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**Human Rights Council****Twenty-third session**

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Report of the Working Group on the issue of  
discrimination against women in law and in  
practice***Summary*

The present report is submitted in accordance with Human Rights Council resolution 15/23. This first thematic report of the Working Group records current achievements in women's political representation and articulates the further challenges to women's equal, full and effective participation in political and public life in the context of democracy and human rights, including in times of political transition. The Working Group identifies critical issues to address in eliminating the structural and social underpinnings of gender discrimination in political and public life and presents a framework to eliminate discrimination in law, with some examples of good practices. The recommendations of the Working Group outline a road map for next generation efforts to achieve substantive gender equality in political and public life.

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## **I. Introduction**

1. The present report is submitted pursuant to Human Rights Council resolution 15/23. In section II, the Working Group summarizes its activities since its last report to the Human Rights Council up until 26 March 2012. In section III it addresses the topic of eliminating discrimination against women in political and public life with a focus on political transition.
2. For the preparation of this report, the Working Group has availed itself of a wealth of information elicited through various means. In December 2011, it circulated a questionnaire to Governments requesting information highlighting legislative and policy reforms for the advancement of women's rights and gender equality in times of political transition, and received 57 replies. It received inputs from various stakeholders, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), non-governmental organizations and academic experts. Five regional background papers and a global summary were commissioned to further help inform the report. The Working Group wishes to express gratitude to States and other stakeholders for the information provided and will make the materials publically available on its website ([www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx](http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx)).
3. On the basis of this information, the Working Group has identified good practices that will contribute to the compendium of good practices mandated in paragraph 18 (b) of Human Rights Council resolution 15/23.

## **II. Activities**

### **A. Sessions**

4. The Working Group held three sessions during the reporting period. At its fourth session (23–27 July 2012), it engaged with a number of stakeholders, including UN-Women, relevant parts of the United Nations Secretariat and other experts on various issues related to women in public and political life. It also exchanged views with the Committee on the Elimination of Discrimination against Women on, inter alia, ways to ensure close coordination, avoid duplication and strengthen information exchange between the two mechanisms. At its fifth session (1–5 October 2012), the Working Group continued to exchange views with experts, focusing on region-specific information. It also met with Member States to seek views on different legal systems and their integration into its work. At its sixth session (14–18 January 2013), the Working Group consolidated the regional and global information gathered to inform the present report.

### **B. Country visits**

5. During the period under review, the Working Group requested invitations to visit Chile, China, Peru and Spain. An earlier request was also reiterated to the Government of South Sudan.
6. The Working Group visited the Republic of Moldova from 20 to 31 May 2012 (see A/HRC/23/50/Add.1) and Tunisia from 7 to 11 January 2013 (see A/HRC/23/50/Add.2). It would like to thank these Governments for having responded positively to its requests for a visit and urges those Governments that have not yet done so to provide a favourable response.

### **C. Communications and press releases**

7. Communications sent to Governments during the reporting period, either individually or jointly with other mandates, concerned a wide array of issues falling within its mandate.<sup>1</sup> These included, for example, allegations of violence against women in the context of protests, cases of women sentenced to death by stoning for adultery, and cases of women and girls allegedly victim of forced religious conversion and forced marriage. The Working Group also sent communications in relation to draft constitutions.

8. The Working Group issued press statements, either individually or jointly with other mandate holders, on, *inter alia*, gender equality provisions in draft constitutions, on the criminalization of adultery whose enforcement leads to discrimination and violence against women, and at various occasions, such as for the first International Day of the Girl Child and for International Women's Day.

### **D. Commission on the Status of Women**

9. On 11 March 2013, the Vice-Chairperson of the Working Group addressed the Commission on the Status of Women at its fifty-seventh session, during an interactive dialogue between the Commission and special procedures mandate holders. Her statement focused on violence against women as a cross-cutting issue in the four thematic areas the Working Group has established as its conceptual framework.

### **E. Other activities**

10. From 17 to 19 April 2012, the Chairperson of the Working Group attended a meeting in Addis Ababa on gender and enforced disappearances convened to inform a draft general comment by the Working Group on Enforced or Involuntary Disappearances.

11. The Chairperson participated in a regional consultation (Kathmandu, 19–20 September 2012) focusing on women's public and political life in Asia and the Pacific, followed by a one-day national consultation on the same subject matter. She also took part in a regional expert group meeting (Seoul, 4–5 December 2012) on women, gender equality and political transitions and lessons learned from Asia. On 17 and 18 January 2013, the Working Group collaborated with the Special Rapporteur on freedom of religion or belief on a preliminary discussion on the issue of gender equality and freedom of religion or belief. These activities were aimed at informing the present report.

12. On 18 February 2013, the Vice-Chairperson participated in a discussion organized by the Committee on the Elimination of Discrimination against Women to inform its process of elaborating a general recommendation on access to justice. Her address focused on the impact of discriminatory legal frameworks, and in particular constitutions, on women's access to justice.

13. Various members of the Working Group also participated in numerous conferences and meetings, including the workshop organized by the Office of the United Nations High Commissioner for Human Rights on enhancing cooperation between the United Nations and regional mechanisms (Geneva, 12–14 December 2012), the eleventh biennial conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on the role of national human rights institutions

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<sup>1</sup> See A/HRC/21/49 and A/HRC/22/67, Corrs. 1 and 2.

in the protection of women's and girls' human rights (Amman, 4–7 November 2012), and side events during the fifty-seventh session of the Commission on the Status of Women.

### **III. Thematic analysis: eliminating discrimination against women in political and public life with a focus on political transition**

#### **A. International and regional context**

14. In 1981, the Convention on the Elimination of All Forms of Discrimination against Women (the Convention) entered into force. Article 7 of the Convention articulates women's right to equal participation in political and public life as encompassing the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; 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; and to participate in non-governmental organizations and associations concerned with the public and political life of the country. Article 8, in addition, refers to State obligations to take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations. The Convention thus specified and expanded the State obligations set out under articles 2, 3 and 25 of the International Covenant on Civil and Political Rights, which require a guarantee of the equal right to take part in the conduct of public affairs, including direct participation as well as participation through freely chosen representatives.

15. Since the introduction of the Convention, the world's political landscape has gone through substantial changes. These have been marked, variously in different regions and States, by the dismantling of long-standing totalitarian regimes, democratization and the emergence of new forms of authoritarianism. This period has also witnessed armed conflicts both between and within States, the creation of refugee populations and international involvement in conflict resolution and peacebuilding. Technological leaps in the field of information and communications, particularly the Internet, have created a new public and political space, with revolutionary impact on the development and the exercise of human rights, allowing new forms of political expression and mobilization, and facilitating political communication and organization for men and women globally.<sup>2</sup>

16. At the same time, international commitment to fulfilling women's equal right to political participation has grown substantially. The 1993 World Conference on Human Rights and its outcome document, the Vienna Declaration and Programme of Action, whose twentieth anniversary is being commemorated in 2013, gave recognition to women's rights as human rights. In 1995, the Fourth World Conference on Women and its outcome document, the Beijing Declaration and Platform for Action, became the catalyst for governments around the world to introduce special measures, such as quotas for women's political representation, and propelled the doubling of the global average of such representation in less than two decades.<sup>3</sup> Further, the Security Council made an historic breakthrough in 2000 when it adopted its resolution 1325 (2000), with a view to enhancing the role of women and the gender perspective in conflict resolution and peacebuilding.

