



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Response to the Assembly and Executive Review Committee's Call for Evidence in relation to the Review into 'Women in Politics and the Northern Ireland Assembly'

1. Introduction

1.1. The Northern Ireland Human Rights Commission (the NIHRC or the Commission) is a statutory public body established in 1999 to promote and protect human rights. In accordance with Section 69(1) of the Northern Ireland Act (1998) the Commission reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). In accordance with this function the following statutory advice is submitted to the Assembly and Executive Review Committee in response to the Call for Evidence in relation to the Review into 'Women in Politics and the Northern Ireland Assembly'.

1.2. The Commission bases its position on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998 (HRA) and the treaty obligations of the Council of Europe (CofE) and United Nations (UN) systems. The relevant international treaties in this context include:

- The European Convention on Human Rights, 1950 (ECHR) [UK ratification 1951];
- The International Covenant on Civil and Political Rights (ICCPR) [UK ratification 1976];
- The International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) [UK ratification 1976];

- The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)[UK ratification 1986];
- Charter of Fundamental Rights of the European Union [UK ratification 2000]
- Convention on the Rights of Persons with Disabilities (UNCRPD)[UK ratification 2009]

1.3. The NI Executive is subject to the obligations contained within these international treaties by virtue of the United Kingdom's (UK) ratification.¹ In addition, Section 26(1) of the Northern Ireland Act 1998 provides that "*If the Secretary of State considers that any action proposed to be taken by a Minister or Northern Ireland department would be incompatible with any international obligations... he may by order direct that the proposed action shall not be taken.*" Further, Section 26(2) states that "*the Secretary of State may, by order, direct that an action be taken on a matter within the legislative competency of the Assembly as required for the purpose of giving effect to international obligations. Such action can include the introduction of a Bill into the Assembly.*"

1.4. The NIHRC further recalls that Section 24 (1) of the Northern Ireland Act 1998 provides that "*A Minister or Northern Ireland department has no power to make, confirm or approve any subordinate legislation, or to do any act, so far as the legislation or act – (a) is incompatible with any of the Convention [ECHR] rights.*"

1.5. In addition to these treaty standards there exists a body of 'soft law' developed by the human rights bodies of the UN and the CofE. These declarations and principles are non-binding but provide further guidance. The relevant standards in this context include:

- Beijing Platform for Action adopted by the United Nations 4th World Conference on Women (Beijing, 1995);
- UN Security Council Resolution 1325, S/RES/1325 (2000);
- Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003;
- Council of Europe, Parliamentary Assembly Recommendation 1676 (2004): Women's participation in elections;

¹ Treaties are written agreements to which the participating States are legally bound. See Shaw, M., *International Law* (Cambridge, 2003), p 88.

- Council of Europe, Committee of Ministers, Declaration: Making gender equality a reality, CM(2009)68;
- Council of Europe, Parliamentary Assembly Resolution 1706 (2010): Increasing women's representation in politics through the electoral system;
- Council of Europe, Parliamentary Assembly Recommendation 1899 (2010): Increasing women's representation in politics through the electoral system;
- UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012.

1.6. The Commission welcomes the commitment illustrated by this Review to analyse the barriers facing women in politics in NI and notes the potential for the Review and its recommendations to contribute to steps which would increase compliance with international human rights obligations. In this regard the Commission recalls that the UN Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in 2013:

stresse[d] that the Convention is binding on all branches of government and invite[d] the State party to encourage its parliaments, in line with their procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations...²

The Committee called upon the UK to "continue to take specific targeted measures to improve the representation of women, in particular black and ethnic minority women and women with disabilities, in Parliament and the judiciary."³

2. Barriers Facing Women in Relation to Politics

2.1. International bodies considering issues regarding women's participation in political and public decision-making have identified a number of elements, for example, the "functioning of electoral systems and political institutions, including political parties," which may impede women's participation.⁴

² CEDAW Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 9.

³ CEDAW Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 43(a).

⁴ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003.

