

Towards a Gender-Sensitive Legislative Agenda for Development in the Americas

Report on the Congress of Parliamentarians held in Bogotá,
Colombia on November 20-21, 2008

Presented by:

Inter-Parliamentary Forum of the Americas
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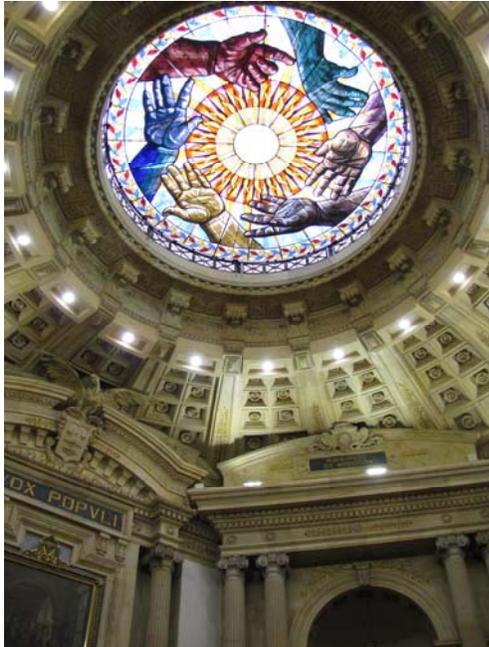
Participants in the Congress “Towards a Gender-Sensitive Legislative Agenda for Development in the Americas”

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1. Introduction

The Congress “Towards a Gender-Sensitive Legislative Agenda for Development in the Americas” was held on November 20-21, 2008, at the Senate of the Republic of Colombia in Bogotá. It was attended by 37 men and women parliamentarians from Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Dominica, Haiti, Grenada, Guatemala, Jamaica, Mexico, Peru, the Dominican Republic and Saint Lucia, and was co-hosted by FIPA and *Fundación Agenda Colombia*.



Dome of the Colombian Senate.

The Congress consisted of six work sessions. The first two sessions, held on the first day, focused on: “Economic Policies and Gender” and “International Crisis, Development and Gender: Implications for the Americas”. On the second work day the issues of social policies, environmental policies, and political and electoral reforms were addressed from a gender perspective. These sessions were attended by various experts from international and Colombian agencies. Parliamentarians welcomed this great opportunity to share their opinions and their respective parliaments’ experiences of the issues discussed. Civil society representatives also had the opportunity to express their views and take part in an open discussion.

In the last work session, a series of recommendations was put together based on the main proposals made during the congress, and subsequently submitted for the participants’ consideration.

This initiative was possible thanks to the support of numerous collaborators, such as the Inter-American Development Bank (IADB) through the Pro-Lead Program,

the General Motors Corporation, the United Nations Development Fund for Women (UNIFEM), the International Institute for Democracy and Electoral Assistance (International IDEA), and the United Nations Development Programme (UNDP).

The following is a summary of the presentations made during the congress and of the main discussion topics. The recommendations approved during the final work session are available in Section 3 of this report.

2. Summary of Presentations and Discussions

2.1 Opening Session

Bruno Moro, UNDP Representative in Colombia, delivered the opening address.

He noted that it is essential that our societies preserve and strengthen democracy, consolidating its development as a political system while facing the challenge of safeguarding the rights of men and women citizens in every dimension.

Mr. Moro underlined that, although the extensive and progressive consolidation of democracy in the Americas has largely inured to the benefit of citizens, there are still considerable social, economic,

and political challenges that have to be addressed by the States through the leadership of their political players.

In connection with the above, Mr. Moro referred to the commitment made by the States on the Millennium Development Goals, noting that, while the third goal is specifically geared to promoting gender equality and women’s empowerment, they are all related to essential aspects of women welfare.

He called for the reformulation of public policies so that they may become more sensitive to social demands, particularly women’s, and thus contribute to removing existing inequalities, especially in relation to gender.

The UNDP representative was followed by the **President of the Inter-Parliamentary Forum of the Americas (FIPA), the Brazilian Federal Deputy Luiz Carlos Haully.**

In his speech, the President of FIPA highlighted the need to promote the creation of a common legislative agenda that may enable effective gender equality through the sharing of practices and experiences.



Opening Session

He referred to the Millennium Summit, during which United Nations Member States adopted a joint declaration committing to promote a global position to improve the living conditions of mankind as a whole, specifically safeguarding gender equality and fighting any kind of violence and discrimination against women. The Millennium Declaration also recognizes the significance of fostering women empowerment, as well as their economic independence and access to employment under adequate conditions as an efficient way to eradicate poverty, hunger and diseases and to promote a truly sustainable development.

To lay the grounds for reflection and sharing among FIPA member countries, Deputy Haully also commented on the main measures adopted by Brazil after enforcing its 1988 Constitution, including a series of provisions to the benefit of women, namely:

- 120-day maternity leave.
- 8-day paternity leave.
- Land ownership rights for both men and women.
- Right to equal pay for both men and women.
- Equality in the marital partnership.
- Recognition of “cohabitation” as a family unit.
- Guarantees to fight domestic violence.

The Brazilian deputy also noted that, subject to the approval of a constitutional amendment, each federal state would grant women one third of the seats in the Lower House by 2010. Moreover, this initiative guarantees that 50% of public administration jobs should be carried out by women by 2030.

In addition, he noted that a law passed in September 2008 provided for a 60-day maternity leave extension, turning the former four months into six.

He noted, however, that, although 95% of countries in the region enjoy basic democratic rights, women's parliamentary representation is quite disproportionate in relation to the number of women living and working in our societies.

In turn, the **President of the Colombian Congress, Hernán Andrade**, referred to the current financial crisis and the feeling of uncertainty it has created. He suggested that the crisis has unveiled a highly defective economic model that had failed to interconnect the tremendous wealth generated by just a few with the welfare of the majority. This shows, as he argued, that the market should not be the governing player, let alone the main allocator of resources in society.

He emphasized, however, that this situation offers us the opportunity to redefine a new phase of capitalism and added that issues that were left behind in the past (such as equality and development) should come again under the limelight and be taken into consideration before making any macroeconomic decision. He also said that Congresses should be the leading players when it comes to defining a new development model for the region.

Finally, he stressed that the role of women, by bringing a breath of fresh air to politics and restoring its dignity, was crucial in integrating the economy with social issues and in turning growth into a driver for social inclusion.

2.2 Presentation of the Congress Objectives and Methodology

Before starting with the thematic sessions, **Cecilia López Montaña —Colombian Senator, Chair of the Group of Women Parliamentarians of the Americas** and host of this event— briefly introduced the rationale of the Congress.

She argued that the Americas currently hold a privileged position and that, although the most severe financial crisis since the Great Depression in the 1930s started on this continent, a new political leadership marked by public ethics, transparency, and people-oriented development is emerging in the Americas. She suggested that this new leadership may be able to respond to any demand faced by the State, thus redefining political actions.

Ms. López noted, however, that gender-related challenges were huge. She emphasized that macroeconomic policies were not gender-neutral and that they had a social content as well. As regards production, she said that the economic basis should be diversified to prevent the marginalization of women from innovation and the concentration of political power.

From a social perspective, Senator López suggested promoting policies that grant the fundamental rights recognized nowadays. From a political perspective, she said that women were entrusted with turning politics into a noble profession and empowering citizens so that their demands became public issues. Finally, from an environmental perspective, Senator López stated that we should guarantee the preservation of natural resources for the enjoyment of future generations.

She thus urged participants to see the forum as an opportunity to start designing a plan of action so that parliaments of the Americas may have greater participation in development issues which should include gender equality considerations. In her view, this was an invitation for parliaments to turn politics into "the driving force of change to build a fairer society".

2.3 Session 1: Economic Policies and Gender

The first theme session, "Economic Policies and Gender", was facilitated by **Canadian Senator Céline Hervieux-Payette, former President of FIPA** and Executive Committee member.

2.3.1 Presentations

This session started with a presentation on macroeconomics and gender made by **Alma Espino, from the Centro Interdisciplinario de Estudios sobre el Desarrollo en Uruguay (CIEDUR)** (Uruguayan Interdisciplinary Center for Development Studies).

Espino began her presentation by asking two questions: “Why should we discuss gender?” and “Why should we discuss gender and economy?”

She explained that the notion of gender is understood as a category of analysis that describes inequalities between people, leaving aside ideological differences between men and women and focusing on a more complex social and cultural construction governed by a set of formal and informal rules, standards, ideas, and beliefs shaping the masculine and the feminine.