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<sup>2</sup> See Human Rights Council resolution 20/8 and A/HRC/17/27, para. 19.

<sup>3</sup> Inter-Parliamentary Union (IPU) statistical archive of women in parliament. Available from [www.ipu.org/wmn-e/classif-arc.htm](http://www.ipu.org/wmn-e/classif-arc.htm).

17. Yet, despite decades of efforts, the Working Group notes that, in 2012, the General Assembly expressed its concern at the reality that women in every part of the world continued to be largely marginalized from the political sphere and saw it necessary to again dedicate a resolution to promote women's political participation.<sup>4</sup> In 2012, the Committee on Women's Rights and Gender Equality of the European Parliament indicated its alarm at the underrepresentation of women in the European Union legislative council and leadership positions, and at the stagnation of women's representation at one third or less in parliaments across the region.<sup>5</sup> In 2011, the Inter-American Commission on Human Rights (IACHR) reported on the "inequitable and sluggish" progress made in women's political representation at different levels of government in the Americas.<sup>6</sup> In 2012, the World Bank found that in the Asia-Pacific region, rapid growth and economic development, with the highest female labour force participation rate in the developing world, have not been enough to attain gender equality, including in the area of political agency and representation.<sup>7</sup>

## **B. Targets and achievements in women's representation**

18. General recommendation No. 23 (1997) of the Committee on the Elimination of Discrimination against Women refers to political and public life as encompassing the exercise of legislative, judicial, executive and administrative powers; covering all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels; and including civil society, such as public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women's organizations, community-based organizations and other organizations concerned with public and political life (para. 5). The Beijing Platform for Action, in its paragraph 182, referred to the scant progress made towards achieving by 1995 the 30 per cent target for women in decision-making positions. Global progress in achieving the goals for women's political representation set by the international community continues to be excruciatingly slow and is far from being met 18 years after the target date.

19. In the legislative branch, the current global average of women in national parliaments is 20 per cent.<sup>8</sup> While this achievement marks a first in history, the climb has been slow, revealing a global average increase of less than 1 per cent per year.<sup>9</sup> Only 33 countries out of 149 have national parliaments where women constitute 30 per cent or more of the members.<sup>10</sup> With parity as the ultimate measure of equality, then a mere two countries have reached this point. Furthermore, there are wide divergences among States, with women accounting for less than 10 per cent of representatives in 45 States.

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<sup>4</sup> General Assembly resolution 66/130.

<sup>5</sup> Committee on Women's Rights and Gender Equality, report on women in political decision-making – quantity and quality (A7-0029/2012), pp. 5-6.

<sup>6</sup> IACHR, *The Road to Substantive Democracy: Women's Political Participation in the Americas* (2011), para. 11.

<sup>7</sup> World Bank, *Toward Gender Equality in East Asia and the Pacific: A Companion to the World Development Report*, Conference Edition (2012), pp. ix and 13.

<sup>8</sup> IPU archive, world average (footnote 3).

<sup>9</sup> Department for International Development (DFID) and International Development Research Centre (IDRC), summary of discussions at the expert meeting on "Women's Political Empowerment: The State of Evidence and Future Research", London, 11-12 September 2012, p. 3.

<sup>10</sup> IPU archive (footnote 3).

20. The right to representation in the legislative branch includes the right to vote in all elections and public referenda. This condition has gradually been fulfilled during the course of the twentieth century and is now almost universally implemented. Nevertheless there remain some discriminatory laws and practices, such as kinship voting practices. In one State, women have still have not been granted the right to vote.

21. In the executive branch, only 17 women are Heads of State/Government.<sup>11</sup> Women's representation in Governments is far lower than their representation in parliaments. Good practice where women occupy more than 40 per cent of Government positions were found in only a small number of States: six in the region of Western European and other States, two in sub-Saharan Africa and three in Latin America and the Caribbean. The Working Group notes that the obligation of States to secure women's equal representation includes the executive branch, and draws attention to the good practice in different regions which has demonstrated the feasibility of female-headed States and gender-balanced Governments.

22. In the judicial branch, women account for only 27 per cent of judges worldwide.<sup>12</sup> There is wide divergence among States as regards the numbers of women in the judiciary, with some States in the Eastern European region having a majority of women judges. Even in countries that have a higher representation of women in the judiciary, the numbers of women decrease at higher levels. There are few women in the highest courts, including supreme courts, and rarely are the presidents women. In most religious courts women are excluded from holding office. There is, however, good practice in the Asia-Pacific region: in one country, women judges have been part of the religious courts since the institution was created in the 1950s, reaching a participation rate of 20 per cent in 2011;<sup>13</sup> in another, female judges were appointed to the Sharia court pursuant to the removal of its reservation to article 7 (b) of the Convention.<sup>14</sup>

23. In other public bodies there is no systematic data regarding women's representation which covers the whole spectrum of political and public life as defined by the Committee on the Elimination of Discrimination against Women: public administration, local government, political parties, trade unions, professional or industry associations, women's organizations, community-based organizations and other organizations concerned with public and political life.

24. Within the United Nations system, the Secretary-General set a target, endorsed in the Beijing Platform for Action, of 50 per cent of managerial and decision-making positions for women by 2000. Gender parity was achieved at the lowest two levels (P1 and P2) in 2011; the percentage of women at the professional levels was 40.7; but only 27.4 to 30.2 per cent at the highest decision-making levels (D-1, D-2 and Under-Secretary-General).<sup>15</sup>

<sup>11</sup> IPU, *Women in Politics: 2012*, map. Available from [www.ipu.org/pdf/publications/wmmmap12\\_en.pdf](http://www.ipu.org/pdf/publications/wmmmap12_en.pdf).

<sup>12</sup> UN-Women, *Progress of the World's Women: In Pursuit of Justice* (2012), p. 59.

<sup>13</sup> 2011 Annual Report of the Supreme Court of Indonesia, [www.badilag.net/lakip-dan-laptah/465-laptah/10211-laporan-tahunan-2011.html](http://www.badilag.net/lakip-dan-laptah/465-laptah/10211-laporan-tahunan-2011.html) (Indonesian only).

<sup>14</sup> Background global report prepared for the Working Group, p. 48.

