councils[[229]](#footnote-229). In South-East Asia, the figures range from 5 to 9 percent, and in Western Asia, only 1 percent of women held mayoral positions[[230]](#footnote-230). The average is below 20 percent female participation in all countries in the Asia Pacific region. In Japan, however, a 30 percent target has been reached for women in local government committees and councils and there is a new goal to reach 40 percent female participation by 2020[[231]](#footnote-231).

In Eastern Europe, there has been a slow but steady increase in women’s participation in local politics. In Croatia, for example, the average representation of women in local or regional self-government rose from 11.5 percent in 2001 to 15.4 percent in 2009[[232]](#footnote-232). In Poland, a similar trend can be identified in municipal councils, where 16 percent female representation in 1998 rose to 24 percent in 2010[[233]](#footnote-233). What should be noted in these cases in Eastern Europe and in other regions, is that women’s participation in local authorities can be represented in the shape of a pyramid: at the lowest levels of local politics, the numbers of women are higher and they diminish as the rank within local politics rises. It should also be noted that there is some disparity between urban and rural locations. In big cities in Poland, for example, the proportion of women is higher. This can, in part, be explained by the fact that in urban areas the principles of gender equality are more deeply accepted and there are more educated, often more wealthy women and communities[[234]](#footnote-234).

In the African region, there are a few good examples of states that have reserved seats for women at the local level. In Lesotho, 30 percent of all local election divisions were reserved for women in the 2005 local elections, and in the end, over 50 percent of the elected representatives were women[[235]](#footnote-235). In Sierra Leone, five of the 10 locally-elected representatives of Ward Development Committees must be women, and in Namibia, party lists for local authority council elections with 10 or fewer members, must include at least 3 women, and with 11 or more members, must include five women[[236]](#footnote-236). Also in parts of the African region, customary governance institutions provide space for women to participate in political life. In Sierra Leone, in the north, women can play very junior roles such as that of Ya’alimamy, which is a low-level female chief that settles non-serious disputes[[237]](#footnote-237). In Moyamba in the south, one third of divisional chiefs are now women. While women may still not have equal access to power in this customary system, these cases illustrate that progress is being slowly made.

An interesting good practice exists in South-Eastern Europe to build the capacity of women in local decision-making structures. The Women Mayors’ Link is an initiative of the Stability Pact Gender Task Force (SP GTF), which has been developed in 12 countries in South-Eastern Europe. It is a network that has been established to strengthen women’s mayors’ leadership skills; to promote cooperation between women mayors and local women’s networks to design projects to improve women’s quality of life in local contexts; and to facilitate the exchange of best practices[[238]](#footnote-238).

*Women in the Judiciary*

Across all regions, the numbers of women represented in the judiciary are increasing. Globally, women account for 27 percent of judges. Having women in the judiciary can be very important for the outcome of justice. A US study found that women judges were 11 percent more likely to rule in favour of the plaintiff in employment discrimination cases and another study concluded that male judges on federal appellate panels were significantly more likely to support the plaintiff in sexual harassment or sex discrimination cases if there was also a woman judge on the panel[[239]](#footnote-239).

Countries in Eastern Europe, in particular, have very high participation of women in the judiciary. The profession of the judge in this region is highly feminized, as illustrated by a global ranking of the participation of women in the judiciary by UNECE, which places Eastern European countries in the top 6 positions. In four countries – Slovenia, Latvia, Romania, and the Ukraine – the proportion of women judges exceeds 70 percent; and in the next 8 countries, more than 60 percent of judges are women. In only two countries in the region, Armenia and Azerbaijan, can the proportion of women in the judiciary be described as low[[240]](#footnote-240).

This strong position of women in the judiciary in Eastern Europe is a legacy of the communist period, as a consequence of gender balance at law schools; but it also results from the fact that in many countries, the profession of the attorney is more attractive than the judge, thus men tend to prevail in these alternate legal professions. However, even considering the female dominance among judges, the pyramid model is again observable amongst judiciary positions. In the lower levels of the courts, more women are judges; and in the top levels, women’s predominance disappears. Women rarely hold positions of power in the judiciary, such as the positions of presidents of the highest courts. The exception is that the president of the Supreme Court in Albania is a woman[[241]](#footnote-241). The Israeli Supreme Court also had a female president until 2011.

A similar pyramid model can also be identified in the judiciary in Latin America and the Caribbean. A study in 2010 showed that the highest tribunal of the majority of Latin American and Caribbean countries had at least one women serving as Judge, Magistrate or Minister (with the exception of Panama and Paraguay)[[242]](#footnote-242). However, across the region, women have limited representation as Supreme Court justices and within other high-level tribunals, while their representation is higher in the lower chambers. There are a number of factors that could contribute to the pyramid model of appointments. The appointment of judges is often determined through political means, which can work to the detriment of women who have less political experience than men or who are less known to the public. Promotion mechanisms may also be driven by factors such as educational requirements or seniority that can rule women out, in addition to considering the burden of family responsibilities.

Most of the Western region meets or exceeds the global average of 27 percent of women judges. Israel, France and Greece all report figures above 50 percent. According to a recent study by the Council of Europe, there has been a gradual “feminisation of the judiciary, resulting in near gender equality” in the region. Again, while there is gender parity in most Western countries, the proportion of female judges is significantly lower for more senior posts. Israel is a good example to illustrate women’s high level of participation in the judiciary, especially when contrasted against the very low participation of women in the legislative and executive bodies of Israel. More than half of the 646 judges serving in Israel are women, however women make up only 20% of the Supreme Court. Women comprise almost half the 49,000 lawyers in Israel, with women holding the posts of legal advisors in the Ministry of Defence, the Police, the Histadrut Trade Union and the Civil Service Commission[[243]](#footnote-243). Canada, on the other hand, is a case where there has been slippage in the gender equality goals of the judiciary. Women make up 50 percent of the Supreme Court; however, this global leadership is dwindling under Prime Minister Harper, who has appointed only 8 women in comparison to 41 men to the federal judiciary[[244]](#footnote-244).

Women’s participation within religious courts is low, as often non-state or identity-based legal orders can be discriminatory towards women as equal adjudicators. In Israel, while there are high numbers of female judges in the civil legal system, women are excluded from the Orthodox religious courts, which are exclusively male. This can subsequently limit women at the family law bar because of the increased difficulty of female advocates in these courts. For example, in May 2012, the Israeli Sharia Court of Appeals refused to allow a female arbitrator to represent a Muslim woman in divorce proceedings. The problem of discrimination has been addressed in Malaysia, where women have long been permitted as judges in civil courts, but only in 2010 were they also allowed to sit as judges in the Syariah courts (State courts dealing with Islamic law)[[245]](#footnote-245). The subsequent appointment of two female judges is in line with the Malaysian government’s removal of their reservation to CEDAW’s article 7b, which requires governments to enable women’s participation in public office. In Indonesia, there has been a growing movement led by religious court judges intent on improving gender equality. The Asia Foundation works with the Supreme Court and religious courts in 14 of Indonesia’s 32 provinces to build the skills and experience of religious court judges to address gender bias in family law cases[[246]](#footnote-246).

*Women in Political Parties and Electoral Quotas*

Political parties are significant to women’s participation in politics, as political parties recruit and select candidates for elections[[247]](#footnote-247). How women participate in political parties, including how those parties encourage women’s involvement in political life and how they incorporate gender equality issues into their mandates, are key determinants of women’s political empowerment. In order to promote women’s involvement in political processes, it is imperative that parties take a series of steps across the electoral cycle to incorporate women fully into the structure of the party, and to shift the organization and financing of the party to be more conducive to women’s participation.