There is a series of signs, she continued, that create identity, set differences, and, above all, establish different hierarchical situations. In this sense, she argued that the feminine can be less important and visible than the masculine in some respects, specifically in the economic and political environment. These natural, cultural, and historic differences translate into disadvantages for one or another in social relationships, but they can be changed and improved as such.

According to Espino, just as there is an economic order there is a gender order, which is the historic construction of the institutional background founded basically on masculine needs, experiences, and interests. Therefore, institutions and regulations play a crucial role in the relationships established in the market, the State, and the family; and it is on those relationships that the gender order is largely based, governing the relationships between men and women, and their expectations and aspirations in connection to others.

The specialist explained that the gender analysis of economic policies was aimed at showing that economic processes and policies were not gender-neutral and could, in fact, underpin the inequalities largely affecting women’s welfare. She added that overlooking the dimension of gender may hinder the societies’ growth and development opportunities due to mismanagement or overexploitation of human resources, and discrimination and labour segregation, such as for instance the double-shift work day of paid and unpaid labour.

In relation to the “care economy”, she explained that homes were units of savings and consumption that also produced goods and services. Although these products do not enter the market, are not given a price, and are invisible to the economy, today and tomorrow's workforce and society's workforce as a whole are born and raised there, because it is in the home where the social values and standards governing the operation of the economy are taught.

According to the specialist, the macroeconomic policies of recent decades have been geared towards restricting government involvement and regulations in order to achieve a more efficient distribution of economic resources, higher growth rates, a faster increase of income, and the reduction of inequality and poverty. However, a favourable environment is missing to improve

women welfare and reduce gender-related gaps in relation to basic skills, opportunities, and access to resources.

As regards fiscal policies, Espino noted that it is important to promote the approval of gender-sensitive public budgets addressing the needs and interests of various citizen groups. She indicated that these budgets show that men and women use public property differently and have different priorities regarding public expenditure.

The gender perspective in fiscal policies can also contribute to reconciling family life and work through discounts on childcare services or income taxes because their impact varies according to the taxpayers' marital status and/or household structure.

She further noted that trade policies are also important because part of the women's work is invisible, unpaid, and informal. In her view, since women belong to the large group of workers with no social security coverage, they are disproportionately concentrated in certain economic activities, while men are engaged in a variety of work settings.

Ms. Espino made the following recommendations to move towards a legislative framework that may turn gender equality into a State policy, and to fight against the increase of poverty and inequality:

- Integrating social development dimensions into economic dimensions.
- Promoting sustainable skills whose basic requirements are technology change and human resource improvement.
- Setting human development goals aimed at enhancing men's and women's skills and opportunities.
- Taking actions geared to promoting equality and ensuring women's access to productive resources.

As regards public policies, she suggested:

- Fostering and building on educational investments for men and women.
- Redefining the existing relationship between productive and reproductive work so that men and women play a leading role in both spheres.
- Deconstructing the idea that every worker must behave the masculine way without considering family responsibilities.
- Acknowledging care as a basic human need.

Subsequently, **Nancy Patricia Gutiérrez, Colombian Senator** and representative of South America to the FIPA Executive Committee, commented on some of the issues raised by Alma Espino.

She said that Ms. Espino's presentation provided some food for thought to legislators faced with the challenge of increasing women's productivity through governmental decisions. On the one hand, she underlined that politicians in developing countries should work together to pursue goals such as gender equality.

On the other hand, she noted that, in times of crisis, women were more affected by the lack of employment since jobs get scarce, labour standards become more flexible, and social security coverage decreases. In her opinion, this was the start of a vicious circle - women with no access to

education have no economic opportunities and therefore stay home raising children, who repeat the cycle again.

Senator Gutiérrez finished her remarks by emphasizing the importance of having access to spaces of power to exert an influence on macroeconomic policies that may provide for growth and development with a gender perspective.

Deputy Martha Tagle Martínez, Secretary of the Equality and Gender Committee of the Mexican Lower House, gave a presentation on gender-sensitive budgets that clearly illustrated how the Legislative Branch can impact on economic policies, particularly focusing on the situation of women.

She commented on the gradual advances made in Mexico in this area, which started with state aid, then moved to a program-oriented budget and, finally, to a gender mainstreaming budget.

Ms. Tagle Martínez presented the main proposals of the Equity and Gender Committee for the 2009 budget:

- Strengthening policies and programs for compliance with the general laws on women's access to a violence-free, egalitarian life between men and women.
- In relation to social welfare, favouring women's access to better living conditions regarding health, education, employment, and housing with specific and/or earmarked programs.
- Promoting equal opportunities for men and women through production projects and business skills development programs in all state secretariats.
- As to the delivery of justice, ensuring that an observatory is in place, training for magistrates, judges and public ministries, and comprehensive protection actions for victims of violence (shelters).
- In relation to politics, complying with the Quito Consensus and promoting actions with a view to achieving parity between electoral institutions and parties.
- As regards information and communication technologies, implementing a communication program, and an information and communication access program in rural and marginal urban areas.

She also referred to the main aspects of the committee's approach:

- Gender-focused programs were implemented and shown in the indicators matrix.
- The target population assisted was identified by gender; age group; country region, municipality or territorial area; and by state.
- Methodologies or systems are being set so that programs may generate indicators with a gender perspective.
- The gender perspective is already being used in program assessments, and social communication campaigns will include contents that promote equality between men and women, and the eradication of gender violence, as well as of roles and stereotypes that may incite any form of discrimination.

She noted, however, that the gender perspective still had to be promoted in the execution of programmes even if not directly intended for the benefit of women.

(To read Ms. Tagle Martínez's presentation in Power Point format, please visit our website: www.e-fipa.org)

2.3.2 Discussion



Guatemalan Deputy Otilia Lux

The moderator, **Senator Céline Hervieux-Payette**, opened up the Q&A and discussion period by requesting participants to hand in their proposals in writing, since these would be used to draft an action plan to be implemented in each country in the region.

The following participants took part in this discussion: **Alix Boyd-Knights, Speaker of the House of Assembly of Dominica; Hilaria Supa Huamán, Peruvian Congresswoman; María Teresa Nuñez de Arauz and Tomasa Yarhui, Bolivian Deputy and Senator, respectively; Thelma de Oliveira, Brazilian Deputy; Otilia Lux, Guatemalan Deputy;** and some civil society observers.

The debate showed that there was a clear connection, from the participants' viewpoint, between women's participation in politics and the possibility of adopting gender-sensitive economic policies.

Along the same vein, they stressed the need to fund training programs for women willing to enter the political arena and, particularly, the significance of promoting the political and economic participation of indigenous, afro-descendant and rural women. Participants also highlighted the usefulness of women's caucuses and other forms of collaboration that enable women legislators from different parties to join for the approval of laws favourable to women, as was the case of Brazil, Guatemala (anti-femicide law) or Peru (law on equal opportunities).

Legislative initiatives now in progress in Bolivia were presented, such as the bill on gender-oriented political harassment and violence, and the bill on the oversight of gender democratic participation aimed at monitoring political parties' compliance with applicable regulations.

2.4 Session 2: International Crisis, Development and Gender: Implications for the Americas

The afternoon session of November 20 was wholly devoted to the current economic crisis. Although this topic did not initially feature on the Congress agenda, its inclusion was considered crucial since this event was one of the first parliamentary meetings in the hemisphere since the outbreak of the crisis.

The session –facilitated by **FIPA President and Brazilian Deputy Luiz Carlos Hauly**– enabled parliamentarians from different regions of the continent to express their views on how the crisis impacts on their countries and on different sectors of the population, particularly on women.

2.4.1 Presentations

Brazilian Federal Deputy Arnaldo Madeira made the first presentation.

Before sharing his thoughts on the current crisis, he called upon participants to acknowledge that political will alone is not enough to stop gender, race, and minority discrimination, but that it was necessary to be aware of and understand reality to take the relevant actions.

In the context of this global society, Deputy Madeira noted that during 2003-2007 the world experienced an economic expansion marked by growth rates over 5%, and an increase in economic efficiency and productivity. He referred to the cases of China and India, and also to higher education rates and economic expansion rates in Eastern Europe.

However, he explained that the current crisis turned from an apparently virtuous circle into a destructive one, bringing about a boom in consumption and an increase of inflation and unemployment rates, which made the economic system collapse due to the lack of regulations in the overall economic system, as it was believed that the system could self-regulate.

Our perspective is therefore of a belated recession caused by volatility and the collapse of the financial brokerage system that governments are unable to combat.

The loss of financing facilities and its concentration in few hands, resulting from bank mergers, are risks threatening many countries, he added.