<sup>15</sup> UN-Women, *The Status of Women in the United Nations System*, available from [www.un.org/womenwatch/uncoordination/documents/overview/unsystem/unsystem-factsheet.pdf](http://www.un.org/womenwatch/uncoordination/documents/overview/unsystem/unsystem-factsheet.pdf), and *Representation of Women in the United Nations System*, available from [www.un.org/womenwatch/uncoordination/documents/overview/unsystem/unsystem-infographic.pdf](http://www.un.org/womenwatch/uncoordination/documents/overview/unsystem/unsystem-infographic.pdf). The category of Under-Secretary-General also includes Assistant Secretary-General positions.

25. In peacebuilding processes, studies made a decade after the adoption of Security Council resolution 1325 (2000) show that only 16 per cent of 585 peace agreements referenced women.<sup>16</sup>

26. The focus of the Working Group on political transition has been carried out through its communications, country visits and regional and global expert input. Experience in countries in transition has varied greatly. In the Russian Federation and Eastern Europe during the 1990s, as in some of the recent political transitions in the Middle East and North Africa, there was backsliding on key gains for gender equality and/or the numerical representation of women was reduced. In contrast, in some political transitions in various countries in many regions, the introduction of quotas facilitated a significant rise in representation of women, producing, for instance in sub-Saharan Africa, some of the highest percentages of women members of parliament. Good practice in these States included the active engagement with the international community in the peacebuilding process and an emphasis on democracy, human rights and women's rights as human rights.

27. The Working Group observes that the impact of political transitions on gender equality in public and political life is inherently related not only to the nature of regime change but also to the political will of the incoming Government to guarantee women's human rights, including the right to equal representation, and requires a responsive political leadership with respect to gender equality concerns, including as raised by autonomous women's movements. The Working Group notes the urgency for women's equal and full participation in peace negotiations and in decision-making in all transitional authorities, mechanisms and processes.

28. The Working Group is concerned that the knowledge gap remains on the whole spectrum of women's participation in political and public life. This undermines the capacity to move to gender-responsive inclusive democracy, development and peace. Most available data is not sufficiently disaggregated to allow the understanding of the intersectionality of gender with other grounds of discrimination, in the light of Committee on the Elimination of Discrimination against Women general recommendation No. 28 (2010) according to which "discrimination against 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" (para. 18). Evidence-based knowledge is weak on the extent of violence against women in political and public life and its impact on women's capacity to exercise their right to political participation.

### **C. Women's political participation, democracy and human rights**

29. Democracy and human rights are mutually reinforcing. Women's rights are human rights and hence are an integral element of the democracy and human rights axis. The General Assembly, in its resolution 59/201 (para. 1), declared the "essential elements of democracy" to consist of respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly and of expression and opinion; the right to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be a candidate in free elections by universal and equal suffrage; a pluralistic system of political parties and organizations; respect for the rule of law; the separation of powers; the independence of the judiciary; transparency and accountability in public administration; and free, independent and pluralistic media.

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<sup>16</sup> Christine Bell and Catherine O'Rourke, "Opinion: UN Security Council 1325 and peace negotiations and agreements" (Centre for Humanitarian Dialogue, March 2011), p. 7.



30. These essential elements of democracy are a necessary condition for women's substantive equality in public and political life. The Working Group would like to emphasize that there can be no true democracy without women's full and equal participation in all its institutions and that women's substantive equality in political and public life can be fully realized only in conditions of democracy.

31. There is growing recognition of the Internet as a key means by which individuals can exercise their right to freedom of opinion and expression (A/HRC/17/27, para. 20). Through initiatives on e-government and e-democracy and the innovative use of information and communications technologies (ICTs) by civil society, there is also a rising awareness of the Internet's role in expanding the concept of citizenship online. The Working Group welcomes the work by the International Telecommunication Union, the World Bank and civil society organizations, and encourages them to continue such work so as to deepen the knowledge on gender differences in the use of the Internet and other ICTs.

32. Political transitions present an opportunity for States to democratize and to advance women's equal representation in the reformed State institutions. However, they can also pose a danger of undermining or reversing human rights and women's gains in public and political life achieved under the previous regime. In some political transitions, women who had been pro-democracy activists have been excluded from formal political processes negotiating the new division of power.

33. The conflict and post-conflict experience leads to an increased awareness of the different conditions of States, including weak, fragile, failed and/or hybrid States, and an increasing focus on State-building processes. State-building is understood as "purposeful action to develop the capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between state and societal groups".<sup>17</sup> Such processes reveal the complex and critical roles and relations of State and non-State actors in the renegotiation of the balance of power, the allocation of resources and entitlements, and the formation of the identity of whole nations. Contestations over national identity are heightened during times of political change and present new vulnerabilities for those women whose values, roles and behaviours do not fit the power elite's idealized imagery of womanhood. Where identity politics are predominant, women's movements defending universal standards of gender equality risk marginalization and stigmatization, especially when such standards are characterized as unwanted external influence and a source of threat.

## **1. Women's equal enjoyment of fundamental freedoms and human rights**

34. For women to have the capacity to participate in political and public life on equal footing with men, including to build autonomous movements for their own empowerment, they must be able to exercise their rights to freedom of thought, conscience, religion, expression, movement and association. It is imperative to recognize and secure these rights as individual rights for women's effective participation in political and public life, in the light of the complex tensions between collective rights and women's rights.

35. Women's right to enjoy their cultural rights as equals is an integral part of their right to participation in political and public life. In the light of the persistent use of cultural and traditional values to justify resistance to women's political and public roles, women's capacity for equal participation depends on their autonomous agency regarding cultural life. As articulated by the Special Rapporteur in the field of cultural rights, this involves:

<sup>17</sup> Organization for Economic Cooperation and Development, "Concepts and dilemmas of State building in fragile situations: from fragility to resilience," *Journal on Development*, vol. 9, No. 3 (2008), offprint, p. 14.

The freedom to create new communities of shared cultural values around any markers of identity they want to privilege, new cultural meanings and practices without fear of punitive actions, including any form of violence. This means that women must be able to embrace or reject particular cultural practices and identities as well as to revise and (re)negotiate existing traditions, values or practices, regardless of their provenance. Active engagement in the cultural sphere ... helps to build central traits of democratic citizenship.<sup>18</sup>

36. In times of political transition when political life is highly volatile and polarized, women's equal and full participation in political and public life depends on the effective protection of their fundamental freedoms and human rights, particularly those mentioned above. National human rights institutions (NHRIs) and other independent monitoring bodies play a particularly crucial role for women during these times.

## **2. Integration of women in public and political institutions**

37. The participation of women in public and political institutions is crucial for their equality in citizenship and for empowering them to have an impact on and integrate a gender perspective into policy and decision-making.

