

TheParliamentarian



Journal of the Parliaments of the Commonwealth

2019 | Volume 100 | Issue One | Price £14



Women and Parliament:

30th anniversary of the Commonwealth
Women Parliamentarians

PAGES 20-69



PLUS ►

Commonwealth Women
in politics: Progress on
global change

PAGE 23

Towards safe work
environments in
Parliaments

PAGE 36

Importance of education
to increase women's
political participation

PAGE 44

Male Parliamentarians
as 'agents of change'

PAGE 60

CPA Masterclasses

Online video Masterclasses build an informed parliamentary community across the Commonwealth and promote peer-to-peer learning

CPA Masterclasses are 'bite sized' video briefings and analyses of critical policy areas and parliamentary procedural matters by renowned experts that can be accessed by the CPA's membership of Members of Parliament and parliamentary staff across the Commonwealth 'on demand' to support their work.



CPA Masterclass topics include: Disaster Risk Reduction | Gender and Parliament | Gender Budgeting | Women's and Gender Caucusing | The role of male MPs as 'agents of change' | Corporate Leadership for Parliamentarians | Parliamentarians and Local Government | Separation of Powers in Relation to Parliament | Trade and the Role of Parliamentarians

The CPA Masterclasses are available online via the CPA website.

www.cpahq.org/cpahq/cpamasterclasses

Commonwealth Parliamentary Association (CPA)
Email: hq.sec@cpahq.org | Tel: +44 (0)20 7799 1460 | www.cpahq.org
Twitter @CPA_Secretariat | Facebook.com/CPAHQ

STATEMENT OF PURPOSE

The Commonwealth Parliamentary Association (CPA) exists to connect, develop, promote and support Parliamentarians and their staff to identify benchmarks of good governance, and implement the enduring values of the Commonwealth.

Calendar of Forthcoming Events

Confirmed as of 25 February 2019

2019

March

Friday 8 March International Women's Day 2019
Monday 11 March Commonwealth Day 2019 – 'A Connected Commonwealth', CPA HQ and all CPA Branches

April

11 to 15 April Mid-Year meeting of the CPA Executive Committee, Ottawa, Ontario, Canada

May

1 to 2 May CPA Parliamentary Strengthening Seminar for the Parliament of Bermuda, Hamilton, Bermuda
19 to 22 May 48th CPA British Islands and Mediterranean Regional Conference, St Peter Port, Guernsey

July

12 to 19 July 44th Annual Conference of the CPA Caribbean, Americas and Atlantic Region, Trinidad and Tobago

September

22 to 29 September 64th Commonwealth Parliamentary Conference (CPC), Kampala, Uganda – including 37th CPA Small Branches Conference and 6th triennial Commonwealth Women Parliamentarians (CWP) Conference.

The publication of a CPA Calendar of events fosters the exchange of events and activities between CPA Regions and Branches. For further information on any events, please contact the CPA Branches concerned or the CPA Headquarters Secretariat. CPA Branch Secretaries are asked to send notice of main CPA events to hq.sec@cpahq.org in advance of the publication deadline to ensure the Calendar is accurate.

Further information can also be found at www.cpahq.org or by emailing hq.sec@cpahq.org.

CPA Parliamentary Fundamentals Programme

Enrolment is now open for the CPA Parliamentary Fundamentals Programme - on the general course for Commonwealth Parliamentarians or the course specifically developed for Members from CPA Small Branches. Programmes are accredited with McGill University, Canada (Small Branches programme) and the University of Witwatersrand, South Africa (General programme).

Programme includes: Online modules | Residential components | Teaching by world-class academics and parliamentary experts.

PLACES AVAILABLE NOW FOR 2019/2020

To find out more visit www.cpahq.org/cpahq/cpafundamentals or email hq.sec@cpahq.org



CONTENTS: *THE PARLIAMENTARIAN* 2019: ISSUE ONE

100th year of publishing
The Parliamentarian



PAGE 16



PAGE 23



PAGE 34



PAGE 52

The Parliamentarian:
Journal of the Parliaments
of the Commonwealth
Volume 100
2019: Issue One
The Parliamentarian
ISSN 0031-2282

Issued and published by the
International Secretariat of the
Commonwealth Parliamentary
Association (CPA), CPA
Headquarters Secretariat,
Richmond House, Houses of
Parliament, London
SW1A 0AA, United Kingdom.

Tel: +44 (0) 20 7799 1460
Email: hq.sec@cpahq.org
www.cpahq.org
Twitter @CPA_Secretariat
Facebook.com/CPAHQ

Mr Akbar Khan
Secretary-General

Mr Jeffrey Hyland
Editor, *The Parliamentarian*
editor@cpahq.org

Main images: CPA
Headquarters Secretariat
and Shutterstock images.
Additional images: CPA
Branches and Members.
Front cover image:
Shutterstock.com.

IEWS & COMMENT

Editor's Note
Page 4

**View from the CPA
Chairperson**
Gender equality, women and
Parliaments
Page 6

**View from the
Commonwealth Women
Parliamentarians (CWP)
Chairperson**
Cyber harassment against
women on social media
Page 8

**View from the CPA Small
Branches Chairperson**
Women and their participation
in Parliament
Page 10

**View from the CPA
Secretary-General**
Parliamentary gender
caucuses and the
Commonwealth Women
Parliamentarians at 30
Page 12

NEWS & PHOTOS

CPA Photo Gallery
Page 14

CPA News
News reports include:

- CPA Fundamentals Programme with McGill University wins industry award
- CPA Chairperson at UN Forum on Human Rights, Democracy and the Rule of Law
- CPA Working Group on CPA Programmes
- CPA Chairperson at CIS Interparliamentary Assembly in St Petersburg
- Retirement of outgoing UK Clerk of Parliament
- CPA Secretary-General delivers Middlesex University Lecture
- CPA Post-Election Seminar in Grenada

Pages 15-19

**Commonwealth Women
Parliamentarians (CWP)
News**
News from the Commonwealth
Women Parliamentarians
(CWP) activities
Pages 67-69

SPECIAL ISSUE: CWP AT 30

**History of the
Commonwealth Women
Parliamentarians**
Former CWP Chairperson
Page 20

**Commonwealth
Women in politics:
Progress on global
change**
The 'Mother of the House' in
the UK Parliament
Page 23

**'Madam, Do not sit
there. That seat is for
the Minister'**
Parliamentary experiences of
the first woman Speaker of
the Parliament of Uganda
Page 26

**Women and Gender in
Caribbean Politics**
The challenges facing women
in politics in the Caribbean
Page 29

**Women's political
participation in the CPA
Pacific Region**
A View from New Zealand
Page 33

**Towards safe work
environments in
Parliaments**
A View from Australia
Page 36

**Challenges of increasing
women's representation
in Australia and New
Zealand**
A youth perspective
Page 38

**Experiences of being a
woman in Parliament**
A personal view from Australia
Page 40

**Increasing the numbers
of Women in Parliament**
A perspective from Pakistan
Page 42

**Reflections on women's
empowerment**
Importance of education to
increase women's political
participation
Page 44

**Increasing women's
economic empowerment**
Finding policy solutions in the UK
Page 47

**Women and Equalities
Select Committee**
The Committee's work in the UK
Page 50

**Centenary celebrations
that lacked 'Deeds'**
An academic perspective
of women's political
representation in the UK
Page 52

**Women Supporting
Women: CWP Alumni
Initiative**
Introducing the Commonwealth
Women Parliamentarians
Alumni Initiative
Page 56

**Male Parliamentarians
as 'agents of change'**
Gender inequality and the role
of male MPs
Page 60

**One hundred years of
women's suffrage in
Jersey**
History of Jersey women in
politics
Page 62

**Gender equality in
Parliaments on a small
island like Alderney**
A personal view gender equality
from a CPA Small Branch
Page 64

FEATURE ARTICLES

**Commonwealth
Parliamentarians discuss
how to create effective
Parliaments**
Report from 67th Westminster
Seminar
Page 70

**An insider's guide to
the CPA Fundamentals
Programme for CPA
Small Branches**
Report from the Isle of Man
Page 72

PARLIAMENTARY REPORTS

Parliamentary Report
Featuring parliamentary
and legislative reports from
Canada, British Columbia,
United Kingdom, New Zealand,
Sri Lanka, Australia and India
Pages 75-95

**CPA Organisational
Structure**
CPA Executive Committee
Members, Commonwealth
Women Parliamentarians (CWP)
Steering Committee Members
and CPA Regional Secretaries
Page 96

Annual subscription
(four issues)
UK: £44 inc. postage.
Worldwide: £46 surface post
£52 airmail

Price per issue
UK: £14
Worldwide: £15 surface post
£16 airmail

Disclaimer
Opinions and comments
expressed in articles and
reviews published in *The
Parliamentarian* are those of
the individual contributors
and should not be attributed
to the Secretariat of the
Association.

Contributors
Thank you to all contributors
for this issue.

Printed in: United Kingdom
by Warners Midlands, PLC;
New Delhi, India by Jainco
Art India; and Singapore
by Times Printers Private
Limited.





WOMEN AND PARLIAMENT: 30th ANNIVERSARY OF THE COMMONWEALTH WOMEN PARLIAMENTARIANS

The Editor's Note

In 2019, the Commonwealth Parliamentary Association (CPA) recognises the many achievements of the Commonwealth Women Parliamentarians (CWP), established in 1989 as a network of women Members of Parliament spanning the nine CPA Regions who work tirelessly for greater representation of women in Parliaments, and for gender equality in and across our Commonwealth Legislatures. The network also seeks to build the capacity of women elected to Parliament to be more effective in their roles and to increase the awareness of all Parliamentarians of issues affecting women and girls across the Commonwealth.

As we celebrate the 30th anniversary of the CWP, this issue of *The Parliamentarian* features many articles by Commonwealth Parliamentarians and academic experts – women and men – that identify the many achievements of the CWP and women in Parliaments over the years and look at the significant challenges that many women are still facing in the campaign for gender equality across the world.

Across the Commonwealth today, only 18% of all Commonwealth Parliamentarians are women, far below the target set by the Commonwealth Heads of Government of 30% female representation in Commonwealth Parliaments and Legislatures.

There are some success stories in the Commonwealth – with one Commonwealth national Parliament having over 50% female representation and three Commonwealth national Parliaments with over 40% female representation. However, there are some areas for concern with a number of Commonwealth Parliaments having few or no women Members of Parliament. It is therefore incumbent on the CWP network to share these examples of success and the initiatives that have worked so that others can learn from them.

The **Chairperson of the Commonwealth Parliamentary Association (CPA) Executive Committee, Hon. Emilia Monjowa Lifaka, MP** (Cameroon) in her *View* article writes about gender equality, women and Parliaments and the challenges faced by women standing for election.

The **Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Dr Dato' Noraini Ahmad, MP** (Malaysia) examines one of the key issues that the CWP network is tackling – that of cyber harassment against women on social media with particular examples from Malaysia.

Hon. Angelo Farrugia, MP, Chairperson of the CPA Small Branches (Malta) writes about women and their participation in Parliament with particular reference to the Parliament of Malta.

The **CPA Secretary-General, Mr Akbar Khan** in his *View* article writes about the successes of parliamentary gender caucuses in the Commonwealth and their support for the work of the CWP. He quotes a poster held by a female activist that said: 'Without women's equal participation, democracy is incomplete'.

This issue of *The Parliamentarian* features many contributions from across the Commonwealth on women and Parliament that give different perspectives from the nine CPA Regions.

Hon. Lindiwe Maseko, MP (South Africa) was the first elected International Chairperson of the Commonwealth Women Parliamentarians (CWP) in 2004 and she writes about the history of the CWP and her reflections on the last 30 years of women's representation in Commonwealth Parliaments.

Rt Hon. Harriet Harman, QC, MP (United Kingdom) writes about Commonwealth women in politics and the progress that has been made across the globe from her unique perspective as the current 'Mother of the House' in the UK Parliament as the longest continuously serving woman MP, first elected in 1982. She also references the *Women MPs of the World Conference* which took place in November 2018 and brought together women Parliamentarians from across the world in the UK Parliament's House of Commons. Many Commonwealth Women Parliamentarians participated in the conference and a full report appears on page 68.

Rt Hon. Rebecca Kadaga, MP (Uganda) is a former Commonwealth Women Parliamentarians International Chairperson. She gives a personal account in this issue of *The Parliamentarian* of her political and parliamentary experiences as the first woman Speaker of the Parliament of Uganda and one of the first women Ministers in Uganda.

Hon. Shirley M. Osborne, MLA (Montserrat) writes about women and gender in Caribbean politics and reflects on both the successes and challenges facing women in the CPA Caribbean, Americas and the Atlantic Region.

This issue of *The Parliamentarian* features a number of articles that examine the role of women in Parliament and the work of the CWP network in the CPA Australia and CPA Pacific Regions. **Hon. Michelle O'Byrne, MHA** (Tasmania) is the current Vice-Chairperson of the Commonwealth Women Parliamentarians and Chair of the CWP Australia Region Steering Committee and she looks at the important issue of working towards safe work environments in Parliaments.

