



# *Strengthening the Legislative Participation of Women in Parliament*

Round Table Discussion:

## **Analyzing Legislation with a Gender Perspective**

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Developing effective democratic institutions is a fragile and difficult process. One of the key institutions is of course the Assembly. The Assembly, its leaders and Members of Parliament, must work together to advance democratic practices that strive to make the legislature an accountable, open and transparent institution, both on paper and in practice. Model elected representatives' strike a balance between the party, the geo-political climate and their constituencies in order to most effectively represent the interests and needs of citizens. During committee hearings and plenary sessions, parliamentarians should debate the pros and cons of draft law, and offer amendments and alternative legislation when appropriate. Regardless of whether you are in the majority or in the opposition, representatives should continually seek input from their constituents and then advocate for their needs in the assembly, because in doing so parliamentarians fulfill their role as representative of the people.

Many women legislators, regardless of whether they are part of a governing majority or the loyal opposition, evaluate legislation with a gender perspective. To consider ways in which you could more fully realize this practice, extracts adapted from "A Sample Orientation Handbook," developed by the United Nations Development Programme, the SADC Parliamentary Forum and the Center for International Development of the State University of New York. (SUNY/CID), were compiled for your review. The supplemental reading includes the following topics:

- gender in lawmaking;
- gender in committees;
- gender oversight; and
- gender and representation.

## **Gender in Lawmaking**

Some of the principal issues concerning gender-sensitive lawmaking in parliament are the degree to which the institution exercises its own initiative in legislating gender-sensitive laws and policies and the degree to which it influences the passage of gender-sensitive legislative proposals received from the executive. The underlying reality making gender-sensitive lawmaking necessary is that we live in a society where women and men follow different paths in life and have different living conditions and needs. Because of this, societal rules and laws will affect men and women differently. MPs must therefore ensure that a gender perspective is integrated into all proposed legislation, policy formulation and review.

Gender-responsive lawmaking requires that MPs understand the impact of proposed laws and how they might be better designed to achieve outcomes which meet the needs of women and men, girls and boys as well as different groups of women, men and children. This approach is based on an appreciation

that equality should not be confused with uniformity and in fact uniformity can be often the enemy of equality. It involves the development of an analysis, which reflects an understanding of the law/policy's gender implications by:

- Questioning the assumption that laws and policies are “gender-neutral” in their effects;
- Identifying implicit and explicit gender issues;
- Assessing whether the law/policy will continue or change existing inequalities between men and women (and groups of men and women) and patterns of gender relations; and
- Determining whether and to what degree proposed laws/policies enhance women and men's democratic rights.

## **Parliamentary Committees**

Parliamentary committees allow groups of legislators to review policy matters and proposed bills, or conduct oversight more closely than would be possible by the entire chamber. Committees may be temporary (ad hoc) or permanent. Ad hoc committees are formed to review particular bills and are disbanded when their work is completed. Permanent standing committees' jurisdictions tend to mirror the structure of cabinet ministries, and may be involved in both legislation and in oversight. Other permanent committees may focus on oversight, or may be responsible for rules, management, or organizational matters of the Assembly.

### **Gender in Committees**

Much of parliament's important work is carried out in committees. The simple fact that there are more men than women in parliaments means that male MPs need to be more gender conscious in dealing with subjects covered by their committees. Both male and female MPs need to know the technical and gender issues in the ministries covered by the committees they sit on.

As greater numbers of women have become MPs, it has become obvious power relations tend to ensure that men's committee work and women's committee work is “appropriately” allocated along gender lines. The distribution of women MPs in committees is symptomatic of the gender stereotypes that still pervade parliaments. The majority of women MPs are presumed to be more interested in participating in committees that focus on “soft” issues such as health, welfare, development, agriculture and education. Fewer women are active in “hard” committees such as land affairs, defense, foreign affairs, justice, public accounts, trade and industry, science and technology and finance, even though women have particular needs and interests in these areas as well.

Once women become MPs, their access to the power structures of these institutions remains a challenge. Women MPs predominate in leading committees on gender and women's affairs, and other social welfare issues. Some parliaments, however, are beginning to allow women to chair some of the more prestigious committees – such as foreign affairs, finance, security and mining – which are traditionally reserved for men.