38. Special measures, including quotas for women and other temporary measures, as required under article 4, paragraph 1, of the Convention and general recommendations No. 23 (1997) and No. 25 (2004) of the Committee on the Elimination of Discrimination against Women, are necessary to achieve equality between men and women in political and public life, in order to contend with the underlying structural disadvantaging of women. The most significant increase in the numbers of women in national parliaments over the years has occurred in countries where special measures, such as gender quotas, have been effectively constructed and implemented. The use of quotas to advance women's political representation and participation has increased in the past three decades and produced significant results when properly adapted to specific electoral and political systems.

39. Many of the quota systems were adopted as part of the rebuilding of political systems and institutions after years of conflict and/or authoritarianism.<sup>19</sup> Quotas work best when accompanied by sanctions and closely monitored by gender-responsive independent bodies, including national electoral bodies and human rights institutions. Research has shown that, in general, women's chances of winning seats in parliamentary elections increase in proportional representation systems.<sup>20</sup>

40. Quotas introduced at the local level are rare but important for equality outcomes on the ground. In one country in South Asia, for example, a constitutional amendment mandated the representation of women, reserving one third of the seats within each council and women taking one third of the leadership positions as head.<sup>21</sup> Research has shown that after a decade of implementation, women are more likely to stand for, and win, elected

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<sup>18</sup> A/67/287, para. 28.

<sup>19</sup> According to the Global Programme for Electoral Cycle Support, a United Nations Development Programme (UNDP) initiative, one third of the countries that have achieved percentages of 33 per cent or higher in women's representation in national parliaments are considered countries in transition (see DFID and IDRC, summary (footnote 9), p. 3).

<sup>20</sup> Leslie A. Schwindt-Bayer, "Making quotas work: the effect of gender quota laws on the election of women," *Legislative Studies Quarterly*, vol. 34, No. 1 (February 2009), p. 15.

<sup>21</sup> Lori Beaman et al., "Women as agents of change: evidence from the grassroots", presentation to the Working Group, 25 July 2012.

positions in councils.<sup>22</sup> The requirement of female leadership changes voter attitudes and improves perceptions of female leadership effectiveness.

41. Effective political participation of women requires not only admission to political institutions but also integration into their decision-making forums. Women's full participation requires concerted action to overcome the de facto segregation of women's political participation in sectors which are stereotypically associated with women's gender roles. It requires that women be integrated into positions with decision-making power across the spectrum of issues dealt with by the institutions to which they have been elected or appointed. During political transitions, the same applies to all transitional authorities and mechanisms.

42. The Working Group welcomes a general trend in recent years to extend special measures or positive action to other areas of public life beyond legislative bodies. Positive action encompasses actions to promote women's participation in public life by such tools as media campaigns and training opportunities, which are not legally binding quotas, and new generation transformative measures setting out an overriding objective of equal power of women and men to shape society and their own lives.<sup>23</sup>

43. The Inter-Parliamentary Union (IPU), in its 2013 Plan of Action for Gender-sensitive Parliaments, has drawn attention to the need for gender sensitivity in the composition, structures, operations, methods and work of parliaments. In the plan, it noted that "gender-sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large" (p. 8). The Working Group considers the IPU plan of action to be adaptable for other public and political institutions in which women's equal representation must be secured.

44. The election and appointment of women to public and political office is a necessary condition for equality in public and political life, but the number of women in office is insufficient for advancing gender equality in society. Evidence shows that women who are appointed or elected to public office do not necessarily promote gender-equality agendas. Policy outcomes that advance substantive equality between men and women involve larger processes of public debate, alliance-building across political divides, and activism by autonomous women's movements based on universal standards of equality, non-discrimination, human rights and inclusive democracy.

### 3. Women's agency and autonomous movements

45. The whole spectrum of women's engagement and activism in political and public life, through all State institutions, the wide range of organizations in civil society and the diversity of public discourse, is integral to democracy, development and peace.

46. Women's participation in political and public life remains dynamic, multifaceted, and resilient, including in gaining access to power through alternative structures, as recognized in the Beijing Declaration and Platform for Action. Even as the glass ceiling in formal political institutions stays mostly intact, women actively open new spaces for discourse, build networks across long-standing divides and create new communities of engagement. Through the autonomous movements they build at the local to global levels, women's political engagements develop across formal administrative boundaries and are transnational in reach based on the universality of women's right to equality, challenging

<sup>22</sup> Lori Beaman et al., "Powerful women: does exposure reduce bias?" *The Quarterly Journal of Economics*, vol. 124, No. 4 (2009), p. 1497.

<sup>23</sup> See, for example, the background report on Western European and North America prepared for the Working Group (2012), p. 43.

unequal power relations, demanding accountability, defending rights and achievements, and advocating for systemic and cultural change in societies, institutions and States. Women's autonomous civil society organizations are crucial to women's participation in public and political life.

47. Women's rights advocates engage actively in different normative regimes, including religious communities and indigenous or customary groups. They do so, among others, by initiating hermeneutic projects within their respective religions. In their cultural communities, women express their opinions on politics also through the arts, including writings, music and plays, and their works have been attacked, criminalized and condemned by State and non-State actors. In certain contexts, economically independent women playing leadership roles are stigmatized and attacked as witches.<sup>24</sup> Lesbian, bisexual and transgender women who defend their human rights are vulnerable to attacks on their civil rights and personhood<sup>25</sup> where there is a climate of intolerance arising from their perceived challenge to established norms of gender identity, gender roles and sexuality.<sup>26</sup>

48. The new space and opportunities created by revolutionary developments in ICTs have enabled women to initiate or enhance their participation in political and public life. Women who are confined in private homes have used ICTs as a means to break out of their isolation and take part in collective action. Women who live under threat of attack because of their sexual orientation have found safety in the anonymity of the Internet, which allows them to freely speak out, establish virtual communities and participate in public debates. During moments of political unrest, women have utilized SMS, micro-blogging and social networking to provide "bodyguard" protection to each other on the ground.<sup>27</sup>

49. In the negotiation of political settlements during political transitions or in law reform, the inclusion of women's civil society organizations and women leaders or spokespersons from sectoral or minority communities is crucial to ensure the equal benefit of reform to all citizens. As political transitions do not always lead to inclusive democracy, the empowerment of autonomous women's movements is of equal priority to the process of state-building and the reform of political institutions.

#### **4. Democratic deficit**

50. The democratic deficit undermines women's substantive participation in political and public life. Patronage politics, corruption, and undemocratic local government reduce women's effectiveness in the political arena, as they prevent transparency and accountability in decision-making and in the distribution of resources. Gender discriminatory policies and regulations have been applied by autonomous local governments even when national or federal laws mandate gender equality. Empowering women's participation in political and public life from the community level up helps build a culture of accountability, as it broadens the constituency for democratic decision-making, and is crucial to the effective application of good governance at all levels.

51. The delegation of political or public power to religious institutions or indigenous communities that are exempt from the requirement to include women in their leadership and decision-making bodies cancels women's right to participate in significant aspects of

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<sup>24</sup> See Partners for Law in Development, *Targeting of Women as Witches: Trends, Prevalence and the Law in Northern, Western, Eastern and Northeastern Regions of India* (2013).