Anahila Kanongata'a-Suisuiki, MP (New Zealand) writes about women's political participation in the CPA Pacific Region where a number of Parliaments and Legislatures have faced challenges in gender equality.

Former Commonwealth Youth Parliament member, **Elise Delpiano** (New South Wales) provides a youth perspective on gender equality and writes about the challenges of increasing women's parliamentary participation in Australia and New Zealand, based on the findings of her research report for *Emily's List Australia*. **Anna Watson, MP** (New South Wales) gives a personal account of her experiences of being a woman in Parliament in Australia.

Meraj Hamayun Khan (Khyber Pakhtunkhwa) is a former Member

of the Khyber Pakhtunkhwa Assembly, where she started the Women's Parliamentary Caucus, and she writes about increasing the numbers of women in Parliament in Pakistan.

Rt Hon. Baroness D'Souza (United Kingdom) was elected as the second Lord Speaker of the UK House of Lords in 2011 and the second woman to hold the position. She gives her reflections on women's empowerment and writes about the importance of education in increasing political participation.

Hon. Dawn Butler, MP (United Kingdom) is currently the Shadow Minister for Women and Equalities in the UK Parliament and writes about finding policy solutions to increase women's economic empowerment in the UK.

Rt Hon. Maria Miller, MP (United Kingdom) is the Chair of the Women and Equalities Select Committee in the UK Parliament and she writes about the importance of the work of the Committee and its impact on legislation.

Professor Sarah Childs from Birkbeck, University of London looks at women's political representation in the UK Parliament and questions if the centenary of women's suffrage in 2018 will result in any significant changes in gender equality.

Dr Lesley Clark (Queensland) is a former Parliamentarian and she has recently been appointed as the Champion for the new CWP Alumni Initiative. In this article for *The Parliamentarian*, she writes about women supporting women in politics and introduces the Commonwealth Women Parliamentarians Alumni Initiative. **Maurice Corry, MSP** (Scotland) writes about male Parliamentarians as 'agents of change' and the role that all Parliamentarians can play in gender equality.

As a series of exhibitions and events are organised to mark the 100th anniversary of women's suffrage in Jersey, **Anna Goodyear**, Assistant Greffier of the States of Jersey takes a look at the history of Jersey women in politics.

Until recently, **Norma Paris** (Alderney) was the only woman Member of the States of Alderney, one of the smallest Legislatures in the Commonwealth and she shares her experiences of politics in Alderney.

This issue of *The Parliamentarian* also highlights a number of other events and activities. **Hon. James Duddridge, MP** (United Kingdom) reports on Commonwealth Parliamentarians at the 67th Westminster Seminar and their discussions on how to create effective Parliaments.

Hon. Daphne Caine, MHK (Isle of Man) provides an insider's guide to the CPA Fundamentals Programme for Commonwealth Parliamentarians from CPA Small Branches after participating on the CPA course in Canada.

The *Parliamentary Report* and *Third Reading* section in this issue includes parliamentary and legislative news from Canada Federal, British Columbia, India, New Zealand, Sri Lanka, United Kingdom and Australia Federal.

In 2019, *The Parliamentarian* is celebrating its 100th year of publishing and we will be publishing our centenary issue of the publication in early 2020 to mark 100 years since the first issue. If readers have any memories of the publication that they would like to share for an upcoming feature on the publication's centenary, then please contact the Editor. We look forward to hearing your feedback and comments on this issue of *The Parliamentarian*, on the issues affecting Parliamentarians across the Commonwealth and to receiving your future contributions to this publication.

Jeffrey Hyland
Editor, *The Parliamentarian*
editor@cpahq.org

LETTER TO THE EDITOR: MALTA GOVERNMENT

Response to an article published in *The Parliamentarian* Volume 99/2018: Issue Four received from **Matthew Carbone, Deputy Head of Government Communications, Malta:**

'I refer to the article, in the latest issue of The Parliamentarian, entitled Media Rights: The Battle for Press and Media Freedom in the Commonwealth by Lord Black of Brentwood. Regrettably, the Chair of the Commonwealth Press Union Media Trust singles out Malta a number of times through false claims which are not worthy of a journal distributed by the Commonwealth Parliamentary Association to thousands of Members of Parliament. Lord Black of Brentwood states that it is unacceptable that the killers of journalist Daphne Caruana Galizia still walk free. This assertion is not only incorrect, but also defamatory.'

The undeniable truth is that the alleged killers of journalist Daphne Caruana Galizia were, in fact, arrested within 50 days of the murder, and are now passing through Court proceedings with full respect to the rule of law. On the contrary of what The Parliamentarian article implies, the alleged killers of Caruana Galizia are not "still walking free" precisely because Maltese authorities have left no stone unturned with assistance from the FBI, Finnish and Dutch security services, Interpol and Europol.

In a mission report by the European Parliament Committee on Civil Liberties, Justice and Home Affairs, dated 14th November 2018, Europol confirmed that its strong presence in Malta and, in terms of results, even "clarified that the investigation did not stop with the arrest of the three suspected perpetrators. Other layers are also being sought as this is an international crime having international connections."

So, while Lord Black of Brentwood expresses his disappointment at statistics which show that fewer than 10% of all killings of journalists in Commonwealth countries have resulted in those responsible being brought to justice, he sees no reason to refer to Europol's analysis about the fact that this is not the case in Malta as a result of serious investigations.

Likewise, the Chair of the Commonwealth Press Union Media Trust failed to remark that this Government has enacted a new media and defamation law which, among others, abolishes criminal libel. In fact the Government of Malta in the past years has been intent on reforming and updating various legislation which have been inherited from one Government to the other, including the Independence Constitution itself.

So, while Lord Black of Brentwood refers to criminal libel as "an abhorrent legacy of Empire" which makes public debate and freedom of expression well-nigh impossible, he once again sees no reason to inform his readers that Malta has precisely removed what he himself calls a harsh law which is not needed anywhere.

Reality is that the Maltese people cherishes the value of freedom of expression and that this Government is committed to keep strengthening governance and media rights.'



GENDER EQUALITY, WOMEN AND PARLIAMENTS

View from the CPA Chairperson

Gender equality is achieved when women and men enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making, and when the different behaviours, aspirations and needs of women and men are equally valued and favoured. Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.

While the world has achieved some progress towards gender equality and women's empowerment under the Millennium Development Goals (MDGs), women and girls continue to suffer discrimination in all social institutions in every part of the world. Moreover, the world is yet to attain the United Nations Sustainable Development Goal 5: 'Achieving gender equality and empowering all women and girls' in political representation and legislation.

Nevertheless, women have made important inroads into political office across the world, but their 23.7% representation in national Parliaments is still far from parity - an indication that gender equality in Parliaments is still a long way off and current progress is far too slow. Most Parliaments are still heavily male-dominated. Even where women are present in greater numbers, glass ceilings often remain firmly in place.

Women running for election face numerous challenges, such as,

“Change is possible if political commitment and adequate legal and policy frameworks are put in place by gender-sensitive governments, to mainstream gender into politics and provide a level playing field for both women and men. Moreover, a greater female representation in Legislatures and political decision making is more likely to lead to greater public support and recognition.”



**Hon. Emilia Monjowa Lifaka,
MP, Chairperson of the CPA
Executive Committee and
Deputy Speaker of the National
Assembly of Cameroon**



addressing discrimination or cultural beliefs that limit women's role in society, balancing private, family and political life, gaining support from political parties and securing campaign funding. They may also face violence, harassment and intimidation. Some women may even be dissuaded from running for office, leaving men in the positions of power.

Change is possible if political commitment and adequate legal and policy frameworks are put in place by gender-sensitive governments, to mainstream gender into politics and provide a level playing field for both women and men. Moreover, a greater female representation in Legislatures and political decision making is more likely to lead to greater public support and recognition.

Women and Parliament: being a woman Speaker or Member of Parliament

As reported by the Inter-Parliamentary Union (IPU) in 2017, throughout the 20th century, the number of women in Parliaments has grown at a remarkably slow pace. However, that of women presiding over Parliaments - otherwise called Speakers or Presiding Officers - has grown at an even slower pace. The Austrian Parliament was the only one to have a woman Speaker before the Second World War.*

Between 1945 and 1997, only 42 countries had had a woman preside over Parliament, the majority of which were located in Europe or in the United States of America. This trend is positively changing in the 21st century as the percentage of women occupying posts of Presiding Officer in Parliaments has nearly doubled, from 8.3% in 2005 to 15.6% in 2015. On 1st November 2016, the number of women Speakers reached a record 53 women, making up 19.1% of the total. Women Speakers now span every area of the world, including the Arab region, where the first woman became Speaker of Parliament of the United Arab Emirates in 2015.**

Nevertheless, it should be noted that a majority of these women are Deputy Speakers, who barely preside over Parliament, except in the absence of the main male Speaker. Women Speakers have enhanced Parliaments' role in overseeing the work of government in the area of gender equality. They also serve as role models for fellow women who aspire to top decision-making positions or desire to participate in politics in their respective countries.

Women and Elections

According to UN Women: *“the percentage of women in national Legislatures has become a standard measure of a country's achievements in women's political participation.”*

When women participate in elections as candidates - and as voters - decisions better reflect the electorate, and democracy is strengthened. However, women currently comprise only 22.6% of all Parliamentarians worldwide. Three important factors deter women from entering politics globally. Firstly, individual barriers impede women's self-efficacy and empowerment. Secondly, government barriers include legislative and regulatory provisions that undermine women's participation. Thirdly, societal barriers include norms of patriarchy that exclude women from participating fully in the public sphere.

These three types of barriers can exist in isolation, but they are more often mutually constitutive and reinforcing and have discrete effects on women's political participation. For example, electoral rules that fail to explicitly protect women's access to political and electoral processes often indicate deeply embedded social norms of patriarchy. Therefore, the barriers to women's political participation in any society are often multi-dimensional, reflecting the complex interaction of cultural values and institutional rules. Overcoming these barriers necessitates not simply encouraging women to overcome them, or even changing laws and practices, but also transforming the gender norms that underpin them.

Women and social media

Social media platforms such as Facebook, Twitter, WhatsApp and Instagram can facilitate the way politicians interact with their electorates, and vice versa, and have altered the communications landscape in politics especially for women. Consequently, women who are frequently at a disadvantage when competing for time, financial and other resources, have equal access to social media. Social media would facilitate the communications of female Parliamentarians with child-rearing responsibilities and those in other societies where cultural norms restrict their movement.

Social media, particularly E-learning, is an excellent forum for female politicians to improve their political education without displacement. Women politicians share information among each other faster and easier through social media. Most importantly, social media exposes women Parliamentarians and politicians to the limelight, who serve as role models especially for younger women and girls, empowering them to make better choices about their lives.

Unfortunately, social media has also brought new risks for female Parliamentarians, as they receive insulting or threatening comments about women's ability and/or role. The cyber-violence against women in general, and against women in politics in particular, needs to be addressed by both the public and private sectors in order to raise awareness and develop new codes of conduct that can better protect legislators when interacting with citizens online.

Equality in the workplace

According to the International Monetary Fund (IMF) in 2015, the participation of both women and men in the labour force is an important social and development goal. However, marked inequality in the workplace still persists between the two genders.

Two major factors account for women's low labour force participation. Firstly, fertility significantly affects female labour force participation, because, each birth on average decreases women's labour supply by almost two years during a woman's reproductive life. Secondly, gender-based legal restrictions in terms of weak or restrictive laws related to family, gender-based violence, and economic opportunities, are most likely to impede women's empowerment.

Conversely, educational attainment, together with maternity leave

and child benefits policies for women are positively correlated with female participation in the labour force. Moreover, better access to comprehensive, affordable, and high-quality childcare frees up women's time for formal employment. Women in leadership positions (like Parliamentarians) may also increase female labour force participation by providing role models for other women, and by combating stereotypes. Also, women Parliamentarians can significantly change public attitudes towards women and, most importantly, raise the aspirations parents have for their daughters and the aspirations teenage girls have for themselves.

Gender mainstreaming in legislation

In 1995, gender mainstreaming was established in the Beijing Platform for Action as an internationally agreed strategy for promoting gender equality. Since then, the achievement of equality between women and men has become a major objective and integral part of the international development agenda.

The Office for Democratic Institutions and Human Rights (ODIHR) in 2017, defined gender mainstreaming as *“the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral element in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.”*

Following the above definition, national Parliaments are well placed to champion the objective of gender equality and promote gender mainstreaming in government. Parliaments aim to reflect society; hence they must reflect the changing dynamics of their electorates. A gender-sensitive Parliament is a Parliament that responds to the needs and interests of both women and men. For example, gender-sensitive Parliaments can contribute to removing the barriers to women's full participation in society, and empower both women and men to shape their own lives and make decisions.

The legislative process is a vital entry point for gender mainstreaming. Legislation has a direct and tangible impact on the lives of citizens, and reflects in the most direct manner the needs and priorities of various constituencies. The legislative process creates a platform for dialogue on issues that matter most in society and may foster the expression of multiple voices and perspectives. Thus, the legislative process presents an effective vehicle for the promotion of gender equality values and principles.