2.2. The CEDAW Committee has explained that “failure to achieve full and equal participation of women can be unintentional and the result of outmoded practices and procedures which inadvertently promote men.”⁵

2.3. The Beijing Declaration and Platform for Action noted that:

The traditional working patterns of many political parties and government structures continue to be barriers to women’s participation in public life. Women may be discouraged from seeking political office by discriminatory attitudes and practices, family and child-care responsibilities, and the high cost of seeking and holding public office.⁶

2.4. The Parliamentary Assembly of the CofE outlined that:

In Europe, societies remain characterized by attitudes, customs and behaviour which disempower women in public life, discriminate against them, and hold them hostage to prescribed role-models and stereotypes according to which women are “not suited” to decision making and politics. Unsocial meeting hours and a lack of child-care facilities for politicians can further deter women candidates – politics is tailored to fit men who do not bear even a minimum share of family responsibilities and who rely on their wives to keep the household running.⁷

2.5. The Committee of Ministers of the CofE has stated that “in spite of the existence of *de jure* equality, the distribution of power, responsibilities and access to economic, social and cultural resources between women and men is still very unequal due to the persistence of prevailing traditional gender roles.”⁸ Furthermore, the low involvement of women in professions from which politicians are recruited can create another obstacle.⁹

⁵ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15.

⁶ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 182.

⁷ Council of Europe, Parliamentary Assembly Resolution 1706 (2010): Increasing women’s representation in politics through the electoral system, para 3.

⁸ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003. See also, CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 14.

⁹ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 12.

2.6. The CEDAW Committee has advised that the “position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed.”¹⁰ In a similar vein the Beijing Declaration and Platform for Action stated that “[i]nequality in the public arena can often start with discriminatory attitudes and practices and unequal power relations between women and men within the family,” highlighting the “unequal division of labour and the responsibilities within households based on unequal power relations...”¹¹

3. Women in politics in a post-conflict society

3.1. The Commission recalls that the CEDAW Committee, examining women in conflict prevention, conflict and post-conflict situations, identified women’s equal, meaningful and effective participation in the various branches of government and their appointment to leadership positions in government sectors as “prerequisites for creating a society with lasting democracy, peace and gender equality.”¹²

3.2. The CEDAW Committee has outlined that:

The full participation and involvement of women in formal peacemaking and post-conflict reconstruction and socioeconomic development are often not realized on account of deeply entrenched stereotypes, reflected in the traditionally male leadership of State and non-State groups, which exclude women from all aspects of decision-making, in addition to gender-based violence and other forms of discrimination against women.¹³

3.3. The UK Government has noted that within “Northern Ireland UN [Security Council Resolution] 1325 is widely acknowledged as an important international commitment to women’s equality and empowerment,

¹⁰ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 10.

¹¹ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 185. See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (l); CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 10.

¹² CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 2013, para. 42.

¹³ CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 2013, para. 43.

particularly as regards women's access to politics, public life and decision-making."¹⁴

3.4. However, in 2013 the CEDAW Committee in its concluding observations remained "concerned at the low representation of women in the post-conflict process in Northern Ireland and the failure to fully implement Security Council resolution 1325 (2000)."¹⁵

3.5. The Commission notes the work of the Stormont All Party Working Group on UNSCR 1325: Women, Peace and Security and recalls the Westminster Associate Parliamentary Group on UN Security Council Resolution 1325's Inquiry into the actions and level of implementation of UNSCR 1325 Women Peace and Security for Women in Northern Ireland since the Peace Process.

3.6. The Commission recalls that States' obligations to ensure women's equal representation in political and public life require:

measures, including temporary special measures under [CEDAW] article 4(1), to address this broader context of gender discrimination and inequality in conflict-affected areas, in addition to the specific and multiple barriers to women's equal participation that are linked to additional conflict-related restrictions on mobility, security, fundraising, campaigning and technical skills.¹⁶

4. Positive Obligations

4.1. The UK, as a State Party to the ICCPR, has undertaken "to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in [that] Covenant."¹⁷ The UN Human Rights Committee has stated that pursuant to the Covenant:

¹⁴ Questionnaire to Governments on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000), United Kingdom Response, May 2009, available at: <http://www.unece.org/fileadmin/DAM/Gender/documents/Beijing+15/UK.pdf>, p. 14.

¹⁵ CEDAW Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 42.

¹⁶ CEDAW Committee, General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 2013, para. 44.