Deputy Madeira further noted that it is women who suffer the most and are most aware of the crisis, in spite of their limited participation in power and in the decision-making process.

The Brazilian Deputy made some recommendation proposals in this sense:

- Bearing in mind the importance of strengthening democracy to prevent authoritarian governments.
- Promoting transparency in public accounting and fighting against the lack of ethics in society through the use of the Internet.
- Prioritizing primary education to face the challenge posed by the economy and the knowledge society.

The Brazilian parliamentarian was followed by **Dominican Deputy María Estela de la Cruz, Representative of Central America to the FIPA Executive Committee**, who not only referred to the impacts of the crisis on women, but also to the opportunities arising from such crisis.

Firstly, she noted that, while everyone would suffer the impacts of the recession resulting from the international financial crisis (rise in unemployment, salary cuts, informal jobs, etc.), women would be the most affected since they are already victims of labour segregation due to their social condition, to the sexual division of labour, and to their greater exposure to informal jobs.

The crisis also has an impact on women's migration and remittances noted De la Cruz, explaining that migration flows have become feminized when women from developed countries massively entered the labour force, thus leaving house chores to immigrant women. According to an analysis made by the *Red de Comercio y Género en Centroamérica* (Central American Trade and Gender Network), the globalization model seeks cheaper, less troublesome and more disciplined labour to get higher profitability. These are the most affected sectors when income rates plummet; hence the crisis is affecting those countries that depend



Dominican Deputy María Estela de la Cruz.

on immigrant remittances, particularly in Latin America.

Deputy De la Cruz introduced two different analyses on the impacts of the crisis on women's work. According to the first analysis, economic recessions strengthen women's traditional roles, such as maternity, because in times of recession the economic model requires them to withdraw from the labour market and support the care economy. The second analysis, which is supported by previous experiences, argues that in times of economic shortage women enter the labour market. It further suggests that working conditions may be precarious and oppressive due to the double-shift work day, but they also entail an opportunity for independence. She argued that women's participation has created a window of opportunity and that high education, labour and political standards would enable the necessary changes for development in Latin America.

The Dominican representative finished by saying that this unprecedented crisis would definitely be a milestone in human history, and that the time was right to achieve women's full development by changing the centres of power and creating a world of equal opportunities.

The following presentation was made by **Rosemarie Husbands-Mathurin, Speaker of the House of Assembly of Saint Lucia**, who commented on the perspective of small island states.

She recalled that nine Caribbean island states, including Saint Lucia, are members of the Organization of Eastern Caribbean States, which means that they share a single market, common services, joint diplomatic missions, regional tourism and civil aviation policies, single currency, regional benchmarking in fields such as education and policies aimed at protecting small island markets.

She then noted that 2007 UNDP reports show that the Caribbean economies are going into recession or slow contraction due to the energy crisis, the food security crisis, and the recent financial crisis that have impacted on the income from manufactures, tourism, and agriculture in those countries.

She further said that Caribbean countries have been forced to seek international financing to aid tax revenues and that these macroeconomic problems translate into higher unemployment, changes in the workforce, and higher crime rates, so that the most vulnerable have to seek alternative means of livelihood, thus running higher risks. She emphasized that particularly children and youngsters lacked access to education and healthcare and that the number of elderly men and women living in poverty or bad health conditions has steadily increased. Ms. Husbands-Mathurin said that women are the breadwinners of 41% of the homes in the region and also take care of their children's education and health.

She identified four issue areas for Caribbean governments, noting that although they have Gender Ministries these often lack the necessary resources and personnel:

- **Gender-based violence:** The recorded cases of family violence against both men and women are increasing and there are no policies and strategies in place to combat them.
- **Gender and HIV-AIDS:** A growing number of young women infected. A series of campaigns have been launched to raise the awareness of sexual workers about the care and prevention of this deadly disease.
- **Gender and Migration:** There has been a massive exodus of Caribbean workers, particularly male nurses and teachers, seeking better living conditions. Migratory flows show that men are more likely to come back than women, thus remittances decrease.

- **Gender and Natural Disasters:** Despite the creation of an emergency management fund to assist disaster-affected communities, this issue is still pending and affects men and women alike.

Speaker Husbands-Mathurin added that governments have designed a series of programs and measures to enhance social and economic opportunities for the poor and have consequently committed to achieving the Millennium Development Goals. However, gender issues are not part of the Caribbean development agenda. She pointed out that, except for some attempts by, for instance, Belize, there were no gender-sensitive budgets because of “lack of political will”.

Mexican Senator Minerva Hernández gave the last presentation of the afternoon.

She introduced the rationale and characteristics of the crisis and, more specifically, its impacts on the Mexican economy, where national and international economic indicators are already witnessing the effects of the crisis.

She highlighted that one of the lessons taught by the crisis was that market self-regulation was of no avail and that, given the current conditions, the State should be more attentive and on the alert to make monetary and economic policies match growth needs and to prevent such phenomena as the ongoing currency devaluations in relation to the dollar.

As to the impact of crisis on women, the Senator said that like in other countries employment opportunities for women are expected to decrease since they are traditionally the first ones to abandon productive activities or the ones who find it harder to get a job.

She also argued that, in addition to the above, women will have to make big efforts to restrict their expenses to their most urgent needs, since most of them manage their housekeeping economies, their work, and their own lives.

The Mexican Senator argued that, in this sense, the unpaid reproduction work carried out by women should be recognized and valued, together with their systematic inclusion and presence on the national accounts.

She further noted that most economic plans restricted their scope to rural and peasant women. However, these only refer to rural, poor women as linked or subject to productive policies, which “seriously curtails women’s access to development”.

She also underscored the significant impact of the crisis on education. She said that, since family expenses will have to be cut down, the poorest families will not be able to send their children to school and those who currently attend school will gradually drop their studies due to a lack of resources, thus entering the informal labour market to help support the economy of their families. This is a step backward both at an individual and national level.

The Senator commented on the first efforts made by the Mexican Congress to face this crisis by means of the 2009 economic package. The budget allocated to the item “Women and Gender Equality” amounted to 9 billion Mexican Pesos, almost three times the 2006 budget, which totalled only 3 billion.

The approved items included housing finance programs intended for women, microfinance funds for rural women, reproductive healthcare and gender equality in health, and childcare programs for working women.

Finally, Ms. Hernández underlined the importance of a gender-oriented public budget, since it is an assessment tool showing the attention that governments award to men's and women's different needs, privileges, rights, and roles in society that lead to social inequality.

2.4.2 Discussion

During the debate facilitated by FIPA's President, several speakers took the floor – **Peruvian Congresswoman María Sumire, Grenadian Senator Pemba Braveboy, Bolivian Senator María Esther Udaeta, the Uruguayan expert Alma Espino, Guatemalan Deputy Otilia Lux, Brazilian Deputy Thelma de Oliveira, Cuban Deputy Elsa Rojas Hernández, Haitian Deputy Jean Beauvois Dorsonne, Bolivian Senator Tomasa Yarhui**, and civil society representatives.

The main topic for discussion was the need to reconcile productive and reproductive work. Several participants stressed the importance of acknowledging the economic value of housework and of providing work opportunities for women, with men and women earning equal pay. In this sense, the role of the state was underlined, as the marketplace is unable to solve this issue. Likewise, the importance of collaboration between men and women and among women was emphasized, as well as the need to devote greater efforts to combating corruption through the enforcement of national and international legislation.

Bolivian Senator María Esther Udaeta mentioned the draft of the new Bolivian Constitution and the 2008-2011 Women's Legislative Agenda as examples of texts including the gender perspective.

Deputy Haully closed the work session by urging the represented parliaments to join efforts to overcome the challenges posed by the crisis and turn them into solutions.

2.5 Session 3: Social Policies, Gender and Development

The second work day began with a session on social policy issues, facilitated by **Colombian Senator Gloria Inés Ramírez**. Senator Ramírez focused the debate on a sustainable development paradigm revolving around employment, the fight against poverty, and environmental protection.

2.5.1 Presentations

Rodrigo Uprimny, from the Centro de Investigaciones de Justicia (Justice Investigation Centre), invited participants to reflect on the advantages of adopting a human rights and particularly gender-based approach in social policies with a view to gaining more legitimacy and consistency.

In order to explain how such approach may be adopted, the specialist drew a parallel with criminal policy, which has introduced a human rights-based approach by observing such rights in its design, for instance, in accordance with due process. If human rights in social policies are to be taken seriously, he continued, first the content of social rights should be interpreted correctly, and then human rights cross-cutting principles should be respected in social policies, namely, accountability, transparency, participation and citizen control, with indicator and monitoring systems in place to gauge progress. Third, differential approaches should be acknowledged, that is, social and economic policies should not be neutral in terms of gender as they affect men and women differently.