<sup>25</sup> See A/HRC/19/41.

<sup>26</sup> Women Human Rights Defenders International Coalition, *Global Report on the Situation of Women Human Rights Defenders* (2012), p. 89.

<sup>27</sup> Association for Progressive Communications (APC) submission to the Working Group, January 2012, second page.

public and political life; in such cases, the boundaries of women's rights are defined unilaterally by decision-makers of patriarchal social orders.

52. The democratic deficit also expresses itself in the lack of capacity by States to address perpetual insecurity in all its different dimensions, including militarism and the culture of violence, especially, but not only, in situations of conflict and transition, in which women are primary victims.

#### **D. Eliminating structural and societal discrimination against women in political and public life**

53. Guarantees of women's rights to education, decent employment and access to economic resources are preconditions for women's equal and effective participation in political and public life. A coherent set of gender-responsive social and economic policies is necessary to overcome the multifaceted structural barriers that women face.

54. Poverty and social exclusion, including women's high levels of illiteracy and poor health, lock women into a persistent state of dependence and deprivation and often make long-term participation in political and public life an unviable option. Programmes addressing poverty and social exclusion and containing strong empowerment components for marginalized women, including those who face multiple discrimination, enhance the opportunity and capacity for these particular women to participate meaningfully in political and public life.

55. Political will of States is the key element to ensure gender equality outcomes, combined with persistent support, pressure and scrutiny by women's movements, whose autonomy should be protected by the State

56. While women are situated in different locations, each with distinct vulnerabilities and assets, their participation in political and public life is commonly constrained by structural and societal discrimination in the family, in caregiving responsibilities, in violence against women, and marginalization by political parties and other non-State public institutions. The obligation of States to remove these barriers is clearly mandated in article 2 (f) of the Convention and has been repeatedly advocated by the Committee on the Elimination of Discrimination against Women.

##### **1. Discriminatory family status**

57. The institution of family is one of the foundations of whole political systems, and family law is core to women's citizenship and public life. Women's right to equality in the family shapes opportunities and constraints for women's agency and autonomy and also regulates access to land, income, education and health, including reproductive health, thereby determining a woman's capacity to fully engage in all aspects of life.<sup>28</sup> The right of women to equality in the family was established in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and elaborated in articles 2 and 16 of the Convention.

58. Patriarchal and discriminatory family law or practice may limit women's freedom of occupation and freedom of movement in the public space. In some countries, men are still regarded by law as the head of household, barring women from representing their families in official decision-making processes on public affairs, including on development projects

<sup>28</sup> Mala Htun and Laurel Weldon, "Religion, the State, and women's rights: comparative analysis of sex equality in family law", University of New Mexico and Purdue University, May 2012, pp. 2-7.

and issues of good governance, which have an impact on women and their families. The system of heads of household has been abrogated in many countries' legal systems.<sup>29</sup>

59. Women belonging to minority groups are often victims of dual discrimination, as they must address discrimination against minorities and within their own communities. Providing special measures of education, leadership training and economic assistance for women and awareness-raising for men in patriarchal communities are some of the good practices by which States can address such multiple discrimination.

60. Many States have entered reservations to articles 2 and 16 of the Convention, on equality in the family, almost all in deference to religious family law, and in so doing perpetuate the structural impediment of inequality in the family to women's full and effective participation in political and public life.<sup>30</sup> The Working Group regards the elimination of discrimination in the family as central to women's capacity to participate in political and public life on equal terms with men and the withdrawal of these reservations as imperative.

61. Reform of family laws provides a firm basis to overcome structural and cultural impediments to women's equal and full participation in political and public life. Family laws have been the focus of reform throughout history, as part of whole movements of States and societies towards modernity. In most cases, religious hermeneutic projects, particularly when initiated as part of broader reforms during times of political transition, have been an integral part of making these changes possible, with a prominent role played by women's rights movements, as in the case of Morocco, which achieved significant reform on many fronts in the family code (Moudawana),<sup>31</sup> and by reform-minded religious institutions. The political will for these reforms, in State-sponsored modernization projects and social engineering agendas, has existed in diverse contexts of colonial power, the post-colonial State and communist regimes.<sup>32</sup>

## **2. Unequal caregiving responsibilities**

62. Caregiving responsibilities in the family are disproportionately in the hands of women. Both the reality and the a priori belief that this is the way it should be put women at a structural disadvantage in entering and participating sustainably in political and public life. The long hours of work and heavy travel demands make it difficult for women with caregiving responsibilities to maintain consistent engagement in political and public life without adequate support for the caring responsibilities. At the same time, women who carry out full-time engagement in politics and public affairs are often harassed and stigmatized, as they are perceived to undermine traditional family values.

63. Good practice regarding the work-life balance for public and political participation includes both childcare support and institutional family-friendly scheduling. The highest performing countries in terms of proportion of women in public office have the most generous entitlements for maternal and parental leave. This reflects States' effectiveness in creating better options for women to reconcile the balance between work and family life, promoting a better balance of responsibilities between men and women in the home and

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<sup>29</sup> See Soo Yeon Lee, "Political Transitions in the 1990s and its impact on legislation of gender equality laws: the South Korean case", paper submitted for the regional expert group meeting on political transitions and gender equality, Seoul, December 2012.

<sup>30</sup> See, inter alia, Musawah, *CEDAW and Muslim Family Laws: In Search of Common Ground* (Sisters in Islam, 2011).

<sup>31</sup> See A/HRC/20/28/Add.1.

<sup>32</sup> See Mala Htun and Laurel Weldon, "Sex equality in family law: historical legacies, feminist activism and religious power in 70 countries" (2011).

encouraging a higher percentage of fathers to take parental leave. This demonstrates a significant cultural change in society's views of gender roles, which is itself a culmination of decades of responsive social policies.<sup>33</sup> Good practices regarding gender-sensitive parliaments are found in some Western European and other States that have changed the scheduling of parliamentary session to allow a work-life balance for Members of Parliament who have parental responsibilities.

### 3. Violence against women

64. Violence against women in all its forms, whether in the private or the public space, undermines women's capacity to effectively engage in political and public life.

65. Stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Sexual harassment against female political candidates has been reported as a tactic to discourage women from exercising their right to vote and run for elections.<sup>34</sup> Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder by community members. Violence against women defenders is sometimes condoned or perpetrated by State actors, including through police harassment of female demonstrators.<sup>35</sup>

66. The Internet has become a site of diverse forms of violence against women, in the form of pornography, sexist games and breaches of privacy. For women who engage in public debate through the Internet, the risk of harassment is experienced online, for example, an anonymous negative campaign calling for the gang rape of a woman human rights defender, with racist abuse posted in her Wikipedia profile.<sup>36</sup> Female ICT users have publicly protested about sexist attacks.<sup>37</sup>

67. Domestic violence is public as well as private in its debilitating impact on women. It can also be used directly as a form of punishment by resentful husbands or other family members against wives or female relatives who become leaders in their community.