¹⁷ ICCPR, Art. 3. UN Human Rights Committee, General Comment 28, Equality of rights between men and women (article 3), 2000, para 3: "The obligation to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant, requires that State parties take all necessary steps to enable every person to enjoy those rights. These steps include the removal of obstacles to the equal enjoyment each of such rights, the education of the population and of state officials in human rights and the adjustment of domestic

States must ensure that the law guarantees to women article 25 rights¹⁸ on equal terms with men and take effective and positive measures to promote and ensure women's participation in the conduct of public affairs and in public office, including appropriate affirmative action.¹⁹

4.2. The Charter of Fundamental Rights of the European Union states that "Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex."²⁰

4.3. CEDAW, Art. 7²¹ requires that:

States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

4.4. The CEDAW Committee has stated that in the context of CEDAW, Arts. 6-9:

legislation so as to give effect to the undertakings set forth in the Covenant. The State party must not only adopt measures of protection but also positive measures in all areas so as to achieve the effective and equal empowerment of women." See also, ICESCR, Arts. 3, 6, 7, and 10; UNCRC, Arts. 3, 6, 27, and 29.

¹⁸ ICCPR, Art. 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable 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.

¹⁹ UN Human Rights Committee, General Comment 28, Equality of rights between men and women (article 3), 2000, para 29.

²⁰ Charter of Fundamental Rights of the European Union, Art. 23. See also, Art. 21.

²¹ See also, CEDAW, Art. 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

States parties are obliged to adopt and implement temporary special measures in relation to any of these articles if such measures can be shown to be necessary and appropriate in order to accelerate the achievement of the overall, or a specific goal of, women's de facto or substantive equality.²²

4.5. The CEDAW Committee has explained that in order to achieve equality between men and women

It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences.²³

Thus, the "formal removal of barriers and the introduction of temporary special measures to encourage the equal participation of both men and women in the public life of their societies" have been identified by the Committee as "essential prerequisites to true equality in political life."²⁴

4.6. In 2013 the CEDAW Committee, examining the UK's compliance with CEDAW, expressed its concern:

at the failure of the State party to introduce further temporary special measures to address the underrepresentation of women in decision-making positions in the public and private sectors, as well as in political life, especially in Parliament.²⁵

²² CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 24. See also paras 29 and 39 and CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15. Article 4(1) of the Convention provides that the adoption of temporary special measures "aimed at accelerating de facto equality between men and women" shall not be considered discrimination. These measures "shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

²³ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 8.

²⁴ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15.

²⁵ CEDAW Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 30.

The Committee recommended that the UK “consider using more prescriptive temporary special measures to improve the representation of women in the public and private sectors, in particular... in political life.”²⁶

4.7. The use of temporary special measures is part of a “necessary strategy” and one of the means of realizing substantive equality for women as required under CEDAW, rather than an exception to the norms of non-discrimination and equality.²⁷

4.8. The Committee of Ministers of the CofE has urged Member States to

Adopt or implement specific policies and action plans at different levels and ensure their adequate financing; enable positive action or special measures to be adopted in order to achieve balanced participation, including representation, of women and men in decision-making in all sectors of society, in particular... in political and public decision-making.²⁸

A wide range of measures have been recommended that States can utilise to comply with their international human rights obligations and in order to advance equality between men and women in the political sphere. These measures include a variety of legislative, executive, administrative and other regulatory instruments, policies and practices.²⁹ To assist the Assembly and Executive Review Committee the Commission provides the attached non-exhaustive Appendix of some examples of such measures: this follows a similar structure to that used in the CofE Committee of Ministers’ Recommendation on balanced participation of women and men in political and public decision making.

The Commission advises that in order to ensure compliance with the UK’s international human rights obligations the Assembly and Executive Review

²⁶ CEDAW Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 31.

²⁷ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, paras 18 and 14.

²⁸ Council of Europe, Committee of Ministers, Declaration: Making gender equality a reality, CM(2009)68, para 2; Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(1): Consider possible constitutional and/or legislative changes, including positive action measures, which would facilitate a more balanced participation of women and men in political and public decision making.

²⁹ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 22.

Committee should consider the obligations and measures set out in this response as it is conducting this Review. The Committee should consider if some of these measures are currently being implemented through existing mechanisms and could be enhanced, and if additional mechanisms should be introduced. The Commission is available to assist the Committee further if required.