The most effective strategies for women’s political empowerment involve reforms to political institutions that target support to women within the party, women candidates and elected officials[[248]](#footnote-248). It is important for parties to incorporate rules that guarantee women’s representation. For example, in recent years, some 50 countries have adopted legislation on electoral quotas in order to ensure that a certain proportion of candidates for political office are women. Hundreds of political parties in another 20 countries have voluntarily adopted their own gender quotas[[249]](#footnote-249).

There is debate about the impact of electoral quotas on women’s participation in political life. Research suggests that quotas ‘trump’ cultural factors in determining women’s participation: when quotas are used, religious and cultural factors no longer constrain women’s representation[[250]](#footnote-250). Numerous Muslim countries, such as Morocco, Tunisia, Senegal and Indonesia have successfully adopted quotas. Quotas in the Maghreb have resulted in relatively high rates of female representation, with an average of 21.6 percent, as compared to MENA countries that do not have quotas, with an average of 8 percent female representation[[251]](#footnote-251).

Research also suggests that economic and political regime factors are important for determining women’s representation, but not as important as the implementation of gender quotas. For example, in Mozambique, Burundi and Tanzania, countries that are among the 15 poorest in the world, rates of female representation are very high[[252]](#footnote-252). Democratic regimes may influence the growth of women’s representation over time, but quotas are more important in determining the levels of women’s political representation, taking other factors into consideration[[253]](#footnote-253). An IPU study noted that in 2011, 17 countries holding elections used legislated electoral quotas and in these countries, women took 27.4 percent of seats, in comparison to 15.7 percent of seats in countries without any form of quota[[254]](#footnote-254). Another example is in Kyrgyzstan where, in the 2005 election, no women were elected to parliament. The implementation of quotas, in addition to the new Elections Code in 2007 and the long-term involvement of civil society organizations meant that by 2008, women made up 26.6 percent of representatives in parliament. This is the highest percentage of any Central Asian state and the second highest in the CIS region[[255]](#footnote-255).

Research from India also illustrates the positive effects of electoral quotas. Since 1993, India has revitalized a system of decentralized government, called Panchayats, which are in charge of local expenditures and some social programs. A constitutional amendment established the mandated representation of women, with women taking 1/3 of the seats within each council and women taking 1/3 of the leadership positions as head across councils[[256]](#footnote-256). With the random assignment of gender quotas for leadership positions, research has shown that after ten years of quotas, women are more likely to stand for, and win, elected positions in councils, when the council was required to have a female chief councillor in the previous two elections[[257]](#footnote-257). The requirement of female leadership changes voter attitudes and improves perceptions of female leadership effectiveness. This case suggests that affirmative action mechanisms, such as electoral quotas, can durably influence political outcomes and improve the possibility of women’s political participation.

Other outcomes from this research on quotas suggest that female political representatives may shift responsiveness to certain social policy issue areas, such as health and education[[258]](#footnote-258). Female leadership also influences adolescent girls’ career aspirations and educational attainment, with research showing that the gender gap in political aspirations closed by 25% in parents and 32% in adolescents in villages that had had female leaders for two election cycles[[259]](#footnote-259).

In spite of this evidence, there is cause for caution when considering the implementation of electoral quotas. For one, evidence suggests that political parties may manipulate gender quotas, which hinders women’s participation. For example, parties often choose to place women in relatively uncompetitive jurisdictions[[260]](#footnote-260) or in worse positions on the party list[[261]](#footnote-261). Quotas may include loopholes; lack of an enforcement mechanism; or the absence of detail about the placement of women on candidacy lists[[262]](#footnote-262). For example, in 2011, the Egyptian Supreme Council of the Armed Forces announced the adoption of a new law on the Exercise of Political Rights, which amended previous quotas for women. While the amended law required each political party to include one woman on their candidate list, it did not have clarification about where on the list women were to be placed. Thus, the January 2012 parliamentary election saw a dramatic drop of 10 percentage points from the previous 2010 results, from 12 percent of women to 2 percent representation[[263]](#footnote-263).

‘Zipper’ quotas are largely considered effective, which require every other position on a list to be filled by a woman to ensure equality. However, even these can have mixed results. For example, research suggests that in Rwanda, the ruling party have used women for patronage purposes or as token women[[264]](#footnote-264). In many contexts, women who are elected based on quotas are known as ‘proxy women’, as they are often elected to politics as stand-ins for their husbands[[265]](#footnote-265). These ‘token’ women have no real political power and are merely symbolic representatives[[266]](#footnote-266). Another loophole in Mexico and Armenia, for example, is that women step down after inauguration and are replaced by male alternatives[[267]](#footnote-267). Ultimately, the incentives and disincentives for including women need to be significant enough to have an impact on party behaviour; and the incentives should not be based on the total number of women on candidacy lists, but rather on the percentage of women within a party who actually win a seat[[268]](#footnote-268). In addition, there are different electoral systems within different countries, and quotas should be designed in consideration of the particular electoral system, in order to ensure successful affirmative action policy.

Finally, there can exist gaps in quotas, in terms of the categories of woman who benefit from these special measures and those that do not. This relates to the systemic and multiple forms of discrimination that women may experience in accessing public and political life. One scholar argues that women who can exercise autonomy in and from the household are more likely to be active participants in political life; women who have access to the public sphere in general are more likely to be engaged in political activity[[269]](#footnote-269). Studies have also shown that models of participation are linked to socio-economic factors such as income and education level. More educated women, those who are employed, women of higher social class, and urban women are more likely to be active and interested in politics.

*Good Practices in Using Electoral Quotas*

As noted, many countries have legislated electoral quotas, and many other political parties have voluntarily implemented quotas to increase the number of women represented in political life. Spain, for example, has a long history of using quotas, which has seen increasing success in women’s representation, culminating with a majority of women in cabinet in 2008[[270]](#footnote-270). In both Spain and Belgium, a failure to present candidacy lists that meet the gender equality target results in a rejection of the list. This is a good practice in ensuring compliance with quotas. Also, in Israel in 1992 and in Belgium, a 2011 law mandated the presence of women in the boards of directors of public companies and the introduction of a quota of one third of the members of each seat in boards of private companies[[271]](#footnote-271). Companies must annually report on their results and their efforts to meet the target, with financial penalties in case of failure to comply. Other Western region countries, such as Finland and Norway have had legislation for over a decade that mandates gender quotas[[272]](#footnote-272).

In Latin America, research shows that more than 10 years after the adoption of quota laws, “it is clear that they mark a ‘before’ and ‘after’ in women’s political participation in the region, and that they accelerated the inclusion of women in positions of power.”[[273]](#footnote-273) Argentina was the first country of the region to adopt this kind of legislation in 1991, mandating that the lists of candidates presented by parties for publically elected positions for parliamentary seats should contain a 30 percent minimum of women[[274]](#footnote-274). In Costa Rica, the Electoral Code was recently reformed in 2009, changing the quota system to a system based on gender parity, with 50 percent women and men[[275]](#footnote-275).

The case of Rwanda provides an interesting good practice to encourage women’s candidacy for local election. In the 2001 and 2006 local elections, a triple ballot was used. Each voter received 3 ballots when they entered the voting booth: a general ballot, a women’s ballot and a youth ballot. Voters had to select one candidate from each ballot. This effort was a deliberate attempt to make voters comfortable with voting for women and to increase the number of women in local government[[276]](#footnote-276).