68. In 2012, recognizing the importance of eliminating violence against women in public and political life, the General Assembly, in its resolution 66/130, called for an environment of zero tolerance for violence against women elected officials and candidates for public office. In the Latin American and Caribbean region, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women explicitly recognizes the right of women to be free from violence in both the public and the private spheres and the impact that violence can have on civil, political and economic, social and cultural rights.<sup>38</sup> In this region, there are examples of legislation prohibiting gender-based harassment and violence against a woman candidate as well as pressure on a female candidate's family.<sup>39</sup> In the African region, the African Commission on Human and

<sup>33</sup> See the background report on Western Europe and North America (footnote 23).

<sup>34</sup> IACHR, *Road to Substantive Democracy* (footnote 6), paras. 110-111, 125.

<sup>35</sup> See A/HRC/16/44.

<sup>36</sup> APC submission (footnote 27), seventh page.

<sup>37</sup> See, among others, Vanessa Thorpe and Richard Rogers, "Women bloggers call for a stop to 'hateful' trolling by misogynist men", *The Observer*, 6 November 2011. Available from [www.guardian.co.uk/world/2011/nov/05/women-bloggers-hateful-trolling](http://www.guardian.co.uk/world/2011/nov/05/women-bloggers-hateful-trolling).

<sup>38</sup> Elizabeth Abi-Mershed, "What does the [IACHR] system have to offer as a whole?", presentation to the Working Group.

<sup>39</sup> Elizabeth Salguero Carrillo, "Political violence against women", *The World of Parliaments Quarterly Review*, No. 36 (2009).

Peoples' Rights recently issued a decision on the failure of States in protecting women during acts of political protest, including in a case concerning violence against women journalists.<sup>40</sup> In an environment where sexual violence continues to go unpunished, this decision makes a valuable contribution towards ensuring that States are held to account when they fail to protect women from violence.

#### 4. Stereotypes

69. Stereotypes<sup>41</sup> of women's capacities and roles that negatively affect women's effective participation in political and public life persist around the world. Despite evidence of women's important contributions in other fields of life, including in the labour market, stereotypes of female inadequacy in politics continue to be used as a basis for their marginalization and segregation in decision-making positions, with care and distributive tasks such as health and social welfare allocated to women, while men are assigned to economic and defence affairs, distorting the power structure and resource allocation.<sup>42</sup>

70. Women who belong to vulnerable groups, based on race, class, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are effectively barred from political and public life based on multiple stereotyping. In its concluding observations, the Committee on the Elimination of Discrimination against Women has expressed concern about stereotyped media portrayals of women's roles within the family and society.

71. The Working Group notes that negotiation by international, regional and State agencies with sectoral or minority groups is negatively influenced by gender stereotyping when conducted solely with the male community leadership, thereby making women's leadership effectively invisible and further marginalizing women.

72. Particularly during times of political transitions, in highly polarized discourse regarding national identity, gender stereotypes can be magnified and undermine progress in eliminating discrimination against women.

#### 5. Marginalization by political parties

73. Political parties are key determinants of women's political empowerment and women's participation in politics, as political parties recruit and select candidates for elections.<sup>43</sup>

74. Political parties, which function as gatekeepers in political decision-making, tend to be exclusionary towards women. Women also frequently lack access to political party funding and financial resources for their election bids and campaigns. Some political parties exclude women on religious ideological grounds. Both a national court and the European Court of Human Rights found that a confessional political party's exclusion of women from its parliamentary candidate list, because "differences in nature, talents and place in society means that, although women are not inferior to men as human beings, they should not be

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<sup>40</sup> Communication No. 323/2006, *Egyptian Initiative for Personal Rights and Interights v. Egypt*. Available from [http://eipr.org/sites/default/files/pressreleases/pdf/text\\_of\\_the\\_afriocan\\_commission\\_decision-english.pdf](http://eipr.org/sites/default/files/pressreleases/pdf/text_of_the_afriocan_commission_decision-english.pdf).

<sup>41</sup> See Rebecca J. Cook and Simone Cusack, *Gender Stereotyping: Transnational Legal Perspectives* (2010); and Cusack, *Stereotyping and Law*, available from <http://stereotypingandlaw.wordpress.com/>.

<sup>42</sup> Committee on Women's Rights and Gender Equality, report (footnote 5), p. 7.

<sup>43</sup> See UNDP and National Democratic Institute for International Affairs (NDI), *Empowering Women for Stronger Political Parties: A Good Practices Guide to Promote Women's Political Participation* (2011).



eligible for public office”, was in violation of the State’s Constitution and article 7 of the Convention.<sup>44</sup>

75. The most effective strategies for women’s political empowerment involve reforms to incorporate rules that guarantee women’s representation within political parties.<sup>45</sup> 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.<sup>46</sup> In some countries the quota system is established by the constitution. One constitution in the Latin American and Caribbean region includes the principle of parity in all policymaking mechanisms, including elections, ministries, the justice system and political parties, and stipulates that political parties’ “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”.<sup>47</sup> In the Maghreb, one new constitution mandates the establishment of a mechanism for parity (see A/HRC/20/28/Add.1). Women’s movements were intensely involved in these constitutional processes, illustrating the importance of activism to exert pressure for the creation of a constitutional framework that supports women’s right to representation.

76. The Working Group notes that good practices of States include a legislative, and preferably constitutional, requirement that political parties place women in realistic positions for election, apply quotas, guarantee the rotation of power, accountability and parity membership between women and men on their governing boards and condition the funding of political parties on their integration of women in realistic positions on their candidate lists.

## **E. Eliminating discrimination in law**

77. The obligation of States to advance women’s equality and empower women in public and political life requires legal measures at all levels: constitutional, legislative and judicial.

### **1. Constitutional guarantees**

78. National constitutions define the framework for eliminating discrimination against women in law and practice and articulate the principles and ways by which historical power asymmetries are redressed.<sup>48</sup> Constitutions provide important clarity on the relationship between distinct normative regimes which are adhered to and practiced de facto by different sections of society. A constitutional guarantee of equality for women, in line with international standards, most especially the Convention on the Elimination of All Forms of Discrimination against Women, and regional standards, is essential in order to establish a universal imperative of equality for women on which the entire chain of justice within the State will rest. Increasingly, in different regions, women’s rights and non-discrimination clauses have been incorporated into new constitutions or are part of constitutional reform

<sup>44</sup> See European Court of Human Rights, *SGP v. Netherlands*, Application No. 58369/10, decision of 10 July 2012.

<sup>45</sup> See UNDP and NDI, *Empowering*.

<sup>46</sup> *Ibid.*, p. 22.