A gender approach, he insisted, sheds light on the differentiated impacts of social policies and women’s rights.

He subsequently presented the advantages of adopting this gender-based approach.

- Greater consistency in the values in society. Inconsistencies are generated if regulations and agreements are approved but then ignored or not developed when formulating the relevant policies.
- Institutional sustainability and consistency among the Legislative, the Executive, and the Judiciary.
- Greater social and political legitimacy of social and economic policies in line with the values proclaimed by society.
- Better social policies, as this approach helps identify any form of discrimination and correct it, so that fairer and more equitable societies may be built.

In concluding his presentation, Uprimmy stated that at the moment there is a window of opportunity for this approach that should not be missed. He mentioned that, in view of the failure of policies adopted during the 1970s and ‘80s, and on account of policy constraints in the ‘90s, international organizations like the IADB and ECLAC had opted for approaches sensitive to social rights like basic universalism and social cohesion.

The session continued with presentations by experts **Vivian Roza** and **María Elena Muñoz, from the Inter-American Development Bank Gender and Diversity Unit.**

Ms. Roza talked about the introduction of the gender perspective in the regional legislative agenda and its relationship with women’s participation in politics.

In the last decade, Ms. Roza pointed out, there has been an important increase in the number of laws, public policies and programs related to women’s rights, namely family code reforms, the adoption of legislation against domestic violence, discrimination, and sexual harassment, and on responsible parenthood, reproductive health, and femicide, among others.

This increase in the number of laws and policies in favour of women is due to several factors: the resurgence of the women’s international movement, the adoption of international agreements and declarations favouring women like the Beijing Platform, advances in women’s human rights in international law, cultural openness, globalization, democratization, and other changes in the lifestyle of countries in the region.

One of the major factors leading to greater representation of women’s interests, she said, has been the growth in women’s parliamentary participation in the last two decades.

She noted that since the 1990s the increase in women’s participation has been significant. For instance, starting with an average of 5% in both chambers in 1990, women’s parliamentary representation reached 18% in 2008. Although the ratio of women legislators in the Americas (21%) is below that of the Nordic countries, it is above the world average. The average for Latin America and the Caribbean is higher than for the United States, albeit lower than for Canada.

Despite the progress made, Roza continued, there are still large equality gaps between men and women regarding political representation. There is an uneven increase within the population, with indigenous and Afro-descendent women still largely absent from public decision-making positions, even in countries with a high proportion of indigenous and Afro-descendent population. Women

suffer from multiple and cumulative forms of discrimination –sex, ethnicity, and class. Finally, she stated that progress has been volatile, as the advances achieved during one political cycle are lost in the next.



Peruvian Congresswomen Juana Huanchuari and Hilaria Supa.

Roza explained that, despite variations among countries and within the population itself, the growth in women's parliamentary participation coincided with this unprecedented increase in legislation related to women's rights. She added that of all the legislative advances for women during the '90s one of the most significant ones had been the adoption of quota legislation by 13 Latin American countries. She underscored that the quotas have led to a rise in women's parliamentary participation by 12 per cent, which has shown its effectiveness in increasing women's political representation in the region. However, the effect of quotas has varied from country to country.

Women are also promoting new bills aimed at reformulating existing social policy models in order to win back the universal coverage of basic benefits of adequate and even quality and, fundamentally, awarded based on the principles of citizenship. This approach, known as basic universalism, is aimed at promoting a number of universal coverage services meeting quality standards for everyone, and attempts to change the vision of compensatory and residual policies to strengthen rights. This model, which is not new, as explained by the IADB representative, stresses the importance of relating the access to goods and services to the citizen status and not to donations or influence. Such rights should be universal so that, at the same time, they may help consolidate a democratic and egalitarian society. Thus, regardless of gender, ethnicity, work status, income, region or political affiliation, a series of basic coverage benefits will be guaranteed by the State.

On the other hand, Roza mentioned several factors favouring the inclusion of the gender perspective in the legislative agenda: the growing capacity of civil society organizations to monitor legislative action and support women parliamentarians; the rising influence of women's caucuses and women's national institutes, and the management and coordination of the parliamentarian bench with grassroots social organizations. Moreover, she underlined the fact of having public opinion relatively favourable to the inclusion of gender in public policies and women's participation in politics.

At the end of her presentation, she explained that the mainstreaming of the gender perspective in the legislative function required a strategy that may help include the concerns and experiences of both men and women in the design, implementation, monitoring, and evaluation of policies and programs at every political, economic, and social level, to ensure that women and men benefit equally and that inequality is not perpetuated. In this sense, she mentioned five key mechanisms that could be instrumental in facing this challenge:

- Increase parliamentary representation through greater participation of indigenous and afro-descendent women.
- Improve communication channels between men/women parliamentarians and the women they represent.

- Include the gender perspective in parliamentary accountability, strengthen and create accountability tools available to civil society and the media, such as annual reports, citizens' evaluations and discussions, and strengthen or create gender offices or secretariats within the parliaments' organizational structure that may promote and monitor the inclusion of the gender perspective in the legislative function.
- Facilitate women's participation in the legislative decision-making process. Set up technical units specialized in gender and women's human rights to provide assistance to women legislators. Train women legislators and their work teams on gender issues.
- Ensure compliance, follow-up, and financing of the gender legislation currently in force.

The last speaker, specialist **María Elena Muñoz**, commented on the IADB indigenous legislation database.

Muñoz explained that this database contained laws that could be consulted when designing IADB policies, strategies, and actions. Besides facilitating their management, it helps include those rights pertaining to cultural diversity into IADB activities. Thus, it is presented as a tool for designing policies and strategies that include the cultural characteristics and the development and survival strategies typical of indigenous peoples.

The database consists of national and international legislations, including regulations in force until 2006, as well as specific national legislations for indigenous peoples (except for internal indigenous legislation or general national legislation).

Thanks to this database, it was noted that the legislation shows significant changes regarding integration and the acknowledgement of multiculturalism. Actually, she continued, today's legislation reflects changes in indigenous demands such as the acknowledgement of autonomy, cultural reconstruction, ethno-education, local governments, national, regional, and local participation, economy (development with identity), indigenous justice, and natural resource management. Some regulations belong to the field of judicial pluralism (autonomy, indigenous jurisdiction, territorial management).

Muñoz also summarized the approach used for designing the project. The compilation of legal texts included all the legislation available in the countries, which was classified in 20 topics and subtopics at various levels. Also, a weighting system was established for building an indigenous legislation index. She explained that legislations were qualitatively evaluated and organized into five key categories: cultural rights, economic, territorial, and environmental rights, special indigenous jurisdiction, political rights, and social rights.

In concluding her presentation, Muñoz said that the IADB was willing to help improve the database so that it may become a useful tool for parliaments, governments, the indigenous population, and the academia.

(To read Vivian Roza's and María Elena Muñoz's presentations in PowerPoint format, please visit our website: www.e-fipa.org)

2.5.2 Discussion

Parliamentarians **Tomasa Yarhui from Bolivia; Judith Díaz from México; Hyacinth Bennett from Jamaica; Otilia Lux from Guatemala; Juana Huanchuari from Peru, María Estela de la Cruz**

from the Dominican Republic, **María Mercedes Maciel Ortiz from México**, and **Hilaria Supa Huamán from Peru** participated in the parliamentary dialogue on social policies.

Among other issues, delegates highlighted the need to focus on indigenous women through training and support for the development of new legislation. In this regard, the potential of the IADB



Jamaican Senator Hyacinth Bennett and Mexican Senator Judith Díaz.

indigenous legislation database as a follow-up tool was recognized. Furthermore, the role of the media and their social function in eliminating typical women stereotypes was emphasized. Again, the need for greater collaboration between men and women was stressed.

With regard to legislative initiatives, Mexico's legal reform on political representation –which enables women's participation to reach 40% thanks to an agreement among women from all political parties– was mentioned, as well as a law passed in the Dominican Republic to

establish a proportional participation of women in political parties.

It was noted that issues such as gender and political violence had been left out of the agenda, and that it would be interesting to analyze experiences related to these matters, like the Colombian law granting redress for the victims of Colombia's conflict.

2.6 Session 4: Debate on Environmental Sustainability and Gender

The analysis of the topic on environmental sustainability and gender was organized as an open discussion among the participants, facilitated by **Peruvian Congresswoman Juana Huancahuari**.