**Olga Rudel-Zeynek (1871–1948), was an Austrian politician and journalist. She served as President of the Bundesrat (the Federal Council or upper house of Austria) in 1927–28 and 1932. She was the only women Speaker or Presiding Officer before the Second World War.*

***Amal Al Qubaisi (born 1969) is currently the President of the Federal National Council of the United Arab Emirates. She is first female leader of a National Assembly in the Arab world. Before holding the position, she was the Chairperson of the Abu Dhabi Education Council.*





CYBER HARASSMENT AGAINST WOMEN ON SOCIAL MEDIA



View from the Commonwealth Women Parliamentarians (CWP) Chairperson

Facebook, Twitter, Instagram, LinkedIn and BlogSpot are some of the social media platforms that have, to a certain extent, impacted women's life. The Malaysian Communications and Multimedia Commission reported that there were approximately 41% female internet users in 2018. Acknowledging the advancement of technology, women have benefitted from social media platforms as they create opportunities for them. Nevertheless, social media has also been used to harass women and girls.

The term cyber harassment is normally used to describe types of behaviour which include acts to annoy, threaten, insult, exhibit malicious intent, post inappropriate comments, display offensive images and cause a scare to a person. Such behaviours have tendencies to encourage aggression against women on social media. Cyber harassment has been reported to affect women's wellbeing and women are likely to suffer twice as much harassment than men. Women also suffer from mental health issues such as anxiety, trauma and depression that can be linked to increasing social media use. The Malaysian Communications and Multimedia Commission reported 356 cases related to mental health issues in 2018.

There is an urgency to protect and secure women and girls' well-being in this country. As such, there is a need to create awareness of gender equality and women's empowerment. In addressing the issue of cyber harassment in Malaysia, an analytical strategy has to be initiated to streamline a legal framework that supports women's well-being legally.

Strategies in preventing cyber harassment against women on social media

At the international level, the United Nations (UN) and European Union (EU) have also addressed and recognised issues related to cyber harassment. The legislation, regulations and resolutions by these two organisations were drawn up to protect and give security to women and girls on the internet. The UN General Assembly's resolution on protecting women human rights defenders (2013) states that *"Information Technology-related violations, abuses, discrimination and violence against women, including women human rights defenders, such as online harassment, cyberstalking, violation of privacy, censorship and the hacking of email accounts, mobile phones and other electronic devices, with a*



Hon. Dr Dato' Noraini Ahmad, MP, Chairperson of the Commonwealth Women Parliamentarians (CWP) and Member of the Parliament of Malaysia.

view to discrediting them and/or inciting other violations and abuses against them, are a growing concern and can be a manifestation of systemic gender-based discrimination, requiring effective responses compliant with human rights."

The Committee on Women's Rights and Gender Equality (FEMM) of the European Parliament have adopted a draft report proposing measures to combat mobbing and sexual harassment, including online acts. The move forges alliances in international, as well as national, laws in addressing these issues together.

Within ASEAN (Association of Southeast Asian Nations), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has also proposed reviewing legislation and legal enforcement on eliminating violence against women which includes cyber violence. Taking Singapore as an example, the nation has passed the

Protection from Harassment Act in 2014. The Act covers a range of self-help measures, civil remedies and criminal sanctions in protecting women from harassment which includes cyberbullying.

Although Malaysia has no legal definition that relates to cyber harassment, Malaysia has nonetheless taken various initiatives in tackling this issue. Malaysia through the Malaysian Communications and Multimedia Commission has implemented certain authoritative measures to prohibit content that is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person as stated under *Section 211* of the *Communications and Multimedia Act, 1998*.

Along with the implementation of this regulation, Malaysia also calls for public awareness. There is a moral obligation that parents and teachers are urged to monitor and to manage the usage of the internet among children. Malaysia encourages industry players and other professionals, especially those related to ICT, to exercise the utmost responsibility in relation to online content.

The involvement by a non-governmental organisation in highlighting cyber harassment in Malaysia is highly welcomed. Thus, the People Against Cyber Threats and Harassment (PeopleACT), an initiative by the Malaysian Centre for Constitutionalism and Human Rights (MCCHR), has launched a campaign to increase public awareness on cyber harassment and cyberbullying.

The role of women Parliamentarians in tackling cyber harassment against women on social media

The internet has widened the incidents of harassment from offline to online. The Convention on the Elimination of the Discrimination Against Women (CEDAW) has interpreted the current trends of harassment against women through the perspective of the 21st century by considering cyber harassment as a type of crime. According to the Committee on the Elimination of Discrimination against Women (CEDAW), the new *General Recommendation 35*, adopted in 2017, reaffirms the UN's commitment to a world free from violence for all women and girls and recognises the new forms of violence against women and girls, as redefined *"through technology-mediated environments, such as contemporary forms of violence occurring in the internet and digital spaces."* Thus, women Parliamentarians should actively participate in tackling this issue in Malaysia.

In the case of insulting women on social media, the former Minister of Women, Family and Community has advised the public to stop condemning people especially women on social media. Similarly, she added that nobody should condemn or insult images of women on social media.

Malaysian women Parliamentarians should continue to act together in tackling cyber harassment and other issues against women. Women and girls should not be the target of sexist remarks by *'netizens'* on social media, including those targeting their children and family members. Women Parliamentarians are equally not spared as targets when their physical attire and statements on social media are attacked by internet users. Such aggression against women on social media should not and would not limit the women Parliamentarians in voicing their opinions and ideas. The alliance among women Parliamentarians works as an enabler in steering and enhancing gender equality in this country towards achieving the set targets and Goal 5 of the Sustainable Development Goals (SDGs).

The laws on cyber harassment should be seen as a tool against racism, insults, malicious statements and all forms of mistreatment to women and girls on social media.

Moving forward and conclusion

The use of social media provides greater space for women to express their rights. This helps to create a positive image of women on social media and strengthens the connection among women; thus, preventing condemnation and bullying from the public irrespective their gender.

Education is regarded as the main tool in teaching society about the safety aspects of using social media. Citizens should be aware that whatever is being posted, and commented on, via social media, would be within their own full responsibility. Statements made should not have the intention to undermine or underestimate women and girls' status in whatsoever manner.

The absence of legislation to deal with cyber harassment has triggered the Communication and Multimedia Minister to cooperate with the Ministry of Women Family and Community in proposing a



specific action to address cyberbullying. This proposed Act can be used by the authorities to protect women, and also children. This is also in line with the statement of the Beijing Platform for Action, which recognizes and stresses the definite role of the media in making a greater contribution to the advancement of women's rights.

The Malaysian Communications and Multimedia Commission reported in 2018 that there were 24.6 million social media users in Malaysia with 97.3% claiming that they have a Facebook account, the most popular platform, followed by Instagram which makes up 57% of social media users. Hence, the establishment of law must be sufficient enough to safeguard the public's interests and to monitor their activities on social media.

Regulating the law on cyber harassment is designed to prevent individuals from making offensive comments especially to the 'fairer sex'. The Malaysian government should adopt the UK's (England, Wales, Northern Ireland and Scotland) strategies in tackling cyber harassment. In the case of Northern Ireland, the government has regulated online bullying and harassment through *Article 3* of the *Malicious Communications Northern Ireland Order 1988* which states that sending a letter or other article (including an electronic communication) to someone with intentions of causing anxiety or distress to that person is deemed as cyber harassment. In addition, *Section 127* of the *Communications Act 2003* was also amended to define improper use of public electronic communications networks.

The Malaysian government is currently looking into this matter by having strategic discussions with various stakeholders. These stakeholders are from civil society, non-governmental organisations, industry groups, institutions of higher learning and schools. Such collaboration with the Malaysian government is intended to tackle cyber harassment issues in the country. These partnerships should also be able to assist the government in curbing the challenges in regulating the laws on cyber harassment.

It is an undeniable fact that social media has a function in advancing knowledge and information to empower women. Hence, appropriate actions such as putting relevant laws in place are very much in line to deal with cyber harassment issues.

**Netizens = Internet Citizens*



WOMEN AND THEIR PARTICIPATION IN PARLIAMENT

View from the CPA Small Branches Chairperson

It has been a long way for women to get to where they are today in the political and diplomatic scene. The Commonwealth Women Parliamentarians are celebrating thirty years of working towards the increase of female elected representatives in Parliaments and Legislatures across the Commonwealth and to ensure that women's issues are brought to the fore in parliamentary debate and legislation. I augur the Commonwealth Women Parliamentarians (CWP) network at least another thirty years of success in their roles of improving the awareness and ability of all Parliamentarians, male and female, and encouraging them to take a gender perspective in all aspects of their role - legislation, oversight and representation, thereby helping them to become genuinely gender-sensitive institutions.

In this celebratory issue of *The Parliamentarian*, I would like to take the opportunity to celebrate the participation of women and ultimately celebrating democratic values, which, for those who have been here long enough know what a struggle this can be. The Commonwealth is a community which varies in opportunities for economic, social and political change, not least in respect of the participation and inclusion of women.

I would like to shed some light in the situation in Malta. On a general note, women have been granted voting rights in 1947. During the last years, we have seen improvements regarding gender equality and gender equity, reinforced in 2012 when Parliament enacted *Act No. IX of 2012 - Equality for Men and Women (Amendment) Act*. There was a significant increase in female participation throughout the Maltese workforce. This was enabled by the political will to make this leap, including the introduction of free childcare centres for all working mothers, together with an in-work benefit for women who are returning to full time employment including tax credits for women over 35 years of age and the extension of *flexi-time*, telework and reduced hours; and an extension of local afterschool educational programmes. As a result, female participation has increased by 16% since 2013. Malta has also achieved gender parity on the Judicial Bench. Female university students have now outnumbered their male counterparts, resulting in more female professionals in all sectors.

On the other hand, Parliament remains one of the sectors which has failed to keep up, where only 14.9% of the elected Members of Parliament are women, with most of the elected female Members on the Government's side of the House, holding a ministerial or junior ministerial role. The youngest MP, who is also female, serves as Chairperson of the Standing Committee for Family Affairs. As a member of the European Union, Malta has elected four out of six women to represent its citizens in the European Parliament, one of whom gave up her seat to become



Hon. Angelo Farrugia,
MP, Chairperson of the
CPA Small Branches and
Speaker of the House of
Representatives of the
Parliament of Malta.



a representative in the local Parliament. It is also worth noting that the Deputy Speaker, as well as our current Head of State, are both women.

With regard to Parliamentary Service staff, the majority of employees are women. Out of 50 employees, 29 are women, with a considerable number of them benefiting from work-life balance measures, mainly telework. Furthermore, over the past months, the House has agreed to shift all its sessions from the evening to the afternoon which benefits both Members of Parliament and the parliamentary staff.

Importance of gender equality in Parliaments

Gender equality in Parliaments is crucial for Parliaments to function and legislate effectively, to ensure the respect of the fundamental human rights, and, indeed, to retain their legitimacy as truly representative of their constituents. The role of

women in the democratic process was highlighted way back in the United Nations Convention on the Political Rights of Women of 1954, enshrining women's equal rights to vote, hold office, and access public services as provided for male citizens within national laws.

Legislating – Whilst gender equality is an issue that involves and impacts men and women, some legislation affects women and men's lives differently. Thus, Bills about certain issues (namely health, education, socio-economic and political challenges facing disadvantaged groups) are more likely to be proposed by women. Additionally, the outcome of certain Bills can only be fairly reviewed in Parliament if both viewpoints are considered. For example: in the UK House of Commons, there have been instances where Bills that protect women – such as one preventing and combating violence against women – have been vehemently opposed by male MPs, while other men have campaigned for Bills that could harm women, such as providing anonymity to men accused of rape.

Human rights – Gender equality is a founding principle of the United Nations. Yet even today, many women around the world still lack equal rights and empowerment opportunities, and face discrimination in work, health care and education, and suffer physical and sexual violence (figures published by the World Health Organization in 2016 estimate that one out of every three women worldwide has experienced violence at the hands of a partner, or sexual violence by someone other than a partner), and this can also be seen in some countries of our Commonwealth family. Discrimination and violence against women are rooted in gender stereotypes, harmful cultural norms and discriminatory legislation. Unequal social and legal statuses prevent women and girls from enjoying their

human rights in all areas of life, from maternal and health services to education, equal opportunities and fair pay. Parliaments have a key role in legislating to tackle such discrimination and violence.

Representation – Without women MPs who are empowered to contribute to the parliamentary process, any parliamentary deliberations are missing a key component: the equal expression and consideration of the views and experiences of women. Considering the proportion of women in the population, and the contribution of women to society, lack of equal expression and consideration of women's views in Parliament renders the parliamentary process biased and, in some cases, redundant.

Scrutiny - The oversight role of Parliamentarians is linked to the very notion of external accountability, the democratic control of the government by the Parliament, among other bodies. Since gender equality improves the quality of democracy, parliamentary scrutiny should include scrutiny from a gender-equal perspective. This can bring about a fundamental contribution for the achievement of sustained democratic practices.

What can be done to improve gender equality and women's participation in Parliaments?

The first logical solution is working to increase women candidates without any interference in the system by offering practical incentives, enabling more women to run. However, when this does not yield results, the introduction of gender quotas has often been posited.