<sup>47</sup> Constitution of Ecuador (2008), art. 8. See also articles 65, 116, 176, and 434 of the Constitution, as cited in the background paper on Latin America and the Caribbean prepared for the Working Group.

<sup>48</sup> See Helen Irving, “Where have all the women gone? Gender and the literature on constitutional design”, Sidney Law School Legal Studies Research Paper No. 10/50, May 2010.

efforts.<sup>49</sup> This transnational constitutional pattern can be attributed to ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the concluding observations of the Committee, together with campaigning by women's activists.

79. In order to ensure effective access to justice for women, the constitutional requirements for gender equality should be specific.<sup>50</sup> Research on constitutional provisions that specifically grant or protect the rights of women has shown that while women's protection clauses cannot be shown to be the exclusive cause of improved legal protection of women, they are associated with gains in women's rights.

80. Model examples of constitutional design can be found in recent constitutions in different regions. Since 1981, in many countries in the Western region, constitutions have been amended to include provisions permitting the use of temporary special measures to promote the participation of women in political and public life. One recently established constitution in the Maghreb confers systematically, throughout its provisions, constitutional rights expressly on women as well as men, and seeks to ensure parity between them; in Latin America and the Caribbean there is a constitution which contains approximately 34 references to the rights of women, including the right to political participation.<sup>51</sup>

81. The inclusion of any clause in the constitution that derogates from the guarantee of gender equality, by deferring to contradictory precepts in other orders of justice such as traditional and religious principles, undermines the equality standards of international human rights law. Similarly, constitutions that have an override clause, which excludes plural legal systems, religious or customary courts or alternative dispute settlement procedures from the obligation to respect the gender equality guarantee, violate the equality standards of the Convention. Many of the countries that have derogation or exclusion clauses in their constitutions have entered reservations to the human rights treaties, and these reservations have been addressed within the concluding observations of the treaty bodies, which have required their removal.

82. Effective constitutions for gender equality and non-discrimination provide clarity in a hierarchy of competing laws, legal provisions which establish compliance with universal standards of human rights, and coherence throughout national legal frameworks. There are good practices to be found in different regions, where recognition of the autonomy of customary or indigenous communities is nevertheless subject to the requirement that they respect women's human rights. For instance, in the sub-Saharan region, one constitutional provision mandates that "laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group ... or which undermine their status, are prohibited by this Constitution", and in Latin America and the Caribbean one constitution provides far-reaching recognition of both gender equality and indigenous rights, guaranteeing women's participation and decision-making in indigenous governance and justice systems.<sup>52</sup>

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<sup>49</sup> Martha Morgan, "How constitution-making, interpretation, and implementation can contribute to protecting and promoting women's rights", remarks to the Working Group, October 2012.

<sup>50</sup> See Laura E. Lucas, "Does gender specificity in constitutions matter?" *Duke Journal of Comparative & International Law*, vol. 20 (2009).

<sup>51</sup> See the keynote address of the Vice-Chairperson of the Working Group at the Committee on the Elimination of Discrimination against Women general discussion on access to justice, held on 18 February 2013 in Geneva. Available from [www.ohchr.org/EN/Issues/Women/WGWomen/Pages/OthersActivities.aspx](http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/OthersActivities.aspx).

<sup>52</sup> *Ibid.*

83. Constitutional guarantees of gender equality will be operative only if there is provision for effective judicial review of legislative and governmental action and women are empowered to process their claim for equality through the courts. Beyond State courts, the possibility of recourse to international and regional mechanisms opens access to interpretation of the constitutional provisions in line with the international and regional State obligation to respect, protect and fulfil women's right to equality.

## 2. Nationality laws

84. Elimination of discrimination against women in political and public life necessitates reform of nationality laws. Women's capacity to participate in political and public life is defined by their citizenship and nationality, but nationality laws often discriminate against women, particularly when they require a single nationality in a family and the wife's nationality is treated as dependent on her husband's. In effect, women lose their nationality upon marriage with a foreign husband, particularly if both countries of the spouses follow the principle of dependent nationality. If the country of the husband does not follow this principle, then the wife is at risk of becoming stateless, denying her the right to legitimately participate in the political and public life of any country.<sup>53</sup> Laws which require women to seek permission from their husbands, or other family members traditionally defined as their guardians, in acquiring passports and other identity documents also potentially undermine women's capacity to equal participation in political and public life, including through limited freedom of movement.

85. In recent years, many countries have repealed or amended discriminatory nationality provisions to allow women to transfer nationality to their children, and, albeit to a lesser extent, to foreign husbands, or to reduce the occurrence of statelessness. Some countries have lifted their reservations to article 9 of the Convention, mostly in relation to women passing on nationality to children (art. 9, para. 2). Nationality laws which discriminate against women have been challenged in the courts of many countries and in international human rights mechanisms, resulting in a number of positive court decisions.<sup>54</sup>

86. Women and girls belonging to minority communities, rural and indigenous women, migrant women, refugee women and those seeking asylum, and poor women face discriminatory practices in the implementation of laws on nationality and citizenship. They face prejudicial attitudes as well as structural obstacles which limit access to formal registration of births, marriage, residence and other citizenship documents as well as to relevant information on their rights as citizens. Women who are de facto heads of households, including those who have been abandoned by their husbands, whose divorce is not legally registered, or whose husbands have been forcibly disappeared and do not have death certificates for their husbands<sup>55</sup>, are denied recognition of their status in official documents. Without such access, women from these communities become disproportionately vulnerable in exercising their full and equal rights as citizens.

## 3. Preventing violence against women

87. For all women to have the capacity to exercise their right to equal and full participation in political and public life, States must provide a comprehensive legal framework to eliminate all forms of violence against women, including domestic violence, gender-based violence in conflict situations and under current or past dictatorships, and

<sup>53</sup> See A/HRC/23/23, paras. 19–20.

<sup>54</sup> Ibid.

<sup>55</sup> See, for example, Association of Parents of Disappeared Persons, *Half Widow, Half Wife? Responding to Gendered Violence in Kashmir* (2011).

violence directed at women who speak out and play leadership roles during times of war and peace. As articulated in the agreed conclusions of the fifty-seventh session of the Commission for the Status of Women, these laws must provide for multidisciplinary and gender-sensitive preventive and protective measures, such as emergency barring orders and protection orders; the investigation, submission for prosecution and appropriate punishment of perpetrators to end impunity; and support services that empower victims and survivors, as well as access to appropriate civil remedies and redress.

88. Transitional justice mechanisms should provide accountability for gross violations of human rights affecting women, a comprehensive analysis of gender-based violence and abuse by past regimes, the means for transformative reparations for women victims, and the foundation for a gender-responsive reform of the political and legal institutions as part of the guarantee of non-recurrence.