The case of Poland illustrates how advocacy efforts can pressure for the creation of electoral quotas. The idea of quotas received negative feedback in post-Soviet countries, due to the implications and associations of quotas with the forced-equality of Soviet era rule. While the idea of quotas had been circulating since the mid-1990s, legislative quotas were only achieved in 2011, with the bill drafted and introduced to parliament as a citizens’ initiative. The women’s movement, under the auspices of the Women’s Congress, had exerted significant pressure to pass this legislation since 2009. The Congress sparked massive activism, with the citizens’ initiative requiring 100,000 signatures in order for parliament to consider the bill. Overall, more than 150,000 signatures were collected in public spaces, such as shopping malls, theatres and museums, and this contributed to public debate over the issue. The bill was passed instituting a gender quota of at least 35 percent and was adopted into law. Since then, it has resulted in a significant increase in the percentage of women candidates on the lists. The 35 percent quota requirement was especially effective within one political party that also implemented an internal rule pertaining to the gendered rank order on the lists. Only this party managed to almost reach the 35 percent goal for elected women into parliament[[277]](#footnote-277).

Barriers to Women’s Participation in Political Life

Women face a number of significant barriers when considering their participation in political life. In many countries, there is resistance to women’s political participation because of prevailing gender norms questioning women’s ability to lead. For example, women may be underrepresented in politics because of perceptions that they are less qualified or do not possess sufficient leadership skills. These stereotypes are linked to women’s roles as caregivers. Many women are unable to balance family and public life and are not granted support from their spouses and families. Women are also still responsible for the majority of childcare and household tasks in many countries. The long hours, lack of flexible working patterns and the lack of part time roles can be practical bars to women’s participation in public and political life. Amnesty International notes that “…where women are the primary care givers for children, access to child care and careful timing of political party leadership meetings are crucial to women’s ability to participate on an equal footing with men”[[278]](#footnote-278).

Additionally, a lack of financial resources can significantly hinder women’s participation in political life. Women frequently lack access to political party funding and financial resources for their election bids, and must pay for the advertising costs of their campaigns. Women often experience violence and sexual harassment at the ground level in political parties, which can make their participation dangerous. Male bonding and persistent stereotypical attitudes towards women can also discriminate against women. For example, in India, women’s participation as candidates in national and state elections has declined because it is difficult for women to establish a foothold without patronage from powerful men in the party[[279]](#footnote-279). In addition, Lebanese structures of political representation are dependent on familial ties from male to male relatives, which excludes women[[280]](#footnote-280).

Another significant barrier that women face is a lack of experience and knowledge. Political parties may avoid female candidates because they come with fewer campaign resources and links to influential constituencies. A lack of knowledge can also lead to women being overlooked. For example, a lack of awareness of women’s rights and responsibilities can work against women as candidates and members of political bodies. The Asian Development Bank noted in a study that more than 70 percent of councillors interviewed in Bangladesh were not aware of their rights and responsibilities as representatives[[281]](#footnote-281). A lack of knowledge can lead to adverse effects on women’s political empowerment: more than 80 percent also expressed their lack of confidence in their ability to conduct meetings[[282]](#footnote-282). Female candidates tend to be less competitive and more risk averse than their male counterparts. Research shows that, despite comparable credentials, backgrounds, and experience, accomplished women are substantially less likely than similarly accomplished men to perceive themselves as qualified to seek office[[283]](#footnote-283). Women and men rely on the same factors when evaluating their merit as candidates, but women are less likely than men to believe they meet these criteria[[284]](#footnote-284).

Women may also experience barriers due to the nature of the political system. Federal political systems can play an important role in either maintaining or undermining gender inequality around the world. For example, federalism allowed for a US state, Wyoming, to enfranchise women and give them the vote before women were eligible to vote at the national level. In Switzerland, however, women were disenfranchised at the local level until the 1990s, 20 years after they were able to vote at the national level[[285]](#footnote-285). The same country can also have widely divergent gender equality policies within a federal system.

*Good Practices in Facilitating Women’s Participation in Political Life*

An important good practice in improving rates of women’s participation in political life involves training for women to improve their campaign skills. In 2007, women in Syria retained 31 seats (12 percent) in a system with no quotas, helped by training through the Syrian Commission for Family Affairs and the General Women’s Union, in collaboration with UNIFEM[[286]](#footnote-286). In 2006, in Bahrain, one woman became the first-ever elected women, and she had been one of 18 women candidates trained in campaign skills and aided by a government media blitz. The NDI works in many countries, such as Macedonia and Burkina-Faso, to train women candidates, in order to expand the pipeline of capable women in a given country[[287]](#footnote-287). In Brazil, the Brazilian Social Democratic Party (PSDB) has a Political Training Program for Women, which is being implemented in all Brazilian states, with financing, to educate women party members. As a result of the program, more than 3000 PSDB women attended these courses in 2005 alone[[288]](#footnote-288).

Another good practice relates to providing financial resources to support women candidates. In Cambodia, the Sam Rainsy Party provides women candidates with basic items, such as appropriate campaigning clothing and a bicycle for transportation[[289]](#footnote-289). In Canada, the 1974 Elections Act was passed that allows childcare expenses to be included in a candidate’s personal expenses during a campaign[[290]](#footnote-290). In Panama, Law 60 of the Electoral Code stipulates that parties use at least 25 percent of public funds for capacity-building, out of which at least 10 percent must go to female candidates[[291]](#footnote-291). In Costa Rica, no less than 20 percent of the total contributions to the Citizen’s Action Party are allotted to training and organizational efforts, with no less than 15 percent being targeted at training women and youth[[292]](#footnote-292).

There are good practices in making political life more family-friendly in order to help women to ensure a work-life balance. In Australia, traditionally, sittings of the House of Representative could go until 11pm at night, which could be prohibitive for women. In 2003, the hours were amended to ensure that they rose no later than 9pm. Within the Parliament itself, a childcare centre was established so that parliamentarians could leave their children to be cared for. Furthermore, in the case where a woman is nursing a small infant, in her absence she can now ask her whip to vote on her behalf[[293]](#footnote-293). Women politicians in the UK and in Australia have also recently advocated for the necessity of public breastfeeding in order that they can be fully supported in their roles as both mothers and parliamentarians[[294]](#footnote-294).

Good practices in addressing the practical barriers faced by women as the primary caregiver can be found in Norway and Sweden. In Norway, the State heavily subsidizes public and private day-care centres to help with the burden of childcare faced by women, and it is ranked the best place in the world to be a mother[[295]](#footnote-295). In Sweden, nurseries are available to women working in both the public and private sectors, and are financed partly by central government grants, partly by tax revenue and partly by parental fees. Sweden has a maximum fee policy that states that parents should only have to spend between 1% and 3% of the family income on childcare, depending on the number of children. In Sweden as of 1991, all children aged 18 months and over, whose parents are working or studying, have access to a place either in an approved day-care centre, registered family day care or a nursery school. Financial involvement on the part of the Swedish government has steadily increased since 1975[[296]](#footnote-296).

Influencing the Agenda: Women’s Effective Participation

While electing women to public office is an important first step to ensure women’s political participation, it is also important to ensure that women have a voice once they have been elected. When women are empowered as political leaders, countries experience higher standards of living and positive developments in education, infrastructure and health[[297]](#footnote-297). Studies show that women’s political participation results in tangible gains for democratic governance, including greater responsiveness to citizen needs[[298]](#footnote-298); increased cooperation across party and ethnic lines[[299]](#footnote-299); and more sustainable peace[[300]](#footnote-300). Research suggests that the gender of legislators, for example, clearly affects their policy priorities; however, this might not be the case if women are not empowered to have a strong voice in public office.

In order to ensure that women have a strong voice, it is necessary to take advantage of critical mass within elected bodies. For example, women’s parliamentary caucuses should be established and strengthened in order to amplify women’s voices[[301]](#footnote-301). By uniting, women are better able to successfully shape the parliamentary and legislative agendas. In Sri Lanka, the NDI has worked with female politicians across all parties to identify non-partisan issues upon which they can all cooperate, leading to the drafting and endorsement of a platform for improving women’s political participation[[302]](#footnote-302). It is important to develop mechanisms for the political mobilization of women, for example by building effective constituencies, networks and solidarity to influence the democratic process; strengthening political constraints on women’s political engagement; strengthening the judiciary systems based on accountability measures; and holding democratic institutions accountable to women and to meeting commitments to women’s rights[[303]](#footnote-303).