Among the participants to the debate were **Bolivian Senator María Esther Udaeta**, **Mexican Deputy Elsa de Guadalupe Conde Rodríguez**, **Peruvian Congresswoman María Sumire**, **Guatemalan Deputy Otilia Lux**, and **Bolivian Senator Severina Pérez Cahuapaza**.

Congresswoman Huancahuari opened the debate sharing some legislative proposals that would help regulate on environmental issues such as climate change, deforestation, and biodiversity, in particular.

Senator Udaeta presented the outcomes of the “Gender Audit in Bolivian basic sanitation and irrigation sectors”, which assessed the outcomes of investment in the sectors of basic sanitation, irrigation, food safety, and the impact on the living conditions of women and their families.

Deputy Conde referred to the conclusions of the Third Global Congress of Women in Politics and Governance held in the Philippines on 19-22 October 2008, which was focused on “Gender and Climate Change”. She pointed out that, considering that climate change and natural disasters impact differently on men and women, it is necessary to legislate from a gender perspective. Moreover, she underscored the need to design public policies to act upon and forestall disasters from this perspective, and make investments for developing indigenous and rural communities that may contribute to the conservation of natural resources.

Participants also emphasized the need to adopt a multicultural perspective and a gender approach in the rationalization of natural resources and in environmental and mining legislation that takes into account the knowledge of indigenous peoples.

2.7 Session 5: Democracy, Political-Electoral Reforms, and Gender

The last theme session was facilitated by **Colombian Senator Elsa Gladys Cifuentes**, who invited participants to ponder on the issues presented during the congress concerning women’s participation in politics. She defined the participation of women in her country as “poor”, and therefore requested the support of the international community to launch a campaign imposing electoral penalties that may help improve the situation.

2.7.1 Presentations

Oscar Sánchez, a UNDP expert in democratic governance, opened the session reflecting on the notion of democracy of men and women citizens, based on the *Report on the Status of Democracy in Latin America*, published by the UNDP in 2004.

Sánchez invited all participants to think, first, about the outcomes of the democratization process started in Latin America twenty years ago. He pointed out that, although authorities were democratically elected, there still existed problems in the outcomes, as they were unable to build an inclusive society, respectful of human rights of all people, of women and children, especially those in poverty.

“How can we therefore define democracy?” asked the UNDP representative. “As a system for selecting authorities with pluralist participation? As a state model that is respectful of rights, with institutions that control each other and establish participation mechanisms between the State and civil society? Or else, as a kind of society where wealth and well-being are equitably distributed?”

According to Mr. Sánchez, the outcomes of democracy in the sense of the universality of rights are part of this notion. The starting point is a governing idea, a set of values on the type of society that makes sense in democracy, defined by the United Nations as “human development”. This means that change is only achieved if human beings, both men and women, attain greater freedom and increase their possibilities of fulfilling their life plan and of belonging to an inclusive society. Thus, democracy is essential to the notion of progress, which is in turn related to the notion of citizenship.

All human beings, simply by their status as citizens, are entitled to a series of civil, political, social, economic, cultural, and collective rights, which result in a comprehensive citizenship as the basic notion of democracy.

Andrew Ellis, from International IDEA, continued with the session with a presentation on electoral systems and women’s participation.

First, he recalled that, although women’s participation had achieved 18% in parliaments worldwide, there still was a long way to go to reach Beijing’s target of 30%. In Latin America, only three countries, Argentina, Costa Rica, and Cuba, have met the target.

Mr. Ellis then presented the factors affecting women’s participation:

- Types of electoral systems: Majority rule, proportional representation, or mixed.
- The inclusion of quota systems (now in force in 95 countries) in the political Constitution, in the legislation, or voluntarily adopted by political parties.
- The scope of the district, which defines the number of people that a party can nominate; the larger the more chances of reaching gender balance in Parliament.
- The scope of the party: If most candidates are elected in the same district and party, there are more chances of gender balance.
- The formula leading to increased competition: Many parties in Parliament and less blank or spoiled ballot-papers.



Deputies from Haiti and the Dominican Republic engaged in conversation

Ellis explained that other forms could be adopted combining electoral systems and gender quotas to reach the best results, for instance, closed lists defining the order of candidates, like in the “zebra” system.

He said that in the case of open lists, where candidates are placed in order so as to vote for individual candidates and not for political parties, there is the problem of having women relegated to the last seats.

When mentioning other factors to take into consideration, he included cultural factors, voters’ preferences, parties’ nomination procedures, parties’ funding, imposition of penalties for quota violations, participation in the media to ensure women’s balanced coverage, etc.

He concluded by stating that in the end, the implementation of the electoral law depends greatly on the seriousness with which it is taken.

The last presentation of the day was by **Raúl Alconada Sempé, senior advisor of the Secretariat on Political Affairs of the Organization of American States (OAS).**

After highlighting the commitment to strengthen ties between FIPA and OAS, Alconada Sempé shared some thoughts on the situation of democracy and women in the Americas. He referred to the *UNDP Report on Democracy*, which recalls the significance of recovering democracy in the region. He explained that, upon reviewing outcomes, it was noted, however, that inequality and poverty had increased, which was rather difficult to understand as those problems could no longer be blamed on dictatorships.

In the light of these considerations, the OAS representative invited participants to see democracy as a system for organizing and distributing power. The triggering questions he suggested were: “How is such system supported? What was missing if it is us who choose? Why is there an untouchable core of power, of which men and women are victims?”

When noting that women claim that, despite having quota rights, they are not allowed to review the structures, he wondered how corrections to a liberal democratic system could be implemented and how the media should be treated, as these have their own economic interests.

Alconada Sempé suggested some clues to answer all these questions:

- Do not consider women as belonging to a homogenous group.
- Approve funding for women’s training and participation in politics.
- Empower electoral judges to impose penalties and guarantee the fulfilment of laws and conventions, taking into account that these have a relative value.

2.7.2 Discussion

Following the presentations, facilitator **Colombian Senator Elsa Gladys Cifuentes** opened the discussion. The floor was given to **Peruvian Congresswoman Hilaria Supa Huamán; Canadian Senator Céline Hervieux-Payette; Dominican Deputy Magda Rodríguez; Bolivian Senator Tomasa Yarhui; Guatemalan Deputy Otilia Lux; Mexican Deputy Martha Tagle Martínez; Costa Rican Deputy Olga Marta Corrales Sánchez, and Alix Boyd-Knights, Speaker of the House of Assembly of Dominica.**

One of the main issues discussed related to the difficulty of moving from law to action, both in the implementation of international agreements and UN declarations and in the electoral legislation at a national level. In this sense, several participants endorsed the idea of a change of strategy, namely, imposing electoral penalties to those parties violating the quota law and other regulations favouring women’s participation. A special note was made of the bill on democratic oversight of gender equality in Bolivia, which entails penalties from the National Elections Court and the Office of the Attorney General.

Another topic related to the media distorting the image of women in politics and not giving visibility to gender issues. Although it was clear that no legal mechanisms could be implemented to solve this problem, a proposal was made to establish alliances between civil society organizations and international organizations for providing training and awareness-raising activities for journalists on gender issues.

Furthermore, the importance of publicly funding the campaigns of women candidates was stressed, along with promoting women’s participation in the power structures of political parties, and reaching parity with candidates. In this respect, the Costa Rican representative indicated that her Parliament’s Committee on Decentralization had approved a proposal for reaching 50% women’s participation.

As it was clear throughout the congress, the need was emphasized to have political systems that are more sensitive to the participation of indigenous women in particular.

2.8 Session 6: Recommendations for a Draft Legislative Agenda and Development of a Follow-up Strategy

The last work session was focused on reviewing and considering the recommendations proposed during the five theme sessions. The **Chair of the Group of Women Parliamentarians of the Americas, Colombian Senator Cecilia López,** facilitated the session, supported by **FIPA’s former President, Canadian Senator Céline Hervieux-Payette.**

The main recommendations issued from each theme session of the congress were read: economic policies and gender, international crisis, development and gender, social policies and gender, environmental sustainability, and gender and democracy, electoral-political reforms and gender.

Each recommendation was unanimously approved. In order to ensure an effective follow-up, participants were requested to submit these recommendations before their parliaments, and that each member parliament appoints a representative to regularly inform FIPA on the advances achieved upon their implementation.

(Recommendations are included in Section 3 of this report).

2.9 Closing Session

The event ended with an address by the former President of FIPA, Senator Céline Hervieux-Payette.