In Rwanda, the 2013 Rwandan Parliamentary elections ushered in a

record-breaking 64% of seats for women candidates, making Rwanda the top country for women in politics in the world. The incredible progress was spurred by special measures, starting with the 2003 Constitution that set a 30% quota for women in elected positions, and the political parties adopting their own voluntary quotas for women candidates on party lists. In 2003, barely a decade after the genocide, nearly 50% of parliamentary seats went to women. After the 2008 elections in Rwanda, women made up 56% of the Members of Parliament. The number jumped to 64% after the 2013 elections. In comparison, women make up a global average of 23.8% of Parliament's Members as of June 2018.

In Malta, this debate has only just started, yet diverging opinions from both sides of the House have already been voiced. Gender quotas have courted significant controversy, with critics arguing that they impose decisions upon the democratic process and perpetuate the idea that 21st century women need extra help to achieve success, while proponents insist they are a necessary, albeit radical, measure to ensure better gender representation on a parliamentary level. Others argue that the natural course of women's political participation should be allowed rather than introducing mandatory quotas.

This conundrum as to whether the authorities need to intervene so as to increase female representation is a delicate one; any solution needs to be one which whilst being effective, respects the sensitivities of all those impacted by the decisions. I am confident, however, that in these efforts, the experiences of other countries will be looked at closely in order to learn from both the success stories and where measures have not given the expected results.

CPA Small Branches Chairperson at Parliamentary Conference on the World Trade Organisation as it addresses major issues facing world trade in Geneva

The 2018 Parliamentary Conference on the World Trade Organisation (WTO), jointly organized by the Inter-Parliamentary Union and the European Parliament, attracted more than 300 Members of Parliament representing more than 100 countries to the two-day meeting held at the WTO on 6 and 7 December 2018. The participants discussed a wide range of issues, such as the reform of the WTO and the impact of technology on trade, and issued an outcome document at the end of the meeting highlighting the pivotal role of the WTO in strengthening multilateralism.

The CPA Small Branches Chairperson, Hon. Angelo Farrugia MP, Speaker of the Parliament of Malta participated



Image credit: IPU/WTO.

in the Parliamentary Conference on the WTO on behalf of the CPA. The CPA Small Branches Chairperson presented to the conference on the parliamentary perspective and the mobilisation of parliamentary action on trade, with specific reference to the Commonwealth and the CPA Small Branches. The CPA Small Branches Chairperson also highlighted the greater impact of climate change on small states as an important issue in relation to non-discriminatory, multilateral trading systems and the impact of trade processes on smaller jurisdictions.

The CPA Small Branches Chairperson had also participated in the 42nd Session of the Steering Committee of the Parliamentary Conference on the WTO on behalf of the CPA, which took place in Geneva, on 5 October 2018. The Parliamentary Conference on the WTO (PCWTO) is organised jointly by the Inter-Parliamentary Union (IPU) and the European Parliament, and its Steering Committee met ahead of the 2018 annual session of the PCWTO.

The Co-Chair of the Steering Committee of the Parliamentary Conference on the World Trade Organisation (WTO) is Hon. Mensah-Williams, Chairperson of the National Council of Namibia who also attended the main WTO conference. According to the rules of procedure for the Parliamentary Conference on the WTO, the Commonwealth Parliamentary Association (CPA) is one of the international organisations represented on the Steering Committee and at the main conference.





PARLIAMENTARY GENDER CAUCUSES AND THE COMMONWEALTH WOMEN PARLIAMENTARIANS AT 30

‘Without women’s equal participation, democracy is incomplete’

View from the 7th CPA Secretary-General

Her Majesty Queen Elizabeth II, Patron of the Commonwealth Parliamentary Association (CPA) and Head of the Commonwealth, launched the Commonwealth theme of a ‘*Peace-Building Commonwealth*’ in 2017, and in doing so, Her Majesty explained ‘*that the cornerstones on which peace are founded are, quite simply, respect and understanding for one another. Working together, we build peace by defending the dignity of every individual and community. By upholding justice and the rule of law, and by striving for societies that are fair and offer opportunities for all, we overcome division and find reconciliation, so that the benefits of progress and prosperity may be multiplied and shared.*’

In my view, the work of the Commonwealth Women Parliamentarians (CWP) network, through the CPA, and the work of Women’s Parliamentary Caucuses across our Commonwealth Parliaments and Legislatures, are a perfect demonstration of the values expressed by Her Majesty that only through respect and understanding and by working together, we defend the dignity of each individual and create fairer societies for all.

A core value enshrined in our Commonwealth Charter is the recognition that ‘*gender equality and women’s empowerment*’ are essential components of human development and basic human rights; and that the advancement of women’s rights and the education of girls are critical preconditions for effective and sustainable development.

In recognition of the importance of this core value, the Commonwealth Parliamentary Association (CPA) in 1989 established the Commonwealth Women Parliamentarians (CWP); a network of women Members spanning the nine geographical Regions of the Association who work tirelessly for better representation of women and gender equality in and across

“In this context, Parliaments as independent institutions, sitting at the centre of a web of accountability reaching into the Executive and the other branches of government, are well placed to set an example and lead change by mirroring gender equality and inclusion in all sections of our societies in their composition. This not only ensures participatory decision making but engenders legitimacy and public confidence in our democratic institutions.”



Mr Akbar Khan
Secretary-General of
the Commonwealth
Parliamentary Association



our Legislatures. The network also seeks to build the capacity of women elected to Parliament to be more effective in their roles and to increase the awareness of all Parliamentarians of issues affecting women and girls across the Commonwealth.

In this context, Parliaments as independent institutions, sitting at the centre of a web of accountability reaching into the Executive and the other branches of government, are well placed to set an example and lead change by mirroring gender equality and inclusion in all sections of our societies in their composition. This not only ensures participatory decision making but engenders legitimacy and public confidence in our democratic institutions.

So, what is the global picture and across the Commonwealth in respect of female representation?

Recent figures from UN Women show that although the number of women Parliamentarians has nearly doubled in the last 20 years, this only translates to around 22% of women in national Parliaments today, or 9,000 Members of Parliament globally. Lamentably, only 18% of all Commonwealth Parliamentarians are women, leaving 82% who are men. The need for action has been recognised by Commonwealth Heads of Government who set a target of 30% female representation in Commonwealth Parliaments and Legislatures.

The results thus far are mixed with one Commonwealth national Parliament having over 50% female representation and three national Parliaments with over 40% female representation. There are 18 national Commonwealth Parliaments with between 20% and 40% female representation. Of particular concern is the fact that 11 Commonwealth national Parliaments have below 10% women’s representation and two Commonwealth Parliaments have no women Members at all!*

The under-representation or marginalisation of women and other social groups, including minorities and the disabled, is not only unjust and unequal, but also undermines the legitimacy of our democratic institutions.

So, what can Commonwealth Parliaments do to increase the representation of women in their jurisdictions?

One example comes from the Parliament of Mauritius who have established a successful Parliamentary Gender Caucus with the support of the CPA Headquarters Secretariat. The requirement had arisen following the elections held in December 2014 in Mauritius that saw only eight women elected out of 69 Parliamentarians, with the result that Mauritius had only 12% female representation, one of the lowest ranked countries in the SADC (Southern African Development Community) in respect of the number of female representatives.

Following a successful CPA Post-Election Seminar with the

Parliament of Mauritius, among the many areas of development discussed with the Commonwealth Parliamentary Association, there was an ambition to establish a Parliamentary Gender Caucus in Mauritius and the CPA offered support to the National Assembly to achieve this goal in March 2017.

At the launch of the Parliamentary Gender Caucus in Mauritius, I offered my congratulations to Hon. Santi Bai Hanoomanjee, Speaker of the National Assembly of Mauritius on her personal leadership and determination to promote gender equality through the establishment of the Parliamentary Gender Caucus which provides a catalyst for the promotion of gender equality across the democratic institutions in Mauritius and also for the implementation of the Sustainable Development Agenda.

The establishment of gender caucuses is a vital ingredient in bringing greater equality between men and women in the daily operations of Parliament as a democratic institution. The CPA, through the Commonwealth Women Parliamentarians (CWP) network and our international partners, is committed to promoting gender equality in Parliaments and increasing the representation of women in leadership roles. As one female activist I recently noted had written on a poster ‘*Without women’s equal participation, democracy is incomplete.*’

Globally, over 80 parliamentary women’s or gender caucuses have been created since 1995 – support for such initiatives is incredibly high, as is the growing acceptance for the inclusion of men within such structures, underscoring the need for men to be aware of and shoulder their responsibilities with respect to gender equality. There is clear evidence from the experience of Rwanda and other gender caucuses that the inclusion of men has helped to avoid caucuses becoming marginalised, and indeed have contributed to them becoming a prominent institution within Parliament.

There are a number of ways that the Parliamentary Gender Caucus can provide lasting change to Commonwealth Parliaments and the CWP has been at the forefront of this work over the last thirty years:

1. *Influencing Parliaments’ legislative priorities* – the gender caucus can play a pivotal role in ensuring legislation is gender sensitive, and the legislation that advocates for gender equality is introduced in Parliament. In Rwanda, women’s caucuses have been successful in passing legislation to end violence against women and in Kenya, the Women’s Parliamentary Association was instrumental in helping to pass the *Prohibition of Female Genital Mutilation/Cutting Act* in 2011.
2. Women’s or gender caucuses have a positive track record in helping build the capacity of women in Parliament. Through workshops, training and support, gender caucuses provide a safe space to help upskill women Parliamentarians to be more effective in their role as Parliamentarians in an often male-dominated domain. The Parliamentarian Women’s Caucus in Lesotho provided leadership training programmes to build the confidence of women Parliamentarians and empower them to stand up and challenge their male colleagues and make their voices heard. The Uganda Parliamentary Women’s Association (UWOPA) formed in the 1990s and was instrumental in its lobbying campaign for gender equality clauses in the Ugandan Constitution including provisions on non-discrimination on the basis of sex, equal opportunities for women, a quota for women of one third for local government seats, and the establishment of an Equal Opportunities Commission.
3. Gender caucuses have enormous potential to analyse how gender sensitive our Parliaments are. Through this, changes can be made to ensure that Parliament’s practices are gender equal, and to ensure that gender is mainstreamed into debates and key decisions made. Kenya and Uganda’s gender caucuses led the

way in proposing changes to the Standing Orders to ensure the representation of women in leading Parliamentary Committees. There are many examples of the influence of women’s caucuses in making significant changes to the way Parliaments operate including the introduction of day care centres in Parliaments for the children of Members and staff.

4. The potential for Parliamentary Gender Caucuses to influence the implementation of the UN Sustainable Development Goals is significant given its remit. ‘*To leave no one behind*’ is the overarching ambition of the 2030 SDG Agenda and this agenda reaffirms gender equality as a both a human right and a driver for development.

The demands of ensuring a vibrant democracy are extensive. The success of the gender caucus will not rest solely on gaining support from both male and female Parliamentarians, rather success will also depend on securing support for the work of the caucus and the issues it will address from across the political spectrum. There is always the risk of politics creeping in and shifting the attention from the positive gains to be made, to polarising political issues that are difficult or impossible on which to reach consensus.

The importance of identifying cross-party initiatives that all women and men can support can also prevent gridlock. Justice Nasira Iqbal in Pakistan has attested that “*20% of women Parliamentarians can make a big difference if they take charge, instead of towing their party lines.*”

Of course, one of Parliament’s fundamental duties is one of representation – reaching out to all sectors of society is key. Engaging and gaining the support of civil society, young people and other key activists in the work of any gender caucus will strengthen the message and the aims of the caucus in seeking greater gender equality.

The former UNDP Administrator and Prime Minister of New Zealand, Rt Hon. Helen Clark, has observed that it is not only the focus of Sustainable Development Goal 5 on reducing gender inequalities and empowering women that is key to driving progress; but SDG 5 is also integrated across the other 16 Sustainable Development Goals which reflects the growing evidence that gender equality has a powerful multiplier effect across the spectrum of development whether through health, education, labour markets, and the other areas that will lower poverty and increase prosperity. Failing to address gender inequalities and discrimination against women will hinder if not derail the achievement of the SDGs.

As Secretary-General of the Commonwealth Parliamentary Association, I am committed to supporting the work of the Commonwealth Women Parliamentarians (CWP) network as we mark the 30th anniversary of its establishment and recognise its many achievements. However, the work to build the capacity of Members to produce and promote gender sensitive legislation, to work towards more gender-sensitive Parliaments and to fulfilling the overarching goal of increasing the number of women Parliamentarians in the Parliaments and Legislatures of the Commonwealth continues in order to reach our goals.

In the words of the former UN Secretary-General, Kofi Annan: “*there is no tool for development more effective than the empowerment of women.*”

Mr Akbar Khan
7th Secretary-General
Commonwealth Parliamentary Association (CPA)

This article is based on a speech given by the CPA Secretary-General at the launch of the Parliamentary Gender Caucus at the National Assembly of Mauritius in Port Louis on 20 March 2017.

**Data from IPU National Parliaments database at 1 December 2018.*





Above and below: Commonwealth Parliamentarians at the CPA Fundamentals Programme (General) with the University of the Witwatersrand in South Africa.