Another good example is the creation, in 1996, of the multi-party and multi-ethnic Forum of Women Parliamentarians (FFRP) in Rwanda. The FFRP is formally recognized by the parliament and all female parliamentarians from both houses of parliament are members of this caucus. Members work together across party lines on issues of importance to women and to ensure gender-sensitivity in the Parliament and in legislation[[304]](#footnote-304). In another example, in 2008, a women’s caucus was established in Argentina, to include all female senators, with the objective to “advise, consult, oversee and monitor laws, policies and government actions related to equal rights and opportunities and the treatment of men and women”. This committee formally promoted draft legislation in 2008 on the elimination of sexist language in public administration, and the declaration of 2009 as the national year of non-violence against women and fighting domestic violence[[305]](#footnote-305). Uruguay’s women’s caucus helped to established the country’s Gender Equity Committee, which has been instrumental in pushing forward a number of women’s human rights laws, and in Brazil, the women’s parliamentary caucus, in collaboration with women’s advocacy groups, helped enact laws to protect women’s human rights related to violence against women and sexual and reproductive health[[306]](#footnote-306).

The case of Costa Rica offers a good practice to ensure gender balance in parliamentary committees. In 2003, several female deputies and one male deputy sought an injunction from the Constitutional Chamber regarding the unequal gender make-up of the Standing Committees, citing CEDAW and the American Convention. A second similar request was also filed in 2003, and another two in 2009, which declared that the deputies’ right to equality had been violated. Following this declaration, the President of the Legislative Assembly was ordered to take steps to guarantee, insofar as possible, the participation of female deputies in special standing committees. Since 2009, it has been clear that it is the legislative leadership’s duty to comply with the Constitutional Court’s ruling[[307]](#footnote-307).

Women can have a stronger voice in political life by strengthening legislative and political institutions, and changing political-institutional culture to better meet women’s needs. In Arab and African states where there has been an increased women’s parliamentary presence, there has been ‘substantial change’ in parliamentary language and behaviour[[308]](#footnote-308). It is important to continue to strengthen the legislative institutions through enabling greater inclusiveness in policy-making processes. While it is difficult to determine how gender is being incorporated into institutions, Sweden, which is the second highest ranked country in the Western region in terms of women in national parliaments, has adopted a special plan for gender mainstreaming. This plan describes how “under this strategy, each Minister is responsible for gender equality in his or her policy area and the Minister for Gender Equality is responsible for ensuring that progress is made and for following up measures at an overarching level”[[309]](#footnote-309).

*National Human Rights Institutions (NHRIs)*

National human rights machineries play an important role in protecting, promoting and fulfilling women’s human rights and in achieving gender equality[[310]](#footnote-310). NHRIs can be active promoters of the implementation of CEDAW at the national level and often lead awareness-raising campaigns on women’s human rights. National human rights bodies have been established in numerous countries across regions, and they are able to consider the multiple forms of discrimination that women may face in realising her right to participate in public and political life.

The role of NHRIs in protecting and promoting women’s rights and gender equality has been recognized in the 2004 OSCE Action Plan for the Promotion of Gender Equality and in international human rights standards. There are three principal models for NHRIs: the majority are human rights commissions with an explicit human rights mandate; some are ombudsperson offices with a general maladministration mandate and no specific human rights mandate; and some are hybrid models of the two. Research suggests that neither model can be considered more or less conducive to protecting and promoting women’s rights and gender equality[[311]](#footnote-311). This research survey also reported that 64 percent of NHRIs in the OSCE region comment on draft legislation in the area of women’s rights and gender equality; 52 percent monitor the implementation of policies and legislation that affect women’s rights; and 42 percent participate in developing national action plans for women’s rights[[312]](#footnote-312).

Survey suggests that 33 percent of NHRIs in the OSCE region identified promoting women’s participation in political and public life as one of five priority areas. For example, the Equality and Human Rights Commission in the UK, as part of the ‘How Fair is Britain?’ campaign, collected data on women’s representation in senior positions. The report, *Sex and Power* 2011, compared data with 2007/2008 figures and concluded that, while women’s representation in top leadership had increased in 17 categories, there was a drop in women’s participation in ten categories, including as members of Cabinet and local authority council leaders and in public appointments[[313]](#footnote-313). The Lithuanian Equal Opportunities Ombudsperson also collects data on the participation of women in political and public sectors, which has revealed a correlation between the number and the position of women on candidates’ lists and the number of women elected. Their data show that if women were among the first three candidates on the list, they had a better chance of being elected[[314]](#footnote-314).

The Icelandic Centre for Gender Equality requires all official institutions and private companies with 25 or more employees to have a Gender Equality Action Plan. The Centre monitors the progress of employers over time and in cases of non-compliance, can impose fines on companies that do not send their action plan within a set period of time[[315]](#footnote-315). The Commissioner for Human Rights from Azerbaijan uses awareness-raising campaigns, including in rural areas, to encourage women to exercise their right to vote and to become actively involved in the electoral process. This NHRI reports that these campaigns have resulted in increases in the number of female candidates, the number of elected women and deputies, and the number of women elected at municipal levels[[316]](#footnote-316).

In Cyprus, the National Machinery for Women’s Rights is the competent authority in the country for the promotion of gender equality and women’s rights, playing a leading role in ensuring the introduction of gender mainstreaming into all national policies and programmes[[317]](#footnote-317). In Jordan in 2011, a National Dialogue Commission was formed to carry out legal reforms of national legislation, which included a focus on women’s rights and gender equality. Lebanon, India and Pakistan have established National Commissions of Women to actively promote the drafting of amendments to discriminatory laws. Indonesia, Oman and North Korea have also established National Committees to monitor the implementation of CEDAW, with Indonesia establishing a National Commission on Violence Against Women.

**Section 5: Political Transition**

Women’s participation in public and political life is particularly important for consideration in times of political transition, as these moments open opportunities for positive developments in gender equality and ending discrimination against women, but they can also produce negative backlash against women’s human rights. This section highlights how political transitions can affect the status of women in society and affect women’s access to public and political life, including in post-conflict transitions, and transitions to democracy and to liberal market economy.

There is significant variation in how women’s rights are addressed in times of political transition and in how women participate in these transitions, and a number of factors might explain the variation. The presence of strong women’s rights advocates in civil society in alliance with women’s organizations can have a powerful influence on building opportunities for women’s rights and pressuring for egalitarian change. Governments and political parties that are sympathetic to gender equality are important in order to avoid the danger of ineffective tokenism[[318]](#footnote-318). The influence of the international context is also important: transnational activist organizing, UN involvement in peacebuilding and state-building, and international human rights law can be significant for post-conflict and newly democratic transitioning countries.

The effective participation of women must be ensured in all aspects of political transition, including peace negotiations, the drafting of new constitutions and other foundational documents, measures to re-build national institutions and measures redressing human rights violations and crimes under international law[[319]](#footnote-319). There are persistent obstacles to women’s participation in post-transition political and public life, but women’s participation during these times of change is essential to establishing their legitimacy as political actors. There is a need to encourage states during political transition to push for gender equality in all processes, but there is also an obligation of assisting states to refrain from discrimination against women in their assistance to the transitioning state[[320]](#footnote-320).