Senator Céline Hervieux-Payette stated that even in Canada achieving gender equality is an everyday struggle. When referring to the World Economic Forum indicators, measuring the size of the gender gap, she indicated that Canada had fallen from the 18th to the 31st position in the world ranking, well behind several developing countries.

The legislator praised the quality of the exchanges taking place during the two work days, and the leadership shown by the women parliamentarians and parliaments present.

She warmly congratulated the Chair of the Group of Women Parliamentarians of the Americas for her tremendous effort in holding such successful event. She also thanked the Colombian Senate for hosting the Congress and *Fundación Agenda Colombia* for collaborating in co-hosting the event with FIPA.

Senator was also thankful to the IDB, the General Motors Corporation, UNIFEM, International IDEA, and the UNDP for their financial support. Her thanks also went to OAS and the various organizations that had collaborated with the participation of experts.

The Congress was declared officially closed.



Cecilia López, host of the event and Céline Hervieux-Payette, former President of FIPA

3. Recommendations

Approved unanimously on November 21, 2008.

We, women and men parliamentarians from across the Americas meeting for the Congress: “Towards a Gender-Sensitive Legislative Agenda for Development in the Americas” on November 20-21 in Bogotá, Colombia, make the following recommendations to be presented to our respective parliaments:

Economic Policies and Gender

- To take the first step in the design of an Action Plan so that parliaments in America have greater influence in development matters and that the latter promote gender equality.
- To include a gender perspective as a central and cross-cutting dimension in the formulation of public budgets at the central, regional and local levels in a way that makes them balanced and sustainable and does not translate into piecemeal programs and projects that are marginal or subsidiary in nature.
- To recognize the need to raise the visibility and equitable remuneration of women’s labour in trade agreements, leading to formal employment with the corresponding social protection and security guaranties.

International Crisis, Development and Gender: Implications for the Americas

- The world crisis particularly affects women, but crises can also provide opportunities. Therefore one must be creative so that the new order that has to be set up is not merely a superficial tweak to the current situation, but in-depth surgery based on an integral, inclusive and sustainable vision, and that gender inequality as well as other numerous existing inequalities are overcome.
- To adopt new criteria to ensure the economic competitiveness of countries, ensuring that this does not lead to precarious income and new forms of exploitation.
- To redefine the existing relationship between productive and reproductive labour so that women and men play an active role in both areas.

Social Policies, Gender and Development

- To adopt a social rights approach, especially a gender approach, in the design of social policies, keeping in mind that this represents a window of opportunity or a favourable scenario for the promotion of a dialogue between social and gender issues.
- To recognize the following advantages in having a gender approach in social policies: (i) Consistency in the values between legislation and reality (ii) Institutional sustainability of the legislative, executive and judicial powers (iii) Greater social and political legitimacy (iv) Better social policies because it allows to detect existing types of discrimination to correct them.
- Human rights should be recognized in social policies as is the case with criminal policies.

Environmental Sustainability and Gender

- To develop new environmental and gender paradigms.
- To take into account the culture and dignity of indigenous peoples in sustainable development.
- To do a gender-sensitive audit of investments in natural resource sustainability.

Democracy, Political-Electoral Reforms and Gender

- To promote the linkage between the Legislative power and grass-roots social organizations so as to guarantee compliance with the quota law.
- To raise the awareness of the media with the purpose of making the political participation of women more visible and to transform gender stereotypes.
- To propose public financing for political participation that promotes the inclusion of women.

CECILIA LÓPEZ MONTAÑO
Senator of Colombia
Chair of FIPA's Group of Women
Parliamentarians of the Americas

CÉLINE HERVIEUX-PAYETTE
Senator of Canada
Former President of FIPA

Juana Laverde Castañeda
Rapporteur

4. Appendices

4.1 Appendix 1 – Participating Countries and Delegates

DELEGATES

Bolivia

Senator Severina Pérez Cahuapaza
Senator María Esther Udaeta
Senator Tomasa Yarhui
Deputy María Teresa Nuñez de Arauz

Brazil

Deputy Thelma de Oliveira
Deputy Luiz Carlos Jorge Haully (FIPA President)
Deputy Arnaldo Madeira

Canada

Senator Céline Hervieux-Payette

Colombia

Senator Elsa Gladys Cifuentes
Senator Nancy Patricia Gutiérrez Castañeda
Senator Cecilia López Montaña (Host of the meeting, Chair of FIPA's Group of Women
Parliamentarians of the Americas)
Senator Gloria Inés Ramírez

Costa Rica

Deputy Olga Marta Corrales Sánchez

Cuba

Deputy Elsa Rojas Hernández

Dominica

Alix Boyd-Knights, Speaker of the House of Assembly

Dominican Republic

Deputy María Estela de la Cruz
Deputy Yuderka de la Rosa
Deputy Magda Rodríguez

Grenada

Senator Pemba Braveboy

Haiti

Deputy Audne Alcide
Deputy Jean Beauvois Dorsonne
Deputy Jean Claude Lubin

Guatemala

Deputy Otilia Inés Lux García

Jamaica

Senator Hyacinth Bennett

Mexico

Senator Judith Díaz Delgado
Senator Minerva Hernández Ramos
Deputy Irene Aragón Castillo
Deputy Elsa de Guadalupe Conde Rodríguez
Deputy María Mercedes Corral Aguilar
Deputy María Mercedes Maciel Ortiz
Deputy Marisol Mora Cuevas
Deputy Ana María Ramírez Cerda
Deputy Martha Angélica Tagle Martínez

Peru

Congresswoman Juana Aidé Huancahuari Páucar
Congresswoman María Sumire
Congresswoman Hilaria Supa Huamán

Saint Lucia

Rosemarie Husbands-Mathurin, Speaker of the House of Assembly

Speakers

Raúl Alconada Sempé, Organization of American States
Andrew Ellis, International Institute for Democracy and Electoral Assistance
Alma Espino, Centro Interdisciplinario de Estudios sobre el Desarrollo – Uruguay
María Elena Muñoz, Inter-American Development Bank
Vivian Roza, Inter-American Development Bank
Oscar Sánchez, United Nations Development Programme – Colombia

RAPPORTEUR

Juana Laverde Castañeda

FUNDACIÓN AGENDA COLOMBIA

Carlos Alberto García
Millerlady López Betancur
Eduardo Rojas

FIPA TECHNICAL SECRETARIAT

Emmanuelle Pelletier

OTHER PARTICIPANTS

Marie-Édith Hilaire, Parliamentary Centre – Canada
Patrick Joseph, Parliament of Haiti
Danielle Labonté, Parliament of Canada
Iliana Pereyra, Red de Educación Popular entre Mujeres de América Latina y el Caribe – Uruguay

4.2 Appendix 2 – Program

**FIPA’s Group of Women Parliamentarians of the Americas and Fundación Agenda Colombia
 Present a Congress of Parliamentarians entitled:**

“Towards a Gender-Sensitive Legislative Agenda for Development in the Americas”

AGENDA

Bogotá, Colombia, November 20-21, 2008

Wednesday, November 19, 2008		
Afternoon and evening		Transfer of Participants from the Eldorado International Airport of Bogotá to the Crowne Plaza Tequendama Hotel
Thursday, November 20, 2008		
8:00		Meeting in the lobby of the Crowne Plaza Tequendama Hotel and Transfer to the National Capitol
8:30am	9:00am	Registrations
9:00am	10:00am	Opening Ceremony <i>National Capitol, Senate</i> <ul style="list-style-type: none"> ▪ Bruno Moro <i>Resident Representative of the United Nations Development Programme in Colombia</i> ▪ Luiz Carlos Haully <i>Member of the Brazilian Chamber of Deputies, President of the Inter-Parliamentary Forum of the Americas (FIPA)</i> ▪ Hernán Andrade <i>President of the Congress of the Republic of Colombia</i>
10:00am	10:15am	Presentation of the Congress’ Objectives and Methodology <ul style="list-style-type: none"> ▪ Cecilia López <i>Senator of Colombia, Chair of FIPA’s Group of Women Parliamentarians of the Americas</i>
10:15am	10:45am	Coffee Break