Right: The CPA Secretary-General, Mr Akbar Khan met with a high-level delegation from Maharashtra, India at the CPA



Headquarters Secretariat. The delegation was led by Shri Haribhau Bagade, Speaker of the Maharashtra Legislative Assembly. The delegation heard about the CPA's work in the India Region and across the Commonwealth especially its parliamentary strengthening work in state and provincial legislatures as the CPA is the only Commonwealth organisation to work at national, state and territorial level.

Right: The CPA Secretary-General, Mr Akbar Khan and Commonwealth Music Ambassador, Simon Haw launch the Commonwealth Music Competition in Westminster. The CPA is collaborating with the Commonwealth Youth Orchestra and Choir (CYO) to use the arts as inspiration to deliver on the goals of the Universal Declaration on Human Rights where competitors will write a song that reflects the values of the UDHR.



Right: Commonwealth Parliamentarians from the CPA Isle of Man Branch and Tynwald visited the States Assembly in Jersey on a fact-finding mission and they were welcomed by Members of the States Assembly and the CPA Jersey Branch.



Right: At the end of a busy bilateral visit to the UK Parliament and CPA UK Branch, the Speaker of the Malaysia Parliament (Dewan Rakyat) Mohamad Ariff Md Yusof met with the CPA Secretary-General to discuss ongoing Malaysia partnerships & CPA activities in the Region.



Right: The CPA Secretary-General, Mr Akbar Khan met with Hon. Anna Watson, MP from the New South Wales Legislative Assembly in Australia at the CPA Headquarters Secretariat in London to discuss parliamentary strengthening and the CPA's activities in the Australia Region.



Above: In November 2018, the Chairperson of the CPA Africa Region, Hon. Justin B. Muturi, MP, Speaker of the National Assembly of Kenya chaired the first meeting of the CPA Africa Regional Executive Committee in Dar es Salaam, Tanzania, since his election to the position at the Regional Conference in Botswana earlier in the year.



Below left: The CPA Secretary-General met with the Secretary-General of Parliamentarians for Global Action (PGA), Dr David Donat-Cattin during Human Rights Week as the parliamentary community marked the 70th anniversary of the Universal Declaration on Human Rights. The two Secretaries-General discussed potential cooperation on future projects for parliamentary strengthening and democracy.

Joint programme developed between CPA and McGill University to strengthen skillset of Parliamentarians from CPA Small Branches wins industry award

The Commonwealth Parliamentary Association (CPA) Fundamentals Programme in partnership with McGill University, Canada has been awarded the Best Custom Program Award at the 2018 Conference on Management and Executive Development (CMED). The award recognises unique and innovative high-impact programmes for their exceptional design and customisation. The programme content was adapted to the needs of participants by McGill University's School of Continuing Studies, which helped to develop the programme for Commonwealth Parliamentarians from the CPA Small Branches, a network of CPA Branches of less than 500,000 people. The award was announced at the annual Conference on Management and Executive Development (CMED) in Florida, United States.

The CPA Secretary-General, Mr Akbar Khan said: "The recognition of the CPA Fundamentals Programme on Parliamentary Practice and Procedure with our programme partner, McGill University in Canada through this award shows the advances that this programme has made in meeting the CPA's aims of advancing parliamentary democracy by enhancing knowledge and understanding of democratic governance. This programme specifically supports our CPA Small Branches and the CPA is in a unique position in the Commonwealth in supporting Members from national, sub-national, territorial and provincial Legislatures in this way."

Dr Carola Weil, Dean, School of Continuing Studies, McGill University said: "The team at McGill's School of Continuing Studies is honoured and proud to support Commonwealth Parliamentarians and the CPA's mission of advancing parliamentary democracy. Thanks to the carefully calibrated CPA Fundamentals Programme leading to the McGill Professional Development Certificate in Parliamentary Governance, under the guidance of Professor Frederick Staphenurst and Inna Popova, Director of Career and Professional Development Non-Credit Programs, we are able not only to offer an exciting model for professional education, but also celebrate the value and impact of the CPA/McGill collaboration to foster good governance and positive change with the CMED Best Custom Program award."

The CPA Fundamentals Programme on Parliamentary Practice

and Procedure was first launched in 2016 and is the first course of its kind. The programme aims to assist Commonwealth Parliaments in building the capacity of their newly-elected and returning Parliamentarians, by equipping them with: greater depth of knowledge of parliamentary practice and procedure; increased in-depth and practical knowledge based on accepted theories and international good practices; an accredited qualification from an internationally recognised university that will benefit participants for life during and after Parliament.

The programme is interactive and comprehensive, comprising online modules as well as face-to-face contact sessions on-site with partner universities. This programme aims to develop well-informed, skilled parliamentary leaders, who will go on to contribute to creating strong democratic legislatures that adhere to the principles of good governance.

The CPA programme is provided in partnership with two prestigious Commonwealth universities – the specialised CPA Fundamentals course for CPA Small Branches in partnership with McGill University in Canada, in the form of the Professional Development Certificate in Parliamentary Governance, and the CPA Fundamentals course (General) with the University of Witwatersrand in South Africa.

For further information about the CPA Parliamentary Fundamentals Programme for Commonwealth Parliamentarians please visit www.cpahq.org/cpahq/cpafundamentals. Applications open for 2019/2020.



To read an account of the latest CPA Fundamentals Programme for CPA Small Branches in partnership with McGill University, Canada by a Commonwealth Parliamentarian from the Isle of Man, please turn to page 72.

CPA Chairperson speaks about enhancing the involvement of Parliaments in international human rights mechanisms at United Nations Forum on Human Rights, Democracy and the Rule of Law in Geneva

The Chairperson of the Commonwealth Parliamentary Association (CPA), Hon. Emilia Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon spoke of the role of Commonwealth Parliaments and Parliamentarians in international human rights mechanisms when she addressed the 2nd session of the United Nations Forum on Human Rights, Democracy and the Rule of Law in Geneva, Switzerland held from 22 to 23 November 2018.

The United Nations Office of the High Commissioner for Human Rights (OHCHR), with the support of the Inter-Parliamentary Union (IPU), organised the Forum on Human Rights, Democracy and the Rule of Law to address the role of Parliaments as promoters of human rights and to share good parliamentary practices on these issues, including the existing and potential challenges for Parliaments and ways to address them.

The CPA Chairperson said to the UN Forum: *"The Commonwealth Parliamentary Association has been developing the ability of Parliamentarians to promote and protect human rights nationally and regionally. As Parliamentarians, we all have a responsibility and a duty as representatives of the people and the voice of the voiceless in ensuring that human rights are placed at the top of the agenda in all aspects of our work, not only by ratifying international conventions but by making sure that our respective governments take a lead in its implementation."*

The CPA Chairperson was accompanied by the CPA Secretary-General, Mr Akbar Khan to the UN Forum where they met with a number of delegates to explore cooperation between the CPA, the UN OHCHR and many other international agencies. The CPA Secretary-General also spoke about the importance of elected Parliamentarians stepping up and democratising human rights for the benefit of their citizens at a joint event hosted by



the Commonwealth Secretariat Human Rights Unit and the Governments of Fiji and Australia in the margins of the UN Forum.

The 2nd session of the United Nations Forum on Human Rights, Democracy and the Rule of Law was chaired by Mr Martin Chungong, Secretary-General of the Inter-Parliamentary Union and the Forum heard from Parliamentarians from Tonga, Bhutan, Tunisia, Benin, Sweden, the United States, Guatemala, Kenya, France, Georgia and the European Parliament.

The CPA recently highlighted the key role of Commonwealth Parliamentarians and Parliaments in implementing the human rights agenda at the launch of a new report titled *'The Global Human Rights Implementation Agenda: The role of National Parliaments'* together with the Commonwealth Secretariat's Human Rights Unit and the Universal Rights Group.

CPA Working Group of Parliamentarians meet in London to review CPA Programmes

The Commonwealth Parliamentary Association (CPA) has hosted an International Working Group of Parliamentarians in London, UK to review the revised CPA Programmes Strategy and programmes activities. The CPA Working Group was chaired by Hon. Alexandra Mendes, MP, Vice-Chairperson of the CPA (Canada Federal).

Members of the CPA Working Group representing the Regions of the CPA included: the CPA Treasurer, Vicki Dunne, MLA (Australian Capital Territory); the CPA Small Branches Chairperson and Speaker of the House of Representatives of Malta, Hon. Angelo Farrugia, MP; the Commonwealth Women Parliamentarians (CWP) Chairperson, Hon. Dato Dr Noraini Ahmad, MP (Malaysia); Hon. Lindiwe Maseko, MP (South Africa); Hon. Clayton Mitchell, MP (New Zealand); Hon. Ms. Tahira Aurangzeb, MNA (Pakistan).

Members of the Working Group heard presentations on CPA Programmes activities from the CPA Secretary-General, Akbar Khan and CPA Headquarters Secretariat staff.



CPA Chairperson at CIS Interparliamentary Assembly in St Petersburg: *'Parliamentarians have a duty to hold governments to account on international humanitarian law'*

The Chairperson of the Commonwealth Parliamentary Association (CPA), Hon. Emilia Monjowa Lifaka, MP (Cameroon) has addressed the 48th Plenary Session of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States in St Petersburg, Russia. The CPA Chairperson was invited by the Interparliamentary Assembly and the International Committee of the Red Cross (ICRC) to address their conference commemorating the 150th anniversary of the St Petersburg Declaration of 1868.

The 48th Interparliamentary Assembly was opened by the Chairperson of the IPA CIS Council, Valentina Matviyenko, Chairperson of the Federation Council of the Russian Federation and was followed by a report from the ICRC President, Peter Maurer. This was followed by an international conference on the *'150th Anniversary of the St Petersburg Declaration: Background to the Adoption and Relevance for Modern Armed Conflicts'*.

The CPA Chairperson said to the conference: *"We, as Parliamentarians, have a duty to hold our governments to account. There can be no greater decision for a government than to use force and to commit its men and women to the conflict zone. In order to fully understand the issues relating to the laws of war, Parliamentarians need to stay up to date on legislation and developments related to international humanitarian law. We also need to ensure that our countries are party to international treaties which govern and regulate the use of force and weapons, and provide for the humanitarian treatment of combatants once captured."*

The CPA Chairperson stressed that Parliamentarians should



pay more attention to the law-making process, current trends and international humanitarian law in their work. The CPA Headquarters Secretariat is working to upskill its membership in the field of international humanitarian law and is currently producing a new Handbook on International Humanitarian Law for Commonwealth Parliamentarians together with the British Red Cross, with the support of the ICRC and the University of New South Wales.

The Commonwealth Parliamentary Association regularly engages with parliamentary assemblies and international organisations to develop new partnerships and cooperation in parliamentary development and the CPA Chairperson's address to the Assembly reinforces these relationships. The Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS) was founded in 1992. The overarching mission is to create a common legal framework for the CIS and international cooperation. The Interparliamentary Assembly is made up of national parliamentary delegations and its Member Parliaments are: Azerbaijan; Armenia; Belarus; Kazakhstan; Kyrgyzstan; Moldova; the Russian Federation; Tajikistan; and Ukraine.



Commonwealth Parliamentarians congratulate outgoing UK Clerk of Parliament on over forty years of parliamentary service ahead of his retirement

Members of the CPA Coordinating Committee met with the Clerk of the Parliament of the United Kingdom's House of Commons, Sir David Natzler, ahead of his forthcoming retirement after a total of 43 years in the service of the House. The CPA Vice-Chairperson, Hon. Alexandra Mendes, MP, (Canada Federal); CPA Treasurer, Vicki Dunne, MLA (Australian Capital Territory); CPA Small Branches Chairperson and Speaker of the House of Representatives of Malta, Hon. Angelo Farrugia, MP; the Commonwealth Women Parliamentarians Chairperson, Hon. Dato Dr Noraini Ahmad, MP (Malaysia) and the CPA Secretary-General, Akbar Khan congratulated Sir David on his outstanding parliamentary service and thanked him for his many years of support for the Commonwealth Parliamentary Association, both in the UK Parliament and internationally.



'We need to build a People's Commonwealth for the 21st century' says CPA Secretary-General at Middlesex University Lecture

The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan has spoken of the enduring nature of the Commonwealth, which comprises a unique network of peoples, civil society and Parliaments as he delivered a Distinguished Lecture to a specially invited audience at Middlesex University in north London on 10 December 2018.

The CPA Secretary-General explored how the Commonwealth's networks, including the 17,000 Commonwealth Parliamentarians in over 180 Parliaments and Legislatures of the Commonwealth Parliamentary Association, mark the Commonwealth out as a uniquely constituted global player. The Commonwealth is the world's oldest political association and is unlike any other international organisation, which enables it to justifiably claim to be a 'People's Commonwealth' which is democratic and diverse in nature.