The international community and international standards on human rights and equality play a critical role during times of political transition. Women’s rights advocates on the ground are strengthened through their alliances with international and regional women’s movements and by the support of international organizations and funding agencies, which promote international normative standards for human rights. Donor approaches to women’s inclusion can be contradictory if donors accept that initial political settlements are negotiated by elites, followed by a subsequent broadening of a political settlement to be more inclusive[[321]](#footnote-321). This suggests a tension faced by donors who need to be strategic in promoting normative international commitments, while also being limited by a power-based approach to settlement. Donors need to understand that gender inequality is innately political, and is not a ‘social issue’ to address once the central politics of state-building are confirmed[[322]](#footnote-322). Donors should be aware that gender power relations are intimately linked to broader patterns of power and resource distribution in society.

The United Nations has been a key cooperative actor during times of political transition, reporting on progress and limitations in women’s participation in public and political life during times of transition. Studies on the implementation of UNSC Resolution 1325 show that peace missions have achieved little success in greatly improving the participation of women in peace negotiations and agreements with women’s participation generally remaining below 10 percent of those formally involved[[323]](#footnote-323). However, more progress has been made in women’s participation in politics, with significant participation of women as voters and as candidates in most countries where elections are being held in the post-transition country[[324]](#footnote-324). Missions have experienced varying degrees of success in integrating a gender perspective into DDR programmes and the impact of UN support for gender-sensitive security sector reform has also been mixed.

Transition as the Possibility for Progress or Backlash

An ideology of equality does not always accompany political transitions, which can contribute to a regression in women’s rights during these periods of change. In the case of the transition from socialism to democracy in Eastern Europe and the former Soviet Union, the initial years after the transformation were characterized by a reversal of equality norms, towards strongly defined separate gender roles for men and women. In Russia, for example, after the transformation, right-wing discourses appeared in the public sphere, which emphasized the ‘cost’ of women’s emancipation and highlighted women’s desire to stay at home and focus on the family as part of women’s ‘natural’ occupation as mothers[[325]](#footnote-325). As a result of the rise of these right-wing discourses, emphasizing the division of male and female spheres of life, some feminists have argued that, “Perestroika, though in itself intended to augment the sphere of individual freedoms, represented a period of post-socialist patriarchal renaissance”[[326]](#footnote-326). In Eastern Europe during the 1990s, as with the ‘Arab Spring’ more recently, women were actively engaged in the pro-democracy movement, but were then ejected from formal politics after the change of regime.

This dual opportunity for progress and regression in political transitions can be seen in the ‘Arab Spring’ uprisings in the Middle East region since 2010. For example, Tunisia is passing through a critical moment for gender equality, where Tunisian women actively participated in the uprisings, but may still face backlash against their rights with the victory of the moderate Islamic party, Ennahda, during the first free election since the uprising against President Ben Ali. Particularly in debates about the role of sharia law in the new constitution, women’s rights activists are concerned about backsliding on key gains for gender equality and have been active in ensuring that constitutional reforms clearly embody the concept and practice of gender equality and non-discrimination in both public and private spheres. For example, in August 2012, thousands of Tunisians protested in the streets over the new constitution that referred to women as ‘partners’ of men throughout the country’s history, sharing ‘complementary’ roles within the family. Due to national and international pressure, this concept was removed from the constitution and the latest version guarantees women’s rights gains and even goes further to combat all forms of discrimination against women.

While political transitions can be a time of opportunity and possibility for advancing women’s rights and gender equality, the possibility of regression can also nullify women’s rights. In Pakistan during a coup regime, when the Huddood Ordinance was passed, rights enshrined in civil family laws were nullified and discriminatory sharia laws were introduced[[327]](#footnote-327). In Fiji, the military government is actively discrediting women’s rights organizing, to reinforce patriarchal norms, by refusing to work with individuals and organizations working with ‘active and dissident’ women’s groups; through media attacks against women and women’s groups; and through the exclusion of women from decision-making processes pertaining to the constitutional reform process[[328]](#footnote-328). This atmosphere of intimidation significantly hinders women’s ability to claim their rights and stops women’s advocacy efforts on behalf of gender equality and an end to discrimination.

In addition, while women may be very involved in the peace process, they can be excluded once the peace process has ended. In the case of women’s political representation in Bosnia and Herzegovina, women were actively involved in the peace process, but have been sparsely represented in the new political structures. In 2008, women constituted only 13.33 percent of deputies in the House of Peoples and only 11.90 percent of deputies in the House of Representative of the Parliamentary Assembly of Bosnia and Herzegovina[[329]](#footnote-329). In the case of the transition in Georgia, the number of women in parliament has also decreased. Even the ‘Rose Revolution’ of 2003 did not ensure women’s participation and the power-struggle in Georgian politics has led to many women being discouraged from entering into politics[[330]](#footnote-330). In 2008 in Georgia, the overall percentage of women members of parliament had decreased to 5 percent[[331]](#footnote-331).

Peace Agreements and Political Settlements

Peace agreements do not completely end conflict, but rather they limit the violent end of conflict and incorporate the conflict within legal and political institutions for management[[332]](#footnote-332). When considering post-conflict transitions to peace, women’s political, legal and social gains are determined within the ceasefire and pre-negotiation agreements; in the frameworks for the substantive settling of the conflict; and in the implementation agreement. Thus, women’s participation from the start of these processes is essential to ensure that these political transitions offer opportunity for progress in gender equality and women’s rights. Women’s inclusion in these peace agreement texts is an important starting point for achieving other political, legal and social gains for women, because issues that are not included in an agreement can be difficult to incorporate into the post-agreement phase and can lack donor funding[[333]](#footnote-333). Or, for example, if sexual violence issues are not included in a ceasefire agreement, the international peacekeeping force is unable to enforce a ceasefire mandate that includes sexual violations[[334]](#footnote-334). Not only should women’s concerns be highlighted within these peace agreements, but also women should be involved in drafting them to ensure full participation.

Political settlements are often gender neutral. This can be problematic because the political settlement effectively sets the framework for state building, so the inclusion of women’s interests is critical if there are to be results that deliver for women[[335]](#footnote-335). A number of different contextual and structural factors can help to promote gender inclusive development policies and outcomes during these times of transition, including elite support for gender equality; transnational discourses and advocacy actors that open space for new discussions of gender; the presence of male allies or ‘femocrats’ in state power; policy coalitions that exert pressure on states; and a capable women’s movement[[336]](#footnote-336). Together, these factors are important for understanding the possible opportunities and constraints that political transition can have on women’s rights, as the political settlement will be determined by diverse social and political forces in society, and will be characterized by trade-offs by powerful actors. By using a political settlement framework that considers these diverse factors, it is possible to focus on agency and structure, and the interactions between them, in order to better understand how women behave as actors and also the gendered structures within which women function. It can also help to show how women gain inclusion in political transition, and how policy coalitions can be a crucial component in ensuring a gender sensitive post-transitional context[[337]](#footnote-337).

The UN Security Council Resolution 1325 also offers a legal and normative framework for ensuring that women are involved in this essential component of a political transition. Since the passing of UNSC Resolution 1325, the number of references to women in peace agreements has increased significantly, from 11 percent to 27 percent[[338]](#footnote-338). Resolution 1325 has particularly had an effect on peace agreements where the UN played a key role as a third-party actor, with references to women rising from 12 percent to 36 percent[[339]](#footnote-339). When peace agreements do address women, they tend to address the representation of women in political and legal institutions; women’s involvement in repatriation, resettlement and post-conflict reconstruction; local women’s peace initiatives; and the issue of sexual violence against women[[340]](#footnote-340).