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Appendix

A. Legislative, Administrative and Supportive measures

Improve working conditions and eliminate prejudices

A.1. The UN General Assembly has urged States to:

Take all appropriate measures to eliminate prejudices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women and that constitute a barrier to women's access to and participation in the political sphere, and to adopt inclusive approaches to their political participation.³⁰

A.2. Areas that have been identified as requiring possible changes include: official language;³¹ working conditions;³² mainstreaming gender equality throughout all parliamentary work;³³ developing anti-harassment and anti-discrimination policies;³⁴ strengthening gender equality legislation and policy;³⁵ and support for elected representatives in reconciliation of family and public responsibilities for example regarding sitting hours, childcare and parental leave.³⁶

³⁰ UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012, para 6 (b).

³¹ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(2) "[Members states should] adopt administrative measures so that official language reflects a balanced sharing of power between men and women."; Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 2, p. 19.

³² Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(7): "[Member States should] adopted appropriate legislation and/or administrative measures to improve the working conditions of elected representatives at the local, regional, national and supra-national levels to ensure more democratic access to elected bodies." See also, UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012, para 6 (m): "To promote the granting of appropriate maternity and paternity leave in order to facilitate women's political participation."; Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 7.

³³ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 3.

³⁴ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 2, p. 19 and Action Area 4, p. 25: "To ensure a safe, respectful, non-discriminatory and harassment-free workplace, parliaments should: Conduct a gender-based analysis of parliamentary rituals, dress codes, forms of address and commonly used language, conventions and rules. Provide gender-awareness training seminars for all members of parliament and ensure that induction for new members is gender sensitive..."

³⁵ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 2.

³⁶ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(8): "[Member States should] adopted appropriate legislative and/or administrative measures to support elected representatives in the reconciliation of their family and public responsibilities and, in particular, encourage parliaments and local and

Targets

A.3. The Committee of Ministers of the CoFE called on Member States to:

Consider adopting legislative reforms to introduce parity thresholds for candidates in elections at local, regional, national and supra-national levels. Where proportional lists exist, consider the introduction of zipper systems.³⁷

A.4. The Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments proposes a number of measures for parliaments to implement, including “propose amendments to electoral laws and national constitutions that provide for reserved seats.”³⁸

A.5. The NIHRC notes that the Assembly and Executive Review Committee has agreed that “Alternative electoral systems and modes” fall outside the scope of this Review.

A.6. The NIHRC recalls that measures in this regard have been recommended in order to achieve equality between men and women in politics. The CoFE, Committee of Ministers has advised that “where electoral systems are shown to have a negative impact on the political representation of women in elected bodies” member states should “adjust or reform those systems to promote gender-balanced representation.”³⁹ Similarly, the UN General Assembly urged “all States... To review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate.”⁴⁰

regional authorities to ensure that their timetables and working methods enable elected representatives of both sexes to reconcile their work and family life.” See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (l); Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(i); Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 4, p. 24-25.

³⁷ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(3). See also, Council of Europe, Parliamentary Assembly Recommendation 1899 (2010): Increasing women’s representation in politics through the electoral system, para. 2.1. See also, CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15.

³⁸ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 1.

³⁹ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(5).

⁴⁰ UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6. See also, Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(d): “Review the differential impact of electoral systems on the political representation of women in elected bodies and

A.7. The NIHRC recognises that “Elections, including the franchise, in respect of the Northern Ireland Assembly, the European Parliament and district councils” are excepted matters.⁴¹ However, the NIHRC notes that it would be appropriate for the devolved administration to engage with the UK government on this issue in order to further compliance with international human rights obligations.

Political parties

A.8. International standards have also noted the need for political parties to make changes in order to further the participation of women in politics. For example, States should “consider action through the public funding of political parties in order to encourage them to promote gender equality.”⁴² The NIHRC notes that a number of issues related to political parties in Northern Ireland are excepted matters.⁴³ Still, the Commission notes that the devolved administration could engage with the UK Government regarding any proposed measures that would address excepted matters.

A.9. The Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments proposes measures for parliaments to consider “in line with their national context”, including to; “adopt special measures to ensure that higher numbers of women are selected by parties to run in ‘winnable’ seats...”⁴⁴ Similarly, the CEDAW Committee has stated that “political parties also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success.”⁴⁵

A.10. The UN General Assembly urged States to

consider, where appropriate, the adjustment or reform of those systems.”; CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15: amending electoral procedures.

⁴¹ Northern Ireland Act (1998), Schedule 2, Excepted Matters, Article 12.

⁴² Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(4). See also, B(27): “inform political parties of the different strategies used in the various countries to promote the balanced participation of women and men in elected assemblies; encourage them to implement one or more of these strategies and to promote balanced participation of women and men in positions of decision making within the party structures.”; Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(b).