10:45am	11:30am	<p>Session 1 : Economic Policies and Gender</p> <p><i>National Capitol, Senate</i></p> <p>Moderator : Céline Hervieux-Payette <i>Senator of Canada, former President of FIPA and Executive Committee member</i></p> <ul style="list-style-type: none"> ▪ Alma Espino: Macroeconomy and Gender <i>Interdisciplinary Centre of Development Studies. Montevideo, Uruguay</i> ▪ Nancy Patricia Gutiérrez: Comments <i>Senator of Colombia, Vice-President of FIPA for South America</i> ▪ Martha Angélica Tagle Martínez: Gender-Sensitive Budgets <i>Mexican Deputy, Secretary of the Equity and Gender Committee</i>
11:30am	12:30pm	Parliamentary Dialogue
12:30pm	2:30pm	<i>Lunch</i>
2:30pm	3:45pm	<p>Session 2: International Crisis, Development and Gender: Implications for the Americas</p> <p><i>National Capitol, Senate</i></p> <p>Moderator: Luiz Carlos Hauly <i>Member of the Brazilian Chamber of Deputies, FIPA President</i></p> <ul style="list-style-type: none"> ▪ Arnaldo Madeira <i>Member of the Brazilian Chamber of Deputies</i> ▪ María Estela de la Cruz <i>Member of the Chamber of Deputies of the Dominican Republic, Vice-President of FIPA for Central America</i> ▪ Rosemarie Husbands-Mathurin <i>Speaker of the House of Assembly of St. Lucia</i> ▪ Minerva Hernández Ramos <i>Senator of Mexico</i>
3:45pm	4:00pm	<i>Coffee Break</i>
4:00pm	5:00pm	Parliamentary Dialogue
Friday, November 21, 2008		
8:00		Meeting in the lobby of the Crowne Plaza Tequendama Hotel and Transfer to the National Capitol

8:30am	9:00am	<p>Session 3: Social Policies, Gender and Development</p> <p><i>National Capitol, Senate</i></p> <p>Moderator: Gloria Inés Ramírez <i>Senator of Colombia.</i></p> <ul style="list-style-type: none"> ▪ Rodrigo Uprimny Betancourt. <i>De Justicia, Colombia</i> ▪ Vivian Roza and María Elena Muñoz <i>Inter-American Development Bank, Washington, D.C.</i>
9:00am	10:00am	Parliamentary Dialogue
10:00am	10:30am	<i>Coffee Break</i>
10:30am	11:00am	<p>Session 4: Debate on the theme “Environmental Sustainability and Gender”</p> <p>Moderator: Juana Aidé Huancahuari. <i>Peruvian Congresswoman</i></p>
11:00am	11:45am	<p>Session 5: Democracy, Political-Electoral Reforms and Gender.</p> <p><i>National Capitol, Senate</i></p> <p>Moderator: Elsa Gladys Cifuentes <i>Senator of Colombia</i></p> <ul style="list-style-type: none"> ▪ Oscar Sánchez <i>United Nations Development Programme, Colombia.</i> ▪ Andrew Ellis <i>Director of Operations, International IDEA</i> ▪ Raúl Alconada Sempé <i>Senior Advisor of the Secretariat for Political Affairs, Organization of American States</i>
11:45am	12:45pm	Parliamentary Dialogue
12:45pm	2:30pm	<i>Lunch</i>

2:30pm	4:15pm	<p>Session 6: Recommendations towards a Gender-Sensitive Legislative Agenda and Development of a Follow-Up Strategy</p> <p>Facilitator: Cecilia López</p> <p><i>Senator of Colombia, Chair of FIPA's Group of Women Parliamentarians of the Americas</i></p>
4:15pm	4:30pm	Coffee Break
4:30pm	5:30pm	Session 6: Continuation
5:30pm		<p>Closing Speech</p> <ul style="list-style-type: none"> ▪ Céline Hervieux-Payette <p><i>Senator of Canada, former President of FIPA and Executive Committee member</i></p>

4.3 Appendix 3 – Best Parliamentary Practices and Proposed Recommendations: Contributions from Participants

4.3.1 Canada

ECONOMIC LEGISLATION AND POLICIES

- The House of Commons Standing Committee on the Status of Women completed an extensive study on gender responsive budgets. It made several recommendations to the federal government and especially to Finance Canada to ensure that fiscal policies are gender sensitive. The report recommended that the Federal government establish greater accountability mechanisms for gender equality such as the introduction of gender equality legislation and the establishment of an Office of the Commissioner for Gender Equality.

Internet link:

Towards Gender Responsive Budgeting: Rising to the Challenge of Achieving Gender Equality

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3551119&Language=E&Mode=1&Parl=39&Ses=2>

- The House of Commons Standing Committee on the Status of Women studied women's economic conditions and made several recommendations to improve women's economic security.

Internet link:

Improving the Economic Security of Women: Time to Act

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3034875&Language=E&Mode=1&Parl=39&Ses=1>

SOCIAL LEGISLATION AND POLICIES

Immigration

Under the *Immigration and Refugee Protection Act (IRPA)*, Citizenship and Immigration Canada is required to table annually a report to Parliament on the operation of IRPA, which includes a clause requiring a gender-based analysis of the impact of this Act.

Internet link:

Annual Report to Parliament on Immigration, 2007 – Section 6 - Gender-Based Analysis of the Impact of the Immigration and Refugee Protection Act

<http://www.cic.gc.ca/english/resources/publications/annual-report2007/section6.asp>

Trafficking of Persons

The House of Commons Standing Committee on the Status of Women conducted a study on the trafficking of persons in Canada and examined the prevention of trafficking, the protection of victims and the prosecution of offenders. In its report, it made several recommendations to address this problem.

Internet link:

Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2738918&Language=E&Mode=1&Parl=39&Ses=1>

Benefits to Self-Employed Workers

The House of Commons Standing Committee on the Status of Women examined extending maternity and parental benefits to self-employed workers. It recommended that the federal government extend these employment benefits to self-employed workers.

Internet link:

Interim Report on the Maternity and Parental Benefits under Employment Insurance: the Exclusion of Self-Employed Workers

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2148183&Language=E&Mode=1&Parl=38&Ses=1>

Pay Equity

The House of Commons Standing Committee on the Status of Women examined the recommendations made by the federal Pay Equity Task Force and requested that the Federal government move forward on these recommendations.

Internet link:

Moving Forward on the Pay Equity Task Force Recommendations

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=1928318&Language=E&Mode=1&Parl=38&Ses=1>

Indigenous People

The House of Commons Standing Committee on the Status of Women reviewed matrimonial real property rights on First Nations reserves and its impact on the human rights of the many First Nations women. Members of the Committee wished to see concrete progress made on issues relating to matrimonial real property rights.

Internet link:

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2311018&Language=E&Mode=1&Parl=39&Ses=1>

OTHER AREAS

Creation of the House of Commons Standing Committee on the Status of Women in the Fall of 2004

The mandate of the Committee is to study the policies, programs, expenditures and legislation of departments and related agencies, including the Status of Women Canada, relating to the status of women.

Internet link:

<http://www2.parl.gc.ca/CommitteeBusiness/CommitteeMeetings.aspx?Cmte=FEWO&Language=E&Mode=1&Parl=39&Ses=2>

Canada's international obligations - *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

Canada has to report on the implementation of CEDAW - parliamentary committees may wish to examine these reports.

Canada's national legal obligations

Section 15 of the *Canadian Charter of Rights and Freedoms* affirms the equality rights of individuals, including men and women, under the law and the right to equal protection and equal benefit of the law.

<http://laws.justice.gc.ca/en/charter/#egalite>

Five-Year Plans

The federal government has put in place two five-year plans on gender equality, the *Federal Plan for Gender Equality* (1995-2000) and the *Agenda for Gender Equality* (2000-2005).

Audit

The House of Commons Standing Committee on the Status of Women has requested that the Auditor General of Canada conduct an audit to review Canada's implementation of gender-based analysis from the period of April 1, 2000 to March 31, 2008.

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3431733&Language=E&Mode=1&Parl=39&Ses=2>

4.3.2 Mexico: Contribution from Deputy Martha Angélica Tagle Martínez

ECONOMIC LEGISLATION AND POLICIES

Gender Budget 2008 - 2009

With regard to the Federation's Expenditure Budget, we as legislators have made significant progress by earmarking specific resources for the development of public policies with PEG (Programme for Gender Equality), and focusing on the General Laws on Women's Access to a Life Free of Violence and on Equality.

SOCIAL LEGISLATION AND POLICIES

General Law on Women's Access to a Life Free of Violence (*Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*) and General Law on Equality between Men and Women (*Ley General de Igualdad entre Mujeres y Hombres*)

These two laws which were passed during the last Parliamentary session are very important, and at present all the Mexican states are going through a legislative harmonization process.

4.3.3 Peru: Contribution from Congresswoman María Sumire¹

1707/2007-CR Law on Crimes against the International Human Rights Law and International Humanitarian Law

This law seeks to introduce criminal reforms in the Peruvian Criminal Code as adopted by the Rome Statute.