Despite progress that has been made, there is little evidence of systematic inclusion of women in peace agreements or systematic treatment of gender issues. Some references to women are also ambiguous in terms of gains for women’s rights. For example, quotas limiting women’s participation, or references to women that reinforce gender-based stereotypes of women as mothers or as victims, can be detrimental to women’s rights and gender equality goals. While the inclusion of women’s rights issues is an essential first step to women’s greater participation and empowerment in post-transition society, barriers to inclusion and gender equality can remain in spite of women’s inclusion. Furthermore, even when constitutional or legislative change occurs, laws are often not passed due to a lack of resources and skills, limited legal literacy and limited access to the justice system.

Constitution-Building in Times of Transition

In both transitions to democracy and post-conflict transitions to peace, women’s role in the process of constitution-building is essential to create opportunities for progress in women’s rights and gender equality in society. For example, in the African region, ten out of fourteen post-conflict countries have gender equality clauses, whereas only eleven out of thirty-two non-post-conflict countries have such a provision[[341]](#footnote-341). Some of the most explicit wording regarding women’s rights can be found within post-conflict constitutions, and this can lead to significant gains for women. For example, many post-conflict countries in Africa have included explicit quotas or calls for increased representation of women, which has resulted in Africa having some of the highest representation of women in parliaments in the world[[342]](#footnote-342). In Rwanda, over 56 percent of parliamentary seats are held by women, and women hold over thirty percent of legislative seats in Angola, Burundi, Mozambique, South African, Tanzania and Uganda[[343]](#footnote-343). Furthermore, women’s participation in the rebuilding of Iraq led to the inclusion of a gender quota in the new constitution, and in 2001, the UN transitional administration in Timor-Leste worked to ensure women’s participation in the country’s first election for the constituent assembly, and with it, women’s representation increased to 21 percent[[344]](#footnote-344).

The significance of gender equality in new and reformed constitutions can play a crucial role in providing a legal basis and legitimacy for women’s rights advocacy and to influence the content of gender policy in the aftermath of transition. Constitutional language that defines women’s rights influences the content of legislation, in part, because where explicit egalitarian constitutional provisions are present, women’s movements can use them as a legal tool to fight gender discrimination. Where constitutional provisions are weak, or where they reinforce traditional, stereotypical gender roles, women’s movements may have greater difficulty in pursuing policies that impact gender equality[[345]](#footnote-345). Research on constitution making during transitions in South Africa and Botswana suggest that the egalitarian constitutional provisions in South Africa provided the women’s movement with the space to proactively address gender equality and discrimination, but in Botswana, with limited constitutional equality rights, the women’s movement were more limited in their ability to pursue policies to advance women’s rights[[346]](#footnote-346).

CEDAW and other international human rights treaties have played an important role in constitution-making and in the interpretation of women’s rights during political transitions. CEDAW has been used as a direct or interpretive source, and the use of CEDAW committee materials, such as general recommendations, concluding observations and optional protocols have impacted the drafting and interpretation of domestic constitutional guarantees of gender equality[[347]](#footnote-347). In Nepal, for example, a partnership initiative between local activists, lawyers, parliamentarians and public officials, and facilitated by UNIFEM and UNDP, contributed to the process that led to a draft gender-responsive constitution that assessed the extent of the compatibility of the new constitution with CEDAW[[348]](#footnote-348).

Reparation and Remedy in Times of Political Transition

Another important consideration during political transitions is remedy and reparation for women. Violations against women during authoritarian rule or in times of conflict are connected to political and structural inequalities that women face, and reparations can lead to the enablement of active participation of women in public and political life. The Inter-American Commission, for example, recognizes that the existence of effective remedies is essential to guaranteeing political rights, such as the right to political participation[[349]](#footnote-349). States have an obligation under international law to make reparations for human rights violations, and the right of individuals to remedy and reparation for the violation of their human rights is increasingly recognized, in multiple treaties including the ICCPR, CEDAW, HRC General Comment No 31 and various other international declarations[[350]](#footnote-350). The right to remedy requires equal and effective access to justice and adequate, effective and prompt reparation for violations. Types of reparation can include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition[[351]](#footnote-351).

Reparations should be ‘transformative’; bearing in mind the context of structural discrimination that caused a violation, reparations must be designed to change and rectify the situation for women[[352]](#footnote-352). As the Nairobi Declaration of Women’s and Girls’ Right to Remedy and Reparation (2007) states: Reparation must go above and beyond the immediate reasons and consequences of the crimes and violations; they must aim to address the political and structural inequalities that negatively shape women’s and girls’ life”[[353]](#footnote-353). While remedy and reparation can enable women’s active participation in political processes, they can be particularly challenging in contexts of political transition because of significant barriers resulting from a lack of access to justice. A lack of adequate judicial mechanisms for the protection of rights; limited financial resources; lack of institutional capacity; or instability and a lack of security can all hinder the ability to ensure remedy and reparation.

Women may find it particularly difficult to access transitional justice when there is a climate of impunity in the justice system of a country, and as a result of the high rates of poverty among women in many transitional states. This poverty may result from the fact that women are unable to access land and resources because of their lack of inheritance rights or rights to land and resources. The case of the ‘half widows’ in Kashmir illustrates this challenge: the husbands of these women have ‘disappeared’ but have not yet been declared deceased, and because of existing legal and judicial processes that subordinate women’s rights to the rights of their husbands, these women are deemed ineligible for pensions and other governmental relief[[354]](#footnote-354). This example not only illustrates the severe economic hardship that women can experience in the face of barriers to transitional justice but it also demonstrates the important links between women’s rights and development goals.

Countries are increasingly recognizing that women should be part of all transitional processes and that reparation includes access to remedies, unbiased investigation of all war crimes, and redress for victims. For example, both Timor-Leste and the Solomon Islands have established Truth and Reconciliation Commissions, and the final report on Timor-Leste included a dedicated chapter on sexual violence, indicating that gender-based violence was taken seriously, with gender also being mainstreamed throughout the entire report.

Feminist scholars have raised questions about whether women equally participate and benefit from transitional justice processes in various countries. For example, transitional justice processes may emphasize the civil and political rights of an individual over economic, social and cultural rights, which, in many cases, are the rights violations that women are more likely to experience[[355]](#footnote-355). Transitional justice processes such as truth commissions are also not often connected to formal legal systems, which could lead to the necessary reform of laws that perpetuate the discrimination against women[[356]](#footnote-356). Women may differently experience violence from men in conflict and these differences are not always reflected in the mandates of transitional justice mechanisms and processes, which can effectively rule out women from accessing justice for the violation of their rights. Not only does this contribute to the reinforcement of gender inequality in society, but also it can significantly hinder progress in development, because of the underlying impact of this discrimination on women’s participation in social, economic and political life.

The Impact of Religion in Times of Political Transition

National identities are often intensively re-negotiated in a highly polarized political context during times of political transition and religion is integral to national identity. There is indication in the reports from all regions that the involvement of religious institutions in political life, and especially in times of political transition, has a negative impact on women’s equal right to participate in political and public life and can contribute to a backlash against gender equality goals in policy and law.

Even in Latin America, where the Catholic Church has always played an important role in the defense of human rights on behalf of those politically persecuted during the repressive regimes of the 1970s and 1980s, this support for human rights more generally intersects in ambiguous ways with women’s rights, because the Catholic Church has historically also supported norms and practices of patriarchal culture.

In Eastern Europe, the relationship between the churches and state institutions differs depending on the country in question. In Poland, the Catholic Church stood with the opposition under the totalitarian regime and, during the transformation, continued to exercise pressure with regard to legislation, with a particular focus on reproductive rights. In other countries, the rise of the Church during the transition to democracy was connected to their alliance with institutions of power. For example, in Russia, the Orthodox Church is strongly allied with the ruling party. Close ties between churches and state institutions can lead to attempts to limit the rights of women and to strengthen the right-wing discourses that limit women’s opportunities in public and political life.