⁴³ Northern Ireland Act (1998), Schedule 2, Excepted Matters, Article 13.

⁴⁴ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 1.

⁴⁵ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 27. See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (g).

strongly encourage political parties to remove all barriers that directly or indirectly discriminate against the participation of women, to develop their capacity to analyse issues from a gender perspective, and to adopt policies, as appropriate, to promote the ability of women to participate fully at all levels of decision-making with those political parties.⁴⁶

Selection, recruitment and appointment processes

A.11. The CEDAW Committee has listed measures that have been adopted in order to ensure equal participation by women in senior cabinet and administrative positions and as members of government advisory bodies. These include: adoption of a rule whereby, when potential appointees are equally qualified, preference will be given to a woman nominee; the adoption of a rule that neither sex should constitute less than 40 per cent of the members of a public body; a quota for women members of cabinet and for appointment to public office; and consultation with women's organizations to ensure that qualified women are nominated for membership in public bodies and offices and the development and maintenance of registers of such women in order to facilitate the nomination of women for appointment to public bodies and posts.⁴⁷

A.12. The Committee of Ministers of the CofE has advised that Member States should ensure that there is gender balanced representation in appointments by a minister or government to public committees and in posts or functions whose holders are nominated by government and other public

⁴⁶ UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012, para 6 (c). See also, Council of Europe, Parliamentary Assembly Resolution 1706 (2010): Increasing women's representation in politics through the electoral system, para 6.5: "encouraging political parties to voluntarily adopt gender quotas and to take other positive action measures, also within their own decision-making structures, and especially in the party structure responsible for nomination of candidates for elections."; Council of Europe, Parliamentary Assembly Recommendation 1899 (2010): Increasing women's representation in politics through the electoral system, para. 2.3; Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 191(a)-(c); ⁴⁶ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 2, p. 19 and Action Area 6: Encourage political parties to be champions of gender equality.

⁴⁷ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 29. See also, Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(19) "consider the setting up of a data bank of women willing to serve in political and public decision-making positions."; Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, paras 190(a) and 192(c); Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 1.

authorities.⁴⁸ Furthermore, selection, recruitment and appointment processes for leading positions in public decision making and in governmental representation should be gender sensitive and transparent and due account should be taken of gender balance in appointments.⁴⁹

A.13. States should “implement appropriate measures within governmental bodies and public sector institutions to eliminate direct or indirect barriers to and enhance women’s participation in all levels of political decision-making.”⁵⁰

Support, information, and training

A.14. A number of recommendations call for enhanced support and training; for example the UN General Assembly:

Encourages States and relevant civil society organizations to support programmes that facilitate women’s participation in political and other leadership activities, including peer support and capacity development for new office holders, and to promote public/private civil society partnerships for women’s empowerment.⁵¹

A.15. Additional measures identified include: outreach or support programmes; allocation and/or reallocation of resources;⁵² mentoring,⁵³

⁴⁸ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(9) and (10). See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 8.

⁴⁹ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(11), (12), (13) and (14). See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (g).

⁵⁰ UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (f). See also, CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15.

⁵¹ UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 10. See also, Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(21): “develop and support mentoring/work-shadowing programmes, confidence building, leadership and media training for women considering entering political and public decision making.”

⁵² CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 22; Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 2, p. 19 and Action Area 4, p. 25.

⁵³ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 1 and 4, p. 25.

recruiting, financially assisting and training women candidates; developing campaigns directed at equal participation.⁵⁴

A.16. International provisions have also recommended support for the work of women's organizations,⁵⁵ national equality machinery,⁵⁶ and non-governmental organizations and research institutes;⁵⁷ and the setting up or support of "parliamentary committees or delegations for women's rights and equal opportunities."⁵⁸

Promote Change and Awareness

A.17. States have also been advised to take action which will increase awareness and recognition at all levels, including politicians,⁵⁹ the general public and media professionals, of "the importance of gender-balanced representation in political and public decision making."⁶⁰ States are further encouraged to promote campaigns to address factors which may prevent or hinder women from participating in politics, for example, "encouraging the sharing of responsibilities between women and men in the private sphere."⁶¹

⁵⁴ CEDAW Committee, General recommendation No. 23 on Women in Political and Public Life, adopted at the sixteenth session, 1997, para 15.

⁵⁵ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(18).