The CPA Secretary-General, Mr Akbar Khan said: *"The strength of the Commonwealth into the 21st century lies in our shared history and the remarkable genius of the Commonwealth to remain enduring based on its inherent flexibility and agility to changing global circumstances. What is distinctive and unique about the Commonwealth is its people-centred approach. People are not only the beneficiaries of democracy and development but importantly directly contribute to these outcomes as key actors and enablers."*

"The strength of the Commonwealth lies not only in the membership of governments but significantly in its Commonwealth



grouping of peoples, businesses and civil society networks which together constitute the Commonwealth as a unique international family and a uniquely positioned global actor. This breadth of perspectives allows for new and necessary conversations to take place around issues such as global inequality, social and economic rights, the importance of peace-building and climate change."

The lecture was introduced and hosted by the Vice-Chancellor of Middlesex University, Professor Tim Blackman who said: *"We are delighted that Mr Akbar Khan came to talk to students and staff at Middlesex University. We are living in very uncertain times and the CPA's work to support inclusive and diverse parliamentary democracies across the Commonwealth has never been more important. Middlesex is a University that prides itself on its diversity and internationalism. While our students study and live here they meet and collaborate with students and staff from over 140 countries and develop a truly global outlook. These skills will be invaluable to the 'People's Commonwealth' that Mr Khan speaks of in his inspirational lecture."*

Middlesex University's Distinguished Lecture series challenges, stimulates and focuses on many of the 'big picture' issues facing society. These lectures look at the past, present and future of key areas in business, public policy, technology and learning and not only deepen knowledge and understanding but seek to inspire and engage us as free thinkers and contributors.

To read the CPA Secretary-General's lecture titled 'Democracy and Diversity: A People's Commonwealth for the 21st century?' please visit www.cpahq.org/cpahq/speeches.



Commonwealth Parliamentary Association Post-Election Seminar in Grenada focuses on parliamentary democracy, Members' skills development and gender equality

The Commonwealth Parliamentary Association has helped to strengthen parliamentary practice and procedure with a CPA Post-Election Seminar for the recently elected Members of the Parliament of Grenada, held in St George's from 9 to 10 January 2019. The CPA Post-Election Seminar gave Members of the House of Representatives, as well as Members of the Senate of Grenada, an excellent opportunity to develop their skills and gain a better understanding of the parliamentary system and democratic processes in other Commonwealth jurisdictions, particularly from the wider CPA Caribbean Region. Transparent, free and fair elections were held in Grenada on 13 March 2018 with a turnout of almost 74% to elect the new Members, which demonstrated the island's commitment to the democratic ideals enshrined in the Commonwealth Charter.

The Parliament of Grenada is one of the smallest Legislatures in the CPA's membership of over 180 Commonwealth Parliaments and it is located on a small island with a population of 107,000 people. The CPA is the only Commonwealth body that works to strengthen small Legislatures as well as working with larger national, state and provincial legislatures.

At the opening of the CPA Post-Election Seminar, Rt Hon. Dr Keith Mitchell, MP, Prime Minister of Grenada highlighted that he first became a Parliamentarian in 1984 and encouraged the newly elected and appointed Parliamentarians to sharpen their skills. He said: *"Our role and function as Parliamentarians is not one to be taken lightly. It is a noble calling to be able to serve our country at this level and it is important that we properly equip ourselves to do the best job possible. For those of us who are seasoned politicians, it is important that from time to time, we take advantage of opportunities to sharpen our skills and broaden our knowledge base. For our newly elected Parliamentarians, especially those with the advantage of youth, this seminar provides an invaluable opportunity to get better acquainted with parliamentary procedures and expectations. I must express my appreciation to the Commonwealth Parliamentary Association for initiating this important Post-Election Seminar. It is almost a decade since Grenada would have benefitted from such an initiative. It is timely, it is fitting, and we are immensely grateful."*

Hon. Michael Pierre, MP, Speaker of the House of Representatives of Grenada and Hon. Chester A. A. Humphrey, President of the Senate, both gave opening remarks and chaired sessions throughout the two-day seminar. Hon. Chester A. A. Humphrey explained that despite only one political party being represented in the House of Representatives (or lower house), that there are many active voices within the Parliament through the Senate (upper house). He said: *"Grenada provides a unique experiment in parliamentary democracy and this seminar provides Members with an opportunity to become more effective in promoting democratic principles and good governance. Members will become more confident and better able to discharge their parliamentary and constituency responsibilities."*

Regional experts attended the seminar to share their knowledge



and experience with Members of the Grenada Parliament. Senator Hon. Alincia Williams-Grant, President of the Senate of Antigua and Barbuda presented on the separation of powers between the Legislature, the Executive and the Judiciary and on the impact of parliamentary privilege on Members. Ms. Jacqui Sampson-Meiguel, Senior Clerk and CPA Branch Secretary at the Parliament of Trinidad and Tobago demonstrated her extensive knowledge with contributions on the Parliamentary Committee system and parliamentary procedures.

The Grenada House of Representatives also has one of the highest representations for women Members in the Commonwealth following the recent election (second in the Commonwealth at 46.7% women Members) and the CPA Post-Election Seminar session on 'Women in Parliament' generated a lively discussion amongst Members on gender equality. Mr Adrian Francis, Clerk of Parliament and CPA Branch Secretary for the Parliament of Grenada as well as local Members from the Grenada Parliament also contributed to the seminar sessions.

The CPA Secretary-General, Mr Akbar Khan, who was represented by Mr Jarvis Matiya, CPA Director of Operations at the seminar in Grenada, said: *"The CPA is pleased to partner with the Parliament of Grenada to support the strengthening of democratic governance in one of the smaller Parliaments of the Commonwealth. The CPA Post-Election Seminar has demonstrated the CPA's commitment to our Small Branches and to the mutuality of learning among CPA Members. We must always seek opportunities to strengthen Parliament, nurture public trust in the institution and build the capacity of its Parliamentarians through programmes like the CPA Post-Election Seminars."*

Following a CPA Post-Election Seminar, Members of Parliament become more effective at promoting democratic principles and good governance as well as gaining an understanding of Commonwealth values and principles. Members of the Legislature are also more confident and better able to discharge their parliamentary and constituency responsibilities.

During the CPA Post-Election Seminar, the visiting CPA delegation and Resource Team also had the opportunity to visit the newly opened Parliament of Grenada to see the modern facilities and contemporary chamber.

For images of the CPA Grenada Post-Election Seminar please visit the CPA Images Album on Flickr: www.cpahq.org/cpahq/flickr.



HISTORY OF THE COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP)

Celebrating the 30th anniversary of the Commonwealth Women Parliamentarians, the first elected CWP Chairperson reflects on the 30 year history of the CWP.



Hon. Lindiwe Maseko, MP is a Member of the Parliament of South Africa and was the first elected Commonwealth Women Parliamentarians Chairperson (2004-2007). She is also a former Chairperson of the CPA Africa Region. She was the first woman head of the Gauteng Legislature. She was exposed to politics during the 1976 Soweto Uprising, and played a role in the 'Women Against Repression' organisation in the 1980s. She served in leadership positions in the Africa National Congress (ANC) Women's League.

Background

One would like to congratulate the Commonwealth Women Parliamentarians (CWP) on the 30 years of existence and the strides it has taken in its journey, having been referred to as a 'Group' in its inception and known as the Commonwealth Women's Group. (I will later come back to this history).

While South Africa was one of the founder members of the Commonwealth Parliamentary Association (CPA) together with Australia, Canada, Newfoundland, New Zealand and the United Kingdom, it has done well in the area of women's representation in Parliament. When South Africa attained its democracy in 1994, it was rated at number 144 on the index of women's representation in Parliament. Today the Inter-Parliamentary Union (IPU) rates South Africa at number 10 on the index of women representatives in Parliament.

The phases of the struggle for liberation in South Africa and the milestones achieved in different epochs of liberating women from the protracted structural challenges of race class and gender have laid the firm foundation, and remains the bedrock to which I draw enormous experience and the zeal to share and fight for the place or representation of women within the global political landscape and the Commonwealth Parliaments in particular. These milestones which bear the seeds that germinated in the Commonwealth women's struggles include the 1991 African National Congress

Conference, at which ANC women demanded 30% women representation first in the National Executive Committee, then cascaded to all its structures. While women did not attain the said 30% at that Conference, however, they made a mark and were able to attain this in the ANC 1997 Conference.

Subsequently, in 2007, the African National Congress Conference adopted the resolution of 50% women's representation in all its structures and in government and other state institutions. As a consequence of the strides made through such conferences, South Africa's ratings on women's representation globally stands at number 10 in the world index.

Evolution and genesis of women's representation in the CPA

The early struggles for women's representation in the CPA began in 1989 from an informal meeting of women Parliamentarians held at the 35th Commonwealth Parliamentary Conference held in Barbados in 1989, initiated by Senator Norma Cox Astwood (Bermuda). For the first year, and for the part of the second year, Senator Cox Astwood acted as Co-ordinator for the women's caucus. It is largely to her efforts that the CWP came into existence and that the initial momentum was maintained.

The turning point on the women's struggles in the CPA was in 1996 during the 42nd Commonwealth Parliamentary Conference held in Malaysia.

At that conference, women delegates signed a petition demanding representation of women at the CPA Executive Committee. This conference will always go down as one of historic epoch in women struggles given that it resulted in the election of the first woman as Chairperson of the Association, that being Hon. Billie Millar from Barbados. Following the election of a woman at the helm of the CPA leadership, this gave political will and enthusiasm for women to want to achieve more and transform the gender perspective within the CPA.

In 1997 during the 43rd Commonwealth Parliamentary Conference in Mauritius, the word 'gender' was for the first time included in the preamble of the Constitution of the CPA. In 1998, during the 44th Commonwealth Parliamentary Conference

"The first priority of the new CWP Chairperson was to look at how to devise a strategy to increase women's representation in Commonwealth Parliaments. The Commonwealth Heads of Governments Meeting agreed to ensure 30% representation in all Commonwealth Parliaments by 2005."



Chairpersons of the Commonwealth Women Parliamentarians (CWP)

The first informal meeting of women Parliamentarians was held in 1989 at the 35th Commonwealth Parliamentary Conference held in Barbados, initiated by Senator Norma Cox Astwood (Bermuda). For the first year, and for the part of the second year, Senator Cox Astwood acted as Co-ordinator for the women's caucus. In 1996, the group of women Parliamentarians within the CPA came into formal recognition as the Commonwealth Women Parliamentarians (CWP) under a series of appointed CWP Chairpersons between 1996 and 2004 when the first CWP Chairperson was elected.

- Hon. Lindiwe Maseko, MP (South Africa) – Chairperson of the Commonwealth Women Parliamentarians (CWP) from 2004 to 2007
- Ms Kashmala Tariq, MNA (Pakistan) – Chairperson of the Commonwealth Women Parliamentarians (CWP) from 2007 to 2010
- Hon. Alix Boyd Knights, MHA (Dominica) – Chairperson of the Commonwealth Women Parliamentarians (CWP) from 2010 to 2013
- Rt Hon. Rebecca Kadaga, MP (Uganda) – Chairperson of the Commonwealth Women Parliamentarians (CWP) from 2013 to 2016
- Hon. Dato' Dr Noraini Ahmad, MP (Malaysia) – Chairperson of the Commonwealth Women Parliamentarians (CWP) from 2016 to 2019

The Chairperson of the Commonwealth Women Parliamentarians (CWP) is elected for a three-year term at the CWP Business Meeting that usually takes place at the triennial conference of the Commonwealth Women Parliamentarians (CWP). The CWP Chairperson is elected by the women Parliamentarians as delegates to the Commonwealth Parliamentary Conference.

organised in New Zealand, the name Commonwealth Group was changed into the current name, Commonwealth Women Parliamentarians (CWP) as an organ of the Association. Following these events, in 2003, I was elected as Acting Chairperson of the CWP for a period of one year whilst the Constitution of the CPA was being amended. Eventually in 2004, I was formally elected at the 50th Commonwealth Parliamentary Conference in Canada as the first Chairperson of CWP for a three year period (2004-2007).

Early stages of CWP work on women's representation

The first priority of the new CWP Chairperson was to look at how to devise a strategy to increase women's representation in Commonwealth Parliaments. The Commonwealth Heads of Governments Meeting agreed to ensure 30% representation in all

Commonwealth Parliaments by 2005.

It is perhaps imperative to indicate that this was a resolution emanating from the *Harare Declaration* at a Commonwealth Heads of Government Meeting (CHOGM) held in 1991. It is also important to highlight that within the regions of the Commonwealth; the Pacific was the most adversely affected as there were then no women elected in most Parliaments in that region. We collaborated with the Commonwealth Secretariat, the United Nations Development Fund for Women (UNIFEM) amongst others and conducted workshops to intensify advocacy work for women's representation and gender equality and awareness in those societies.

These workshops further enhanced my insight on gender struggles and enabled one to effectively use the experience

attained from the African National Congress in South Africa for the realisation of confronting gender challenges in the Commonwealth and beyond. One such vivid moment which still reflects in one's mind was the inclusion of men in the workshops and other gender activists who were outside the parliamentary space. Certain interesting moments relate to engagements which took place in Tonga where male Members of Parliament, the Nobles and gender activists were invited to participate in the workshops. In such engagements one male Member of Parliament held a view that there shouldn't be a challenge or impediment for women to be elected because everyone is at liberty to campaign for their own seat in Parliament. It was at this workshop that women began to reflect on patriarchal, social, political, economic and

cultural mal-practices which give women an unfair disadvantage and prohibit their meaningful participation in society.