**Section 6: Conclusion**

This report has highlighted and synthesized global information on the issue of discrimination against women in law and in practice, within the realm of political and public life. It has examined issues of women’s equality and empowerment in relation to their status as full and equal citizens in different political systems, and at different political levels (national, regional, global). It has explored new developments and trends in women’s political participation, in terms of representation, participation and influencing the agenda. The report has highlighted new political arenas for women’s political empowerment, such as ICTs and the use of the Internet, and has examined how key issues relevant to public and political life are especially important for consideration during times of political transition. This concluding section reflects on some key themes that weave throughout the report.

First, while the 1997 CEDAW General Recommendation on public and political life focused narrowly on issues related to formal politics, that is, on the right to vote, the right to participate in policy formulation and implementation, and the right to participate in non-governmental organizations and associations, a vision of public and political life in the future must go beyond the formal sphere, to encompass the spectrum of public and political ideas that range from formal to informal. This is especially the case when considering that new forms of political participation for women often span beyond traditional institutionalized forms of politics. This report shows that considerable progress has been made to improve women’s representation, participation and ability to influence the agenda within formal political processes across all regions. However, the concept of ‘political life’ must be expanded to show that many aspects of personal life, and life in the private sphere, can increasingly be understood to be ‘political’.

Second, any conceptualization of public space must include an understanding of new and expanding spaces in the digital sphere. New technologies for access to public and political life are emerging, and these new forms of communication are creating new modes of political practice. These spaces must be interrogated for their risks and for the opportunities they provide. While ICTs and the Internet can act as tools for coalition-building; the transfer of knowledge; and the projection of voice, allowing for women’s movements to more effectively promote gender equality goals, research on how these technologies can be mobilized is still underdeveloped. More research is needed to consider how these spaces for political action change demands for accountability and affect the outcomes of political mobilization.

Third, there is a need to interrogate how women’s human rights interact with culture and religion, especially within customary legal systems. International human rights laws is increasingly recognizing the need to respect multiple and often overlapping forms of justice, especially in respect to cultural and religious rights, but analysis is needed to consider how these concepts interact and what needs are prioritized. This especially speaks to the question of how global human rights concepts become incorporated within domestic legal systems, and how these international standards can be applied with respect to diverse local legal systems. This question is especially pertinent in the context of political transitions, as state-building and peace-building projects engage directly in building judicial institutions. Legal systems and constitutions are an essential framework for ensuring that subsequent progress can be made to advance women’s rights. Discrimination that is institutionalized within laws or the constitution, whether or not it is based on culture or custom, can significantly hinder women’s ability to pressure for change.

Fourth, there is a need to adopt a multi-scalar approach to addressing discrimination against women in public and political life. Specifically, there is an important interaction between the global, regional, national and local levels, which is unprecedented in our time, as a result of advances that have been made in technology and through globalization. This is especially evident in the importance of the transnational women’s right movement to support gender equality. This report has highlighted in all sections the importance of the women’s movement in pushing for change and reform in policy, law and practice. As we consider the significance of the women’s movement and coalition building in efforts to progress women’s rights, we should conceptualize this movement on multiple, intersecting, and interacting levels, as local movements work in collaboration with international efforts.

Finally, an expanded conceptualization of discrimination against women in public and political life must incorporate concepts such as political settlement, state-building, inclusive democracy, transitional justice and constitutional design. Moments of transition in society, whether away from authoritarian rule or from conflict, provide immense opportunity for change and progress in women’s rights and gender equality. However, these moments can be a double-edged sword, and can lead to backsliding if the sufficient factors are not in place to push for progressive change. It is essential that women participate in these transitional processes at all stages to ensure that they contain gender-sensitivity.

Recommendations

There are a number of recommendations that can be derived based on the findings of this global report. Recommendations can be targeted at multiple actors, in order to ensure that good practices can be applied within several political contexts.

*Recommendations for Governments*

* Eliminate all continuing discriminatory laws
* Provide clear and explicit provisions within the constitution and legislation of the State on gender equality and non-discrimination against women
* Ensure ratification and integration within national law of other relevant international human rights and legal instruments
* Implement constitutional reform to ensure gender equality framework
  + Ensure an inclusive process and extensive consultation of all stakeholders, including civil society and women’s organizations
  + Emphasize the principles of gender equality and non-discrimination
  + Ensure that the constitution explicitly permits the possibility of taking positive actions to promote gender equality
  + Ensure the constitution corresponds with international legal obligations
* Improve training on gender equality for practitioners in the field of police, civil servants, and judiciary, and in national education curriculums
* Ensure gender-responsive national budgets and development plans
  + Ensure that women and men have equal opportunities during election campaigns, such as providing public funding, access to the state media, setting campaign spending limits, and ensuring that campaign finances and expenditures are disclosed
  + Adopt multi-sectoral strategies to improve women’s access to education, employment, health, social security, and other fundamental economic, social and cultural rights
* Ensure that policies designed to promote women’s participation include accountability measures
* Involve the media in promoting a culture of gender equality that combats gender-based stereotypes
  + Adopt awareness-raising initiatives in the media to address prevailing gender-based social stereotypes
  + Adopt educational strategies around women’s human rights and women’s role in public and political life
* Ensure that the condition and position of women who face multiple forms of discrimination improve and take all measures to facilitate the elimination of discrimination against these women.
* Develop comprehensive data compilation methodology and include relevant sex-disaggregated statistics, to assess trends and impact of programmes.
* Guarantee that women obtain an adequate legal remedy when their right to participate in public and political life free from discrimination is violated
* Establish and/or expand skills training and capacity-building for women and girls, and women’s non-governmental organizations on new forms of ICT
* Ensure accessible, affordable childcare and facilities for women involved in public and political life (and parental leave, where relevant)

*Recommendations for Parliaments*

* Finalize the process of withdrawal of the reservations to CEDAW and begin process of legislative reform to meet obligations under CEDAW
  + Bring legislation in the area of marriage, family, inheritance and personal status law in line with international human rights standards
  + Introduce legislation to prevent and protect women from all forms of gender-based violence
  + Improve access and knowledge of CEDAW and its optional protocol
* Introduce legislation on specific measures aimed at promoting women’s representation in elected public bodies at all levels
  + Remove legislation that may hinder women’s equal participation
* Implement mechanisms for the monitoring and evaluation of political parties regarding gender policies and practices
* Seek to achieve gender parity in all decision-making bodies, by establishing incremental time-bound targets for increasing women’s representation
* Strengthen national women’s machineries to ensure the effective implementation, monitoring and mainstreaming of national, regional and international commitments on gender equality
* Enact special measures to guarantee women access to the legislature and decision–making positions, including through legislated quotas within a proportional representation system or reserved seats within majoritarian systems with specific and effective sanctions for non-compliance.

*Recommendations for Political Parties*

* Develop mechanisms or special measures to increase the number of women in party leadership and decision-making positions
  + Implement effective gender quotas with the aim of achieving equitable representation of women in elected positions
* Allocate equal and adequate resources for women’s political campaigns and electoral processes
* Adopt clear and transparent rules to ensure internal democracy, with attention to gender equality
* Provide clear rules for candidate selection to allow or meaningful input from party members in the process of selecting candidates
* Promote women’s candidacies through the adoption of special training programmes, recruitment and financial incentives.

*Recommendations for Civil Society Organizations*

* Build alliances with men and other women’s organizations to promote women’s participation in public and political life
* Conduct training on existing national and international legal norms to facilitate their implementation
* Hold government, legislatures and political parties accountable for progress in increasing women’s participation and representation
  + Develop monitoring plans to evaluate and assess governments of their implementation of commitments related to gender equality
* Strengthen civic and citizenship training in schools and continuing adult education regarding gender equality and non-discrimination
* Facilitate women’s education regarding new forms of communication technology such as the Internet and enable women in developing countries to have access to and use of new technologies, for their empowerment.