Some gender specialists argue that in common with many other institutionalized systems, parliament is characterized by a high level of aggression in which the loudest voice and the most truculent approach wins. It is argued that the parliamentary committee system reduces the adversarial nature of parliaments and encourages more open and larger debate to facilitate the legislative process. Some parliaments have established specialized committees on gender equality, and these include women and men from all political parties. Although the jurisdiction of committees differs from parliament to parliament, it is clear that in addition to specialized committees on gender equality, gender as a crosscutting issue must be addressed in the work of all committees.

## **Government Oversight**

Oversight is the monitoring of Government activities for efficiency, probity, transparency and fidelity, to ensure that funds appropriated are used legally, effectively, and for the purposes for which they were intended. Oversight allows the parliament to review government spending and activities to determine whether there was waste or corruption, and to ask “value for money” questions.

**How is oversight practiced?** Oversight tools available to MPs vary from nation to nation, but parliaments have access to at least some of the following:

- **Questions to ministers**
- **Departmental committees**
- **Select, or Investigative committees**
- **Working in partnership with anti-corruption organizations**

### **Gender Oversight**

Helping bring about gender equality is another important piece in the complex puzzle of parliamentary oversight. MPs exercise gender oversight by monitoring the implementation of gender-sensitive laws and policies such as national gender policies as well as regional and international instruments or agreements that promote gender equality and eliminate discrimination.

The oversight instruments available to parliament empower MPs to hold organs of the state accountable in their implementation of national, regional and

international commitments to achieve gender equality and eliminate discrimination. MPs must be aware of the national, regional and international frameworks on gender in order to perform their oversight role effectively. One of parliament's most effective oversight powers is its ability to obtain information from the Government. Both the question periods for ministers and committees, described above, are means through which MPs are able to investigate government performance with regard to promoting gender equality and eliminating discrimination.

The existence of "watchdog" institutional mechanisms that promote gender equality and that are accountable to parliament, such as human rights and gender commissions, also enhance parliamentary oversight on gender equality. In the context of the gender agenda, MPs can exercise their oversight functions by:

- Examining the position of women and men, boys and girls in each sector, e.g., health, labor, education;
- Examining reports to regional and international bodies to check whether government is meeting its commitments on gender equality;
- Analyzing the budget to see what government is spending to address the needs of women and men, boys and girls; and
- Checking how laws and administrative structures are working to address gender gaps.

## **Representation and Constituent Relations**

### **What, exactly, do MPs do for constituents?**

MPs and parliaments link individuals and groups to their government. They do this by informing citizens about MP and parliament any activities, by providing citizens and groups a voice in public policy – including in national budgets, and by assisting constituents with their individual concerns. How MPs do this depends on a variety of factors, including the nation's electoral system, its political environment, and the parliament's capacity.

- **Informing Citizens About Parliamentary Activity**
- **Enabling Citizens and Groups to Impact Policy**
- **Responding to Constituents**

### **Gender and Representation**

Gender representation in parliaments can refer to the presence of women and men as MPs in decision-making positions, but it can also refer to the interests

and needs of women and men being factored into the decision-making process and political agendas.

The recognition and acknowledgement of gender inequalities by MPs allows them to analyze a parliament's effectiveness in representing the people by considering how well gender proportions in society are reflected in the parliament. This is a challenge to parliaments in most regions of the world in which women are substantially under-represented in parliaments. In addition, not all parliaments have provisions designed to achieve any measure of gender balance.

But gender representation is more than a matter of numbers in parliament. While gender parity is a laudable objective, MPs must also be able to articulate the views and concerns of those they represent and to enact policies and programs that will benefit their lives. In exercising their representational duties, MPs must consider the needs of all people in the constituency - women and men, girls and boys. Regular contact at the constituency level enables the MP to keep in touch with the needs in the constituency, receive feedback from the electorate on any public issue and ensure voter access to their representative.

The real challenge for MPs is to use a gender perspective that will enable them to consider both women and men's interests in the decision-making process, recognizing the fact that women and men do not participate equally in decision making, though women play an important role at community and grass-roots levels. Effective representation and constituent relations focuses on politicizing issues of everyday life in order to make it more democratic. Both women and men must see their experiences reflected in the political agenda.

MPs can bridge the gender gaps by the way they define their tasks, for example:

- Do MPs acknowledge unequal gender relations by singling out women as an important social category/group to represent?
- Do parliamentarians cultivate plenty of contact with various women's organizations?
- Do MPs view gender equality in the extent to which they are actively promoting gender equality issues in their work?