These include the following:

- The prevalence of the masculine model of politics and of elected government bodies, which feeds an environment where political life is organised according to male norms and values and in some cases even male lifestyles. For example, politics is often based on competition and confrontation rather than on systematic collaboration and consensus.
- The lack of party support in certain instances is characterised by limited financial support for women candidates if any, limited access to political networks and the more stringent standard and qualifications applied to women.





Image: CPA/Nina Hollington Photography

Above: Commonwealth Parliamentarians gather for the 5th triennial Commonwealth Women Parliamentarians Conference in December 2016, held in the margins of the 62nd Commonwealth Parliamentary Conference in London, United Kingdom.

- The lack of access to well-developed education and training systems for women's leadership in general and for orienting young women towards political life.
- The lack of political will to promote women's rights and women's participation in politics.
- Conflicts and wars in different societies result in women as the most affected victims.
- The nature of some legislative systems, their rules and procedures are not favourable to women, including the starting times of House Sitting which do not accommodate young family life.
- The nature of the electoral system may or may not be favourable to women candidates.

Having been convinced and enlightened through discussion, this particular male MP then committed himself to assist one female candidate to campaign during 2012 elections in Tonga. Indeed, the outcome of that campaign culminated in the election of one woman in Parliament.

I must indicate that in my experience as Chairperson of the Commonwealth Women's Parliamentarians, I have always observed that women who emerged to power through *First Past the Post* electoral systems are not always in favour of a quota system for women. These women feel that they have worked hard to establish themselves in the political realm and that quota systems are to an extent unfair towards women who are already in power.

This could retard the promotion of women's participation in politics. The other experience is that countries where political power was attained through wars, liberations and struggles, tend to do better when it comes to equality and recognition of women (e.g. South Africa, Mozambique, Rwanda, Uganda and Tanzania to name but a few). One must indicate the fact that quotas are meant to be a mechanism to redress an imbalance and must also be coupled with capacity building mechanism, they may be phased out when the set goal has been achieved.

Conclusion

Having taken a moment to reflect on the path we have traversed to bring the question of gender equality to the fore with the context of the CWP evolution, a lot has been achieved, but there are still more challenges that lay ahead of us to dismantle the system of patriarchy. As such, this requires a concerted effort of both sexes and the inclusion of all the stakeholders for the confrontation of challenges facing women in Parliament and those who aspire to be in Parliament. This should not be a rhetoric, it must find expression in both legislation and budget planning, and in the allocation of resources for the process of Parliament.

The current CPA Masterclasses on gender equality must be pursued to advance gender advocacy and integrate them in the curriculum of our institutions of higher learning. Constant engagement with Heads of State within and outside Commonwealth Heads of Government Meetings should be encouraged and be held accountable to their commitment of ensuring 30% women's representation in all Parliaments of the Commonwealth. The Commonwealth Women

Parliamentarians remains an important vehicle of championing the struggles of increasing women's representation and ensuring gender parity within the Commonwealth and beyond.

To this end, I would like to salute the women Parliamentarians who in 1989 had the vision and courage to fight for women's rights and recognition of women within the Commonwealth and beyond - Senator Norma Cox Astwood and those women who were with her in 1989. All the Chairpersons until 2003 and elected Chairpersons who succeeded me. One believes that we have capable women that will ensure that talking about women's election and representation will eventually be a way of life and not one to fight for, as men and woman within Parliaments and beyond will continuously be educated and conscientised on gender related matters.

In my country we say "*Wathint' abafazi, Wathint' imbokodo* (You struck a woman, you struck a rock)." *Forward to the women's struggle; Forward to the Commonwealth Women Parliamentarians!!! I thank you.*

COMMONWEALTH WOMEN IN POLITICS: PROGRESS ON GLOBAL CHANGE



Rt Hon. Harriet Harman, QC, MP has represented the diverse inner-city London constituency of Camberwell and Peckham in the UK Parliament since 1982. In 2017, Harriet became the longest serving continuously serving woman MP, becoming 'Mother of the House of Commons'.* Harriet was the elected Deputy Leader of the Labour Party from 2007-2015, was appointed Shadow Deputy Prime Minister in 2010-2015 and has twice served as Interim Leader of the Labour Party in 2010 and 2015.

The Commonwealth Parliamentary Association (CPA) plays a uniquely important role in bringing together MPs who are from very different countries with very different backgrounds, but who share the same commitment to democracy and equality. And, more often than people would think and certainly with women MPs across the Commonwealth, we find we are facing common problems.

It is 100 years since the first women in the UK won the right to stand for Parliament. And all around the Commonwealth, and indeed the world, women have fought to be in their Parliaments and to be in there on equal terms with the men.

And women MPs are breaking down barriers. The late Benazir Bhutto, Prime Minister of Pakistan, was the first woman to give birth in office nearly 30 years ago and the first woman Prime Minister in the Islamic World. Following her assassination in 2008, the women in Pakistan's Parliament set up a women's caucus in her memory. The caucus has spearheaded legislation strengthening the rights of women at work, set up rights commissions and run voter registration drives signing up hundreds of thousands of women. As a strategy it became a site of consensus building across party lines, and it involved their male colleagues too.

Women in New Zealand were the first in the world to win the right to vote in 1893. And now New Zealand has elected the second woman Prime Minister to have a baby while in office – and the first to take maternity leave –

Rt Hon. Jacinda Ardern, MP.

Now, Bangladesh has a woman Prime Minister, Hon. Sheikh Hasina Wazed and their first woman Speaker of Parliament, Hon. Shirin Sharmin Chaudhury, MP (who is also a former CPA International Chairperson). Zambia has a female Vice-President, Inonge Mutukwa Wina and Minister of Finance, Margaret Mwanakatwe.

The past 100 years has seen nothing less than a transformation in women's legal rights, in our role in the home and the family, our involvement in the world of work and our participation in politics. It's been a social, economic, political and personal revolution. But it didn't just come down with the rainfall. It wasn't a natural process of evolution – we had to fight for it. So, a massive pat on the back for all of us women MPs. We are all pioneers. Though it is right that we celebrate the progress we have made, we are still, as women in politics, striving to make progress in what remains largely a man's world.

Once elected, a woman is expected to quickly produce results for other women and also faces bigger obstacles to achieving that progress.

A woman MP enters an institution where she is in a minority. Getting change in an institution, when you are a minority, is hard. Women remain invisible to Parliament's procedures in many ways. The rules have been made for Parliaments of men and as more

women come into Parliaments we need to change the rules.

Here in the UK Parliament in January 2019, we have finally voted to allow new MP mothers and fathers (and those who are adopting) to be able to choose a fellow MP to cast their vote for them while they are caring for their child.

When I was elected in 1982, the UK Parliament was 97% men. We are now 32%

"The past 100 years has seen nothing less than a transformation in women's legal rights, in our role in the home and the family, our involvement in the world of work and our participation in politics. It's been a social, economic, political and personal revolution. But it didn't just come down with the rainfall. It wasn't a natural process of evolution – we had to fight for it. So, a massive pat on the back for all of us women MPs. We are all pioneers."



women Members. Today, women make up just 24% of global Legislatures and remain outnumbered by men 3 to 1. In India, they are using a Girls' Parliament to help ensure girls embrace the idea that politics is for women too. The Girls' Parliament is elected and has its own PM and Cabinet.

Wherever we are, women MPs all find challenges in combining our role in the family with our political responsibilities. We still do the majority of looking after children and elderly relatives.

Some women MPs have fewer children than they would have wanted because of finding it a struggle to combine their political duties with their family responsibilities. Some women find that their husband struggles to accept their role in public life. One MP at our *Women MPs of the World Conference* in November 2018,** told us that her husband said she must choose between her marriage or her politics. Her choice was politics but when she became successful he relented, becoming happy to share the limelight.

In some countries, as soon as the woman is elected she is expected to provide financially for all her relatives in her extended family.

Many women MPs find that they are overtly discriminated against – some have reported not being called to speak and not being able to sit on Committees let alone chair them. They spoke of being criticised for their appearance including having the *'temerity to wear lipstick'*.

In many countries, women complain that there is abuse and manipulation of the quota systems designed to support women MPs. This ranges from men putting their wives, girlfriends, mothers or sisters into quota seats so that they can control them to the example from one country where men themselves are occupying the women's quota seats. Hon.

Nafisa Shah, MP told the conference that in Pakistan the list system had become the basis of the very discrimination that we challenge. *"Our male colleagues call such seats 'charity seats' and remind women every day that they are not the real representatives."*

Virtually all women MPs face opposition to their participation in public life. This ranges from abuse online, to threats in person and threats to our families. Threats and violence are a determined attempt to drive women out of politics. We all face a backlash, because, deep down, the attitude of some is still: *"Why are women out there speaking in public? Shouldn't they be at home looking after their husband? Shouldn't they be in the kitchen? Why are they in Parliament?"*

The more women there are in politics, the more misogynists feel under threat and respond with greater abuse and violence. Every time a woman MP takes steps forward, there are people trying to push her back, so we have to be persistent.

Jessie Kabwila, the Malawian woman who spoke at the *Women MPs of the World Conference* told us that any woman in Malawi who strives to break through the glass ceiling is taunted with criticisms of the mistakes of the first woman Prime Minister, Joyce Banda, as if having a woman Prime Minister was a bad experience that shouldn't be tried again: *"It is not as if all men have always done the right thing. They have made so many mistakes, but nobody says that no man should ever be President again. We need to plan for the backlash."*

In the age of the internet, social media offers great opportunities for women MPs to communicate with their constituents and to campaign together. A woman at home with a baby can talk to women all around the country. But social media is also now a vehicle for misogynists organising against women, intent on threatening and



Image credit UK Parliament/Jessica Taylor.

abusing women who have the temerity to venture into public life.

There is still a reluctance among women MPs to reveal the full extent of the abuse and threats they - and their family - are subjected to. We fear that if we complain we'll be seen as weak, only concerned about ourselves, not about our constituents. But threats to women MPs are not because we are weak and they are not just unwarranted attacks on individuals. They are an attack on our democracy.

Voters are entitled to elect whoever they want. Once that person has been elected they should be able to get on with their job without threat or hindrance. I think it is important that we say to ourselves and to one another that that is not something that we should just expect, or that is normal or an occupational hazard. We have to speak out about it, because they are attacks not only on us but on our democracy.

When I was first in Parliament the political agenda was all *"money supply, motorways and mines."* We handful of women were urged not to 'bang on' about women's issues or we'd be seen to be narrow, not part of the mainstream, not serious politicians. But we, women MPs, insisted that there should be a change in what is seen as the political agenda - that it should include maternity leave, and tackling domestic violence, that we should make progress on unequal pay.

And this is happening throughout the Commonwealth.

Above: Rt Hon. Harriet Harman, MP speaks in the UK Parliament's House of Commons at the Women MPs of the World Conference which brought together women Parliamentarians from across the world. Please turn to page 68 for a full report.

In Sierra Leone, they have run a voter education campaign for women and Nigeria has recently established a Women's Caucus in Abuja's National Assembly. In Canada, they have passed the *Gender Budgeting Act*, which enshrines in law the Government's policy of applying a gender-based analysis-plus lens to federal budget processes, and introduced the *Pay Equity Act* – bringing equal pay for equal work and legislated to make corporate boards publicly declare who is on them, to increase representation.

In South Africa, the woman Minister for Small Business Development, Lindiwe Zulu, has made it so that 50% of all programmes in her department go to women. Bangladesh has legislated to include the mother's name on children's passports as well as the father's, and introduced six months' maternity leave with pay.

In the UK, when the gender pay gap reporting provisions of the *Equality Act 2010* came into effect in April 2018, no one could carry on denying the extent to which women remain unequal in the world of work. It was clear that 8 out of 10 employers still pay their

men more than their women. And that this is the case in all sectors, including those such as retail, which would not exist without women's work. Most women always knew that pay was unequal but if they raised it, they were fobbed off, told they were imagining it or - worse still - labelled as a 'trouble-maker'. By exposing the facts in each workplace, women are empowered to demand change. It robs employers of the ability to block change by denying the existence of the pay gap. It strips away the secrecy on which discrimination thrives. Women employees will be able to see if their managers are, year on year, making progress to tackle the pay gap and at what rate. But it's not just for women, management and unions - it's for government to set targets for each government department and across the public sector, and to gear up the machinery to tackle the gap in the private sector.

We need further progress

“Voters are entitled to elect whoever they want. Once that person has been elected they should be able to get on with their job without threat or hindrance. I think it is important that we say to ourselves and to one another that that is not something that we should just expect, or that is normal or an occupational hazard. We have to speak out about it, because they are attacks not only on us but on our democracy.”

on tackling domestic violence, and in particular the scourge of domestic homicide. We need a major drive on prevention. Domestic homicide rarely happens out of the blue. Public services and agencies need the focus and resources to respond to the warning signs. We've got a Domestic Abuse Bill coming up in the UK. I am proposing we do for refugees what we've done for international development and in that Bill set a legal obligation on the government to spend a percentage of GNI every year on refugees. It would be a drop in the ocean of the public finances but stability for a vital service.