*Recommendations for the United Nations bodies and multilateral/bilateral donors*

* Provide financial and technical support to build women’s capacity for political participation
* Build partnerships with government, private sector and civil society to advance women’s participation in public and political life
* Engage in information and data-collection efforts related to women’s participation in public and political life at all levels
* Promote women’s participation and interests at critical moments in political settlements, and at the highest levels of power.

1. CEDAW General Recommendation No 23 <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom23> [↑](#footnote-ref-1)
2. Eyben, “Supporting Inclusive and Democratic Ownership. A ‘How to Note’ for Donors”, Prepared for the OECD DAC Working Party on Aid Effectiveness, Cluster A ‘Ownership and Accountability’, IDS: UK; as cited in Summary of Discussions, “Women’s Political Empowerment: The State of Evidence and Future Research”, September 11-12, 2012. [↑](#footnote-ref-2)
3. <http://ec.europa.eu/justice/gender-equality/gender-decision-making/index_en.htm> [↑](#footnote-ref-3)
4. MacKinnon, Catharine. *Toward a Feminist Theory of the State*, Harvard University Press, (1989) [↑](#footnote-ref-4)
5. IDEA, “Women in Parliament: Beyond Numbers” (2005) Revised report. 94 [↑](#footnote-ref-5)
6. Bond, Johanna E. “Constitutional Exclusion and Gender in Commonwealth Africa” *Fordham International Law* Journal, Vol 31, Issue 2. Article 1 (2007). [↑](#footnote-ref-6)
7. Wilson, Rebekah “Western region” Report to the Working Group on the Issue of Discrimination Against Women in Law and in Practice. (hereafter: “Wilson, Rebekah ‘Western Region Report’”) [↑](#footnote-ref-7)
8. Wilson, Rebekah ‘Western Region Report’ [↑](#footnote-ref-8)
9. Wilson, Rebekah ‘Western Region Report’. For example, women have lost ground in Cyprus, Portugal and Spain where electoral realignments changed (Women in Parliament 2011: The Year in Perspective, IPU, pg.5) [↑](#footnote-ref-9)
10. As noted by CEDAW in concluding reflections, e.g. on Guyana, July 2012 [↑](#footnote-ref-10)
11. Equality in Politics: A Survey of Women and Men in Parliaments, International Parliamentary Union, 2008 Page 72 [↑](#footnote-ref-11)
12. ECLAC, *Women’s Contribution to Equality in Latin America and the Caribbean*, Tenth Regional Conference on Women in Latin America and the Caribbean, Quito, August 6, 2007, p. 55. As cited in Celorio, Rosa, “Latin America and the Caribbean Report” Report to the Working Group on the issue of discrimination against women in law and in practice (hereafter: “Celorio, Rosa ‘LAC report’”) [↑](#footnote-ref-12)
13. ECLAC, Caribbean Synthesis and Review and Appraisal Report in the Context of the 15th Anniversary of the Adoption of the Beijing Declaration and Platform of Action, LC/CAR/L/259, May 14, 2010. As cited in Celorio, Rosa ‘LAC report’. [↑](#footnote-ref-13)
14. See, for example, the case of a 2008 EU sponsored report and workshop in Malta that found that “…when it comes to promotion and commitment to their career, most females decline or are sidestepped, because they still have a young family to care for. This all boils down to the sharing of domestic duties, it these are really shared equally, then the women would not be seen as the only person with heavy commitments in the family” (Break Gender Stereotypes, Give Talent a Chance, European Commission 2008. Available at [www.businessandgender.eu/products/national-review-files/malta-review](http://www.businessandgender.eu/products/national-review-files/malta-review)**) in** Wilson, Rebekah ‘Western Region Report’. [↑](#footnote-ref-14)
15. Priya, S.K. “Asia Pacific Region” Report to the Working Group on the Issue of Discrimination Against Women in Law and in Practice (hereafter: “Priya, S.K. ‘Asia Pacific Report’”), citing a new image, typical of patriarchal discourse - a blushing bride, a mother sitting by the cradle, an elderly woman surrounded by numerous relatives, and a woman running her home. [↑](#footnote-ref-15)
16. Priya, S.K. ‘Asia Pacific Report’ [↑](#footnote-ref-16)
17. Special Rapporteur on violence against women, its causes and its consequences, “Report of the Special Rapporteur” (A/HRC/17/26) 2 May 2011. [↑](#footnote-ref-17)
18. As stated in Wilson, Rebekah ‘Western Region Report’ with regards to women from BME groups. [↑](#footnote-ref-18)
19. Belgium CEDAW country report: 22/06/2007: (Page 100), as cited in Wilson, Rebekah ‘Western Region Report’. [↑](#footnote-ref-19)
20. Priya, S.K. ‘Asia Pacific Report’ [↑](#footnote-ref-20)
21. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women “Convention Belem Do Para” June 1994. [↑](#footnote-ref-21)
22. Tripp, Aili Marie, “Women and Constitution-Making in Africa” Presentation to the Working Group, (10/3/2012) [↑](#footnote-ref-22)
23. Tripp, Aili Marie, “Women and Constitution-Making in Africa” Presentation to the Working Group, (10/3/2012) [↑](#footnote-ref-23)
24. Castillejo, Claire. “Women’s Political Participation and Influence in Sierra Leone” FRIDE Working Paper 83, June 2009. [↑](#footnote-ref-24)
25. UN Declaration on the Elimination of Violence Against Women, 1993. The Special Rapporteur on Violence against Women, its Causes, and Consequences, Rashida Manjoo, will devote her 2013 report to the issue of ‘state responsibility for eliminating violence against women’, highlighting the concept of due diligence. [↑](#footnote-ref-25)
26. IPU “The World of Parliaments” IPU Quarterly Review, December 2009, No 36. [↑](#footnote-ref-26)
27. Frances Raday, concept note definition [↑](#footnote-ref-27)
28. This provides in its preamble that there is a need “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.” [↑](#footnote-ref-28)
29. Providing in article 1 that, “All human beings are born free and equal in dignity and rights”. Article 2 to the enjoyment of the rights contained within the 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.” [↑](#footnote-ref-29)
30. *See, e.g.,* International Covenant on Civil and Political Rights, Articles 3 and 25 and General Comments 25, 28, and 34 of the Human Rights Committee; International Covenant on Economic, Social, and Cultural Rights, Article 3 and General Comments 16 and 20 of the Economic, Social and Cultural Rights Committee. In particular, Article 25 of the ICCPR states: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without reasonable restrictions : a) To take part in the conduct of public affairs, directly or through freely chosen representatives ; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors ; c) To have access, on general terms of equality, to public service in his country” [↑](#footnote-ref-30)
31. Other human rights treaties tackling elements of discrimination against women include the 1967 Declaration on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, 1989, the Migrant Workers Convention, 1990, and the Convention on the Rights of Persons with Disabilities, 2006, provide for non-discrimination and gender equality before the law, as relevant to public and political life. [↑](#footnote-ref-31)
32. Seven UN member states have not signed or ratified the treaty, including Iran, Palau, Somalia, Sudan, South Sudan, Tonga and the United States. [↑](#footnote-ref-32)
33. See Articles 1 and 2 of CEDAW. CEDAW defines discrimination against women on the basis of sex and gender; systemic, past and present discrimination; direct and indirect; de jure and de facto; and examines key actions which discriminate, the causes and effects (see Art 1). [↑](#footnote-ref-33)
34. Article 7 explains: “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 public 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.” [↑](#footnote-ref-34)
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