⁵⁶ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(16).

⁵⁷ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(34). Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(f).

⁵⁸ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, A(17).

⁵⁹ Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Action Area 2, p. 19 and Action Area 5, p. 26.

⁶⁰ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(30), (23), (33), (40) and (32): "promote campaigns aimed at specific groups, in particular politicians, social partners and those who recruit and nominate political and public decision makers in order to raise their awareness of the importance of gender-balanced representation in political and public decisionmaking." See also, UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012, para 6 (d) and (k); Council of Europe, Parliamentary Assembly Recommendation 1676 (2004): Women's participation in elections, para. 7; Council of Europe, Parliamentary Assembly Recommendation 1899 (2010): Increasing women's representation in politics through the electoral system, para. 2.3; Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, p. 14, Action Area 1: "...Conduct awareness-raising campaigns on the importance of women's representation in parliament."

⁶¹ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, B(31), UN General Assembly Resolution, 'Women and political participation', A/Res/66/130, 19 March 2012, para 6 (n); Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(i); Interparliamentary Union, Plan of Action

B. Monitoring and Collection of Data

B.1. Monitoring mechanisms and collection of disaggregated data⁶² should be included as an important part of any steps introduced to address these issues. The CofE Committee of Ministers recommended that Member States should:

consider establishing independent bodies, such as a parity observatory or a special independent mediation body, with a view to following governmental policy in the field of balanced participation of women and men in political and public life, or entrust national equality machineries with this task.⁶³

B.2. The Beijing Platform for Action also calls for monitoring and evaluation of progress in the representation of women:

through the regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in Government on a yearly basis; ensure that women and men have equal access to the full range of public appointments and set up mechanisms within governmental structures for monitoring progress in this field.⁶⁴

B.3. Temporary special measures that are adopted should include concrete goals and targets, timetables, steps to enable women to access such measures, and the institution accountable for monitoring implementation and

for Gender-sensitive Parliaments, 2012, p. 14, Action Area 1: “Condemn acts of violence against women candidates and parliamentarians and adopt legal and practical measures to prevent and punish such acts.”

⁶² The CEDAW Committee has recommended that States parties provide statistical data disaggregated by sex “in order to measure the achievement of progress towards women’s de facto or substantive equality and the effectiveness of temporary special measures.” CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 35.

⁶³ Council of Europe, Committee of Ministers, Recommendation No. R (2003) 3 on balanced participation of women and men in political and public decision making, adopted 12 March, 2003, C(42) and C(43)-(48). See also, Interparliamentary Union, Plan of Action for Gender-sensitive Parliaments, 2012, Part 3, p. 35.

⁶⁴ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, para 190(e) and 192(b). See also, UN General Assembly Resolution, ‘Women and political participation’, A/Res/66/130, 19 March 2012, para 6 (o) Urges States to take the following actions...: “To monitor and evaluate progress in the representation of women in decision-making positions.”

progress.⁶⁵ The relationship between any temporary special measures, and general measures and efforts to improve the position of women, should be considered.⁶⁶

B.4. Monitoring mechanisms should ensure that the measures introduced are having the desired effect, and that any temporary special measures whose impacts have been sustained for a period of time and that are no longer needed, are discontinued. In this regard, the CEDAW Committee noted that:

as steps are being taken to eliminate discrimination against women, women's needs may change or disappear, or become the needs of both women and men. Thus, continuous monitoring of laws, programmes and practices directed at the achievement of women's de facto or substantive equality is needed so as to avoid a perpetuation of non-identical treatment that may no longer be warranted.⁶⁷

B.5. The Commission notes that such monitoring should consider the concrete results of the measures as the

duration of a temporary special measure should be determined by its functional result in response to a concrete problem and not by a predetermined passage of time. Temporary special measures must be discontinued when their desired results have been achieved and sustained for a period of time.⁶⁸

B.6. It is important to distinguish between temporary special measures, which should be discontinued when conditions change, and those measures which constitute the provision of "general conditions in order to guarantee the civil, political, economic, social and cultural rights" of women and girls, which are not temporary special measures.⁶⁹

⁶⁵ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 36.

⁶⁶ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, paras 26 and 28.

⁶⁷ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 11.

⁶⁸ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 20.

⁶⁹ CEDAW Committee, General recommendation No. 25, on article 4, paragraph 1 - Temporary Special Measures, adopted at the thirtieth session, 2004, para 19.