- Peru approved the ratification of the Rome Statute by Legislative Resolution No. 27517 issued on September 29, 2001.
- The goal is to adequately criminalize extremely serious crimes that threaten the very existence of humanity, such as genocide, extrajudicial killing, torture, forced disappearance, sexual abuse, arbitrary detention, apartheid.
- Particularly, the idea is to categorize sexual abuse as a crime against humanity in the Criminal Code, provided it is part of a general attack not only limited to alleged rape, but also including sexual slavery, forced prostitution, forced marriage, forced abortion, forced pregnancy, and forced sterilization.
- Also, this should be incorporated to the legislation.

¹ The proposals of María Sumire regarding economic, social, environmental legislation and policies and legislation on the political and electoral representation of indigenous people, are available on FIPA's website www.e-fipa.org

Unnumbered Bill: By virtue of this law, the Plan Integral de Reparaciones (Comprehensive Redress Plan) is extended to include as victims and beneficiaries of redress all those who have suffered from different forms of sexual abuse, other than rape, during an internal armed conflict.

- The aim is to amend Act No. 28592 governing the Comprehensive Redress Plan and its regulations so as to expressly include as victims and beneficiaries of redress all those who have suffered from different forms of sexual abuse, other than rape, during an internal armed conflict.
- This proposal seeks to vindicate women's rights and indemnify women victims of sexual abuse, which on a national scale has mainly affected the women descendants of indigenous peoples in Peru.

2270/2007-CR (April 2, 2008) Law on the identity protection of minors in the event of sexual abuse

- This proposal seeks to amend the last paragraph of Section 6 of the Code for Children and Adolescents so as to set clear and specific parameters on the protection of the identity of minors who are victims of sexual abuse.
- In addition of being victims of a sexual offence, individuals are often re-victimized by the system when their identity is revealed or when certain patterns are established allowing their social environment to know they have been sexually abused.
- The vagueness of this regulation has altered the principle of the victim's identity protection, which in practice translates into the media openly reporting rapes committed against minors. Although their names are protected by releasing only their initials, other basic data are disclosed allowing their social environment to know they have been sexually abused, such as photos of their parents, of their school, and very often of their homes.

4.3.4 Peru: Contribution from Congresswoman Hilaria Supa Huamán²

Peru is a multicultural, multilingual and multiethnic country where women account for 49.7% of the population. The indigenous peoples face substantial inequalities, particularly women.

A series of actions should be encouraged to remove inequalities and the marginality of indigenous women, such as the creation and implementation of public policies to promote plans and programs for greater gender equality and indigenous women capacity building.

Another burning issue concerning indigenous women is that of identity and citizenship exercise. They have difficulties to get their identity cards and conduct certain legal procedures as, for example, acquire ownership of land, acknowledgement of children, carry out business transactions or even report domestic violence, or take part in political activities or access government programs.

Indigenous groups are migrating to the city, carrying with them their culture, rituals, habits and languages. Women work as house cleaners under severe conditions and also selling handicrafts.

² The contribution of Hilaria Supa Huamán on environmental issues is available on the FIPA web site www.e-fipa.org

Political Violence, Violence against Women

The indigenous population has suffered the consequences of political violence as reported by the *Comisión de la Verdad (CVR)* (Truth Commission), which after investigating 20 years of violence in Peru has revealed that the number of dead and missing women account for 20% of all reported cases.

Most human rights violations were committed against Quechua-speakers in the Andean area (73%), especially in Ayacucho (51%), 80% of which lived in rural areas. Though reported victims were mostly men, women were tortured, arrested without due process of law, murdered and disappeared. 98% of sexually abused victims recorded in the CVR Database were women.

Forced Sterilization

Another confidential figure **relates to the forced sterilizations** that took place during Alberto Fujimori's Administration—which amounted to 300,000 women and 22,000 men. The case was filed in 2004 and is still pending at the Prosecuting Attorney's Office. No criminal charges have been filed insofar, though there are judicial precedents set by a case that was heard by the Inter-American Commission on Human Rights and was settled under Alejandro Toledo's Administration in 2003 through a compensation for the victim's family.

Indigenous People, Women, and Governance

In 2001-2002, the percentage of indigenous people in the Peruvian Congress was merely 0.8% (1 out of 120). In 2006, there were 35 women elected to Congress, of whom only 3 admit to be indigenous.

Even if the Peruvian Constitution sets forth that indigenous peoples have historical rights prior to the existence of the State, with the same legal status as personal human rights, the fact is that their political participation is currently very limited. Peru has enacted a *Ley General de Elecciones Municipales* (General Act on Municipal Elections) No. 26864 and a *Ley General de Elecciones Regionales* (General Act on Regional Elections) No. 27683 providing for the registration of at least 15% representatives of indigenous peoples and communities. However, this Act is hardly enforced and most of the times indigenous candidates appear at the end of the list on the ballots, with no real chance of being nominated. Citizen control is missing.

On the other hand, the *Ley de Cuotas* (Quota Act) for women in Peru guarantees 35% of women appointments in General Elections and 30% in Municipal and Regional Elections.

Among the factors hindering women's participation in politics figure their lack of identity cards, poverty, rural condition, and illiteracy, which are all directly linked to women's absenteeism at elections, disregard for leadership and their likelihood of being subject to manipulation in the exercise of their citizenship rights. Women's exercise of political power and participation in decision-making is still limited. In 2004 it was believed that 1.5 million Peruvians were undocumented, of whom more than half were women.

Indigenous Women's Contribution to Society and to the Defence of Life

Indigenous women hold the ethnic social structure together and play an active role in indigenous resistance. This role is based on the notion of complementary opposites typical of indigenous

societies. Indigenous women contribute to family livelihood and agricultural production together with their children, and help keep traditional medicine alive.

In addition, they keep the mother tongue as a way of safeguarding ancient culture and traditions and of combating marginalization and oblivion. The greatest concerns of indigenous women are the right to land ownership, to water, to a healthy environment, to the protection of nature, to the acknowledgement of their collective rights to self-determination and territorial rights. They particularly call for a voice in decision-making and declare themselves against domestic violence and alcoholism, among others.

Consequently, in order to achieve sustainable development, public laws and policies should underpin the indigenous women's production capacities and access to resources, by ensuring food security, environmental care, nutrition, forestry resources management, appropriate use of water, and ways of placing and keeping indigenous women on the economic market.

Equal Opportunities Act

The *Ley de Igualdad de Oportunidades para Mujeres y Hombres* (Equal Opportunities Act for Men and Women) No. 28983, co-authored by me (Hilaria Supa), was passed in Peru in 2006. The intercultural approach of this Act contributes to bridging the gap between men and women. A follow-up on the compliance with the law was conducted this year, which evidenced the absence of political will to enforce it, the officials' ignorance of the law, and especially the lack of budgets for training, dissemination, and implementation. This Act is a useful tool for indigenous women.

Proposals of Congresswoman Hilaria Supa

Peruvian Congresswoman Hilaria Supa has been drafting a series of concrete proposals seeking to change the condition of women. The Equal Opportunities Act is a step forward and its enforcement is called for.

She is also developing proposals to further indigenous leadership.

She has encouraged the creation of the Indigenous Parliamentary Group to promote laws that may favor indigenous peoples and their articulation with parliamentarians of the Americas.

4.4 Appendix 4 – List of Documents Submitted

- *Agenda Legislativa Mujeres 2008-2011 [Bolivia] (Women's Legislative Agenda 2008-2011)*. Document submitted by María Esther Udaeta, Senator of Bolivia. (Spanish)
- *Auditoría de Género: Sectores de Saneamiento Básico y de Riego de Bolivia. (Gender Audit: Basic Sanitation and Irrigation Sectors in Bolivia)*. La Paz, Bolivia. November 2004. Document submitted by María Esther Udaeta, Senator of Bolivia (Spanish).
- *Informe Final del Grupo de Trabajo "Género y Violencia Política" de la Comisión de la Mujer y Desarrollo Social (Final Report of the Working Group on "Gender and Political Violence" of the Committee on Women and Social Development »)*. Lima, Peru, 2007-2008 Legislature. Document submitted by Juana Aidé Huancahuari Paucar, member of the Peruvian Congress (Spanish).

- *Proyecto de nueva Constitución Boliviana*. October 2008. Document submitted by María Esther Udaeta, Senator of Bolivia (Spanish).
- *Law Declaring Peru as a Megadiverse, Organic and GMO-Free Country*. November 2008. PowerPoint Presentation submitted by Juana Aidé Huanchuari Paucar, member of the Peruvian Congress. Available on the FIPA website www.e-fipa.org.

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