#### **4. Implementation and enforcement of law**

89. Effective elimination of discrimination against women in political and public life relies on the capacity to implement legal guarantees of equality between men and women in this field. National women's machineries set up within the executive bodies of States have been consistently underresourced and are therefore disadvantaged in carrying out their functions. Autonomous women's movements which promote universal standards of equality and non-discrimination are key players, both for maintaining the continued existence of these national machineries as well as for promoting their effectiveness. The equal participation of women from minority, indigenous and other marginalized communities in decision-making positions is the measure of a full implementation of legal guarantees and measures.

90. NHRIs play a crucial role in providing human rights protection and access to redress for politically active women at risk. Given the complex obstacles deeply rooted in structural inequalities and multiple intersections of social-cultural exclusion, women's effective participation in political and public life can be achieved only when they have equal and full access to all mechanisms of independent human rights monitoring and redress, particularly in contexts where the risks are high. Gender responsiveness and gender balance in NHRIs and other human rights institutions at the regional and international levels are imperative.

91. However, there are no international standards for NHRIs to integrate gender and women's rights into their work, resulting in the uneven responsiveness of NHRIs to the specific protection needs of women in political and public life, including women human rights defenders and female politicians at the local level. Specialized NHRIs on women's human rights exist in some countries, but no mechanism guarantees coordination between specialized and the main national human rights bodies, resulting in serious gaps and the risk of fragmented national human rights systems.

92. Making justice systems work for women, whether by catalysing legal reform, or supporting legal aid, one-stop shops and training for judges, is key to the sustainability of women's political participation. This area requires investment. Recognizing the importance of strengthening the rule of law, Governments spend a significant amount on legal and judicial development and human rights. However, targeted funding for gender equality remains low, and gender budgeting initiatives are primarily focused on providing financial resources within State institutions.

93. Civil society organizations have supported ground-breaking cases on women's rights generally and as they relate to participation in public and political life. This underlines the importance of securing the capacity of civil society organizations to sustainably fund their critical work, including in the areas of litigation for violations of women's rights.

## IV. Conclusions and recommendations

94. For women's participation in political and public life to be meaningful it must be on equal footing with that of men, covering all aspects of political and public life, and effective in achieving substantive outcomes on equality between men and women in all fields of life. Women's economic independence and the economic viability of their enterprises and collective actions are crucial, and the conditions necessary for this to be achievable is distinct for differently located women, defined by the unique intersections of multiple forms of discrimination experienced by them. Political transitions do not always lead to inclusive democracy and long-lasting peace, and require the effectiveness of autonomous women's movements to ground universal standards of human rights in political and public life.

95. Women's capacity for equal participation in all aspects of political and public life depends on a coherent set of social and economic policies directed at the family, workplace and marketplace. It also requires their capacity to engage in complex issues such as peace and security, state-building, and extreme poverty and all forms of social exclusion. Positive action is needed to empower women to produce knowledge and engage actively and creatively in these fields. As women act collectively to overcome the structural barriers they face, sustainable access of these groups or communities to adequate resources, including financial, is critical.

96. The right mix of special measures, both temporary and permanent, is required to address reported stagnation in the rise in women's participation in public office. Partial and selective application of gender quotas and other temporary special measures must be replaced by a comprehensive system-wide approach, in permanent as well as ad hoc institutions of governance, peace, development and human rights, at the local, national and global levels. The emerging framework for global governance of information and communications technologies (ICTs) is particularly important, considering the crucial role that ICTs are playing in the political and public life of women.

97. The Working Group recommends that States:

(a) Take concrete steps towards achieving parity in political decision-making and leadership at all levels through a multifaceted approach that is responsive to the different obstacles faced by women, including in dealing with multiple discrimination. States should:

(i) Strengthen the legislative foundation towards parity, including through constitutional provisions and other legislative measures for positive action, such as quotas, to overcome structural barriers to women's political participation;

(ii) Provide effective policy measures to increase women's electability for public office and in key institutions of political and public life, including political parties;

(iii) Address any indication of stagnation and segregation in the progress towards parity by designing and implementing innovative strategies to overcome specific barriers;

(iv) Develop strategies to support capacity development for women in public office, including through national and international cooperation among peers;

(v) Enhance the capacity to consistently and regularly monitor progress at all levels of decision-making across the whole spectrum of institutions of public and political life;

(b) Create the enabling conditions for public recognition and acceptance for women in positions of leadership and decision-making through public campaigns and educational programmes which are responsive to multicultural settings, including by:

- (i) Giving recognition to the diversity of women's engagements in political and public life;
- (ii) Providing a positive image of diverse women, including minority women, indigenous women, women with disabilities, and other historically marginalized women, in leadership and decision-making positions;
- (iii) Providing youth and children with a wide range of relevant role models and career paths for women, including through mentoring programmes for young women's participation in political and public life;

(c) Develop a bottom-up approach to building democratic and accountable relations between State and society, including in local governance and governance in the sectoral fields, with the active participation of institutions and organizations in which women's leadership is located and growing;

(d) Support and ensure women's equal participation in and benefit from all areas of political decision-making during times of political transition. States should:

- (i) Apply special measures to ensure the equal and full participation of women in all transitional authorities and mechanisms;
- (ii) Ensure, including through constitutional provisions, a coherent system-wide framework for equality between men and women in all fields of life;
- (iii) Engage women in meaningful and sustainable ways in the development and implementation of policies to achieve lasting peace and security, including by promoting a culture of peace through formal and informal education in a multicultural setting;
- (iv) Ensure women's effective participation in all initiatives to secure accountability for past abuses, including transitional justice processes, and ensure that the guarantee for non-recurrence incorporates overcoming the root causes of gender-based violations in everyday life and institutions;

(e) Create a coherent institutional architecture for women's human rights and gender equality, including by:

- (i) Securing the gender balance and gender-responsive capacity of national human rights institutions (NHRIs) and other independent monitoring bodies;
- (ii) Institutionalizing gender responsiveness as part of the international standards for effective NHRIs;
- (iii) Establishing well-resourced specialized national mechanisms for women's rights and gender equality;

(f) Support the sustainability and growth of autonomous women's movements in their multifaceted efforts to ground universal standards of equality and human rights in diverse contexts, including by providing non-binding funding at the national and international levels and by supporting the development of independent women's funds;

(g) Overcome the knowledge gap regarding women's participation in political and public life, at the national and global levels, by generating robust sex-disaggregated statistics and multidisciplinary research reflecting the whole spectrum

of women's engagements, including through innovative documentation produced by the women themselves;

(h) Support women's equal participation in political and public life through ICTs, including by:

(i) Increasing women's digital literacy, particularly among marginalized women;

(ii) Ensuring gender-responsiveness in the promotion and protection of human rights on the Internet;

(iii) Improving women's access to the global governance of ICTs;

(i) Accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life;

(j) Guarantee women's equal access to decision-making positions and processes in all institutions of global governance, including the United Nations.

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