In Uganda, where there is a quota for 30% of leadership positions to go to women and 34% of their Parliament are women, they have passed a multi-agency *Domestic Violence Act* bringing together courts, healthcare workers, councils and police to protect women and to provide protection orders for survivors to safely leave their homes. They have also passed a *Prohibition of Female Genital Mutilation Act* to outlaw the practice, punish offenders and place a duty to report on every citizen.

Many Commonwealth countries are bringing in tough new laws on women's safety and harassment - at home, at work and on the streets. And in Parliament too - some younger women MPs have reported being sexually harassed by older male Members of their legislature. Canada, for example, has recently made changes to their labour code to address harassment and the Government has committed £50 million for education and legal support for victims of sexual harassment in the workplace.

We have learnt many lessons from this decades long fight. Change is possible, but it needs resilience and persistence, because it is never accepted with equanimity by those who hold power. There will be backlash which is often very personal and threatening in nature. Change, no matter how



Image credit UK Parliament/Jessica Taylor.

well argued for and justified takes years to achieve. Women who propose change will be criticised as awkward, aggressive and abnormal. But women sticking their neck out for change will always have the support of millions of women who, like them, rail against unfairness and face discrimination in their own lives. We know it is not possible to make change as a woman acting alone, it is the solidarity of women working together around the world, inside and outside Parliaments, which has forced progress.

Women MPs around the world are working together on a cross-party basis through women's caucuses to press forward our demands, to undertake legislation to benefit women in our countries and to drive women's issues up the political agenda. And we must win the support of and work with men. Support of male MPs sympathetic to the feminist cause is invaluable and there are growing numbers of men prepared to back women in political leadership. Where there is a male leader who explicitly commits to equality of women in politics, it makes a transformatory difference - not only are women brought into decision-making but they are then supported rather than undermined in their work.

Canada has a male Prime Minister, but one who specifically avows feminism. Hon. Bardish Chagger, MP, the first woman Government Leader in the House of Commons in Canada said Prime Minister, Rt Hon. Justin

Trudeau, MP *"set the tone early for the Government of Canada, when he appointed the country's first gender-balanced Cabinet in 2015. It changed the conversation, and the quality of our legislation is better for it."* Today, women represent 45% of the Senate of Canada.

But women must remain in the leadership of the quest for progress for women in politics.

For men MPs there is a well-developed international network, but that is not the case for women. Most global summits are male-dominated or even men only. But there is now an emerging global network of committed women who want to work together for progress for each of our countries and for all of our people. Women in politics are the new force for global change and it is the CPA, and the network of Commonwealth Women Parliamentarians (CWP), together with the committed support of the CPA UK Branch's representative, Roberta Blackman-Woods, MP, which is leading the way. *Happy 30th anniversary CPA Women!*

**Rt Hon. Harriet Harman, MP is the current 'Mother of the House' in the UK Parliament as the longest continuously serving woman MP, first elected in 1982.*

*** The Women MPs of the World Conference took place in the House of Commons Chamber at the Parliament of the United Kingdom on 8 November 2018. Please turn to page 68 for a full report.*



“MADAM, DO NOT SIT THERE, THAT SEAT IS FOR THE MINISTER”

A personal account of the political and parliamentary experiences of the first woman Speaker of the Parliament of Uganda Parliament and one of the first women Ministers in Uganda.



Rt Hon. Rebecca Kadaga, MP is the Speaker of the Parliament of Uganda and a former Commonwealth Women Parliamentarians International Chairperson. She is also the CPA President Designate as the host of the 64th Commonwealth Parliamentary Conference due to take place in Uganda in September 2019, which will include the 6th triennial Commonwealth Women Parliamentarians (CWP) Conference.

In 1996, after the general elections, I was appointed as a Minister of State, Regional Cooperation in the Ugandan Ministry of Foreign Affairs. I had previously been a backbencher for the period 1989 to 1995, in the National Resistance Council. The Ministry was majorly responsible for the Africa Region and the Middle East.

The period in the early eighties to mid-nineties was volatile in the African Region, especially in the Great Lakes Region, the return of the Rwanda/Diaspora triggering a genocide that lasted several days, the turmoil in Burundi when an elected Head of State, Melchior Ndadaye was assassinated shortly after taking office, the instability and political upheaval after the overthrow of Mobutu Sese Seko, then President of the then Zaire (today the Democratic Republic of Congo) and the invasion by the Banyamulenge into Eastern Congo amongst many others.

This kept us Ministers of Regional Cooperation on the move to different countries, where our leaders had instructed us to do some preparatory work for their summits. At the time, my colleague Ministers in charge of the region were Col. Jakaya Mrisho Kikwete, Minister of Foreign Affairs, later to become President of the United Republic of Tanzania (2005 – 2015); the late Hon. Nicholas Biwott from Kenya; Hon. Kalonzo Musyoka, then a Minister, who later became Vice-President of Kenya (2008 – 2013).

In late 1996, the Uganda Head of State, Mr Y. K. Museveni was due to undertake a state visit to neighboring Kenya and as the

Minister of State, I was sent ahead as the advance party to oversee the preparations. As Ministers, we were invited to receive the report of the Technical Committee of the two states. I walked into the room and proceeded to sit behind the Uganda Flag; then quickly a Protocol Officer from the host country rushed to me and said “Madam, do not sit there, that seat is for the Minister.” I told him that I was the Minister. Not satisfied, he walked towards the Uganda Chief of Protocol, then Stephen Nabeta, to inquire if what I had said was true. Of course, the Chief of Protocol confirmed that I was a Minister and the Head of the Uganda Delegation. He then continued looking at me suspiciously until the end of the meeting. In 1996, in the East African Region, women being Ministers was a novelty in the highly patriarchal society.

At the local level, in Uganda, there had been only one other foreign Minister, Princess Elizabeth Bagaya of Tooro in the Idi Amin era in the 1970s. Therefore, my appointment was a surprise even to the people of Uganda. There was no induction for the Ministers; we were sworn in and went straight to work. The work involved a lot of reading to understand the nature of conflicts, relations, outstanding commitments, of the different states that we had to interact with.

My first experience of a Cabinet sitting (then held each Wednesday) was a bit dramatic as well. I entered the Cabinet room and saw an empty seat next to the Chair of the Cabinet (the

President) and sat down. Very quickly, someone came to me and informed me that the seat was reserved for the Deputy Prime Minister and that the hierarchy required that junior Ministers sit very far from the Head's Chair. Apparently, the sitting went according to hierarchy and seniority. Of course, no-one had guided me on this protocol!

I went about my duties with gusto, both in and out of the country. I was not aware that my visibility and exposure were making some of our leaders uncomfortable. Returning from a meeting of the East African Community Council of Ministers in Arusha, Tanzania, in April 1998, we had agreed to simultaneously launch the Draft Treaty of East African Cooperation at 11.00 hours in Nairobi, Dar-es-Salaam and Kampala. As I was writing my speech for the launch in the early evening, a Cabinet reshuffle was announced. I had been transferred to the Ministry of Works as Minister of State in charge of Aviation and Transport (a hitherto non-existent portfolio). I was in a dilemma, whether to proceed with our agreed plans as Regional Minister and launch the Draft Treaty or abandon the exercise. I decided to go ahead because the launch plans had been made in the three countries. When I arrived at the Ministry of Foreign Affairs, the staff were equally downcast and uncomfortable and did not know how to relate to me. But we nonetheless went ahead with the launch, although my heart was not in it. Because, the portfolio to which I was transferred had no budget, no office and no staff, I had

nowhere to work from.

I was also told that I needed to return the official government vehicle to the Ministry of Foreign Affairs. Resolving my transfer took about three months during which time I operated under a veil of uncertainty.

I hardly spent a year in the Ministry of Works, nevertheless, I had just designed an aviation programme to improve the airports and aerodromes in Uganda to promote tourism and had just started a review of the Civil Aviation Regulation when I was swiftly transferred to the Ministry of Parliamentary Affairs to manage the legislative and other programmes in Parliament. This continued until 2001 when after the elections, I was elected Deputy Speaker of the House, where I would serve for the next ten years (2001 – 2011) before being elected as Speaker of Parliament in 2011.

Joining Parliament

Being elected to Parliament in April 1989, together with 39 other women Members was an equally new experience. This was the first time that Uganda had so many women in Parliament. We brought our professional experience to the Plenary – at that time we had no Committees. Again, unlike today where Parliament organizes an induction and orientation for new Members, we were thrown in at the deep end; we had no role models, the last woman Member of Parliament was Teddy Odongo-Oduka who had been appointed Deputy Minister for Health. Prior to that, there were two women Ministers in the Amin era; Elizabeth Bagaya as Foreign Affairs Minister and Mrs Mary Astles Senkatuka as Minister of Culture, but at the time, there was no Parliament and therefore no role models for us.

One of my first tasks as a newly elected Member of Parliament was to carry out a base-line survey, first for the health facilities in the entire district, then comprising the five counties. I was so shocked and nearly resigned as an MP when I was

confronted with dilapidated health facilities (e.g. at Nankandulo HC IV), where I found patients sleeping on the floor and when I asked why they were on the floor, I was told that they had been ‘admitted’ to hospital. On looking at the hospital beds, I saw beds with broken springs that did not even have mattresses! By the time, I completed the tour, I was not sure that I had taken the right decision to represent all these people, the status of health delivery was daunting!

I was in for greater shocks when I visited the schools. For the first time in my life, I saw school children sitting on boulders (stones) and using their knees as ‘desks’ for writing (e.g. at Panyolo Primary School – Gadumire Sub-county in Kamuli). These students would be expected to compete at the Primary Seven Leaving Exams with students in the urban areas who sat at desks and had proper chairs.

I also witnessed a signpost for ‘Iringa Primary School’ but there was not a single building at the school only several large trees. I lobbied the then Chinese Ambassador to Uganda for funds to assist in constructing some classrooms as well as teacher’s accommodation at Iringa. I was jolted into action on health and in a few months, I had lobbied the ‘German Volunteer Service’ which not only rehabilitated some of the major health centres (including Nawaikoke, Namugongo, Kidera, Nankandulo, Namasagali and Kamuli Main Hospital) but also provided personnel (German volunteers) to manage them!

I also purchased seats and desks for over 100 primary schools. It was a small drop in the ocean, taking into account the magnitude of the problem, but it was the start of positive action as a Member of Parliament.

These experiences inspired me to continuously lobby and speak in the Plenary about the need to address the status of social services in my Kamuli Constituency as well as the rest of the country.

I also supported the construction



Image credit: Adam Jan Fiegel/Shutterstock 790129573

of a new girls’ secondary school in my constituency, to assist the children in the district to access secondary education. Today, Kamuli Girls College has grown to national status. Along the way, I lobbied the British High Commissioner to Uganda, Mr Michael Cook, who donated £35,000 in funds to construct a girl’s dormitory that accommodated over 200 girls; and I lobbied MTN, the telecom company, to supply 100 double-decker beds for the girls. The Government of Uganda came in to construct laboratories and some classrooms. Many students have been able to access university education through Kamuli Girls College!

In the last 7 years, my campaign and focus in addition to the above has been the provision of clean drinking water to the communities (with over 75 boreholes installed), additional classroom infrastructure to over 28 schools as well as the completion of seven classroom buildings for three sub-counties that did not have any infrastructure at Isingo Primary School, Namwendwa sub-county; Nawankofu Primary School in Namasagali sub-county; and Bulemezi Primary School in Balawoli sub-county. Enrolment in each of these schools has risen from less than 100 to between 900 and 1,200 pupils at each school.

In addition, 2 years ago, I engaged in the provision of television screens in over 20 villages to keep the community up-to-date and informed about current events; another 11 sets were donated to secondary schools to improve on their

learning and exposure.

In the last 16 years, when I served as Deputy Speaker and then Speaker of the Uganda Parliament, I have been active at the Inter-Parliamentary Union as well as with several roles in the Commonwealth Parliamentary Association.

I am glad that I was part of the lobby within the Member states of the IPU that has contributed to significant steps being taken especially with regard to representation of women in decision making. Notable is the right to vote and stand for elective office at different levels in the Kingdom of Saudi Arabia; the election of several women Speakers in the Arab World (e.g. the United Arab Emirates, Dr Al Qubaisi amongst others) and most recently, changes in the State of Qatar that have now enabled women to attain public office in Legislative Councils. This was achieved in my tenure as the Chair of the Committee on Democracy and Human Rights, as an Executive Committee Member of the IPU and Member of the Gender Partnership Group.

Within the Commonwealth, I had the opportunity to chair the Commonwealth Women Parliamentarians (CWP) Africa Region for 3 years during which the campaign for the enhancement of women’s representation in decision-making in the African Continent gained momentum. One of the strategies was to identify the countries with poor representation, which were heading for elections within two years, so that the political and other leaders could be



engaged to facilitate the necessary changes in the Constitution, the electoral laws, as well as the party structures. I have just returned from Ghana in December 2018, where I engaged the National Leaders, Speaker of Parliament, the majority and minority levels to address the appalling situation in terms of women's representation; they will be holding elections after two years.

I also had the opportunity to serve as the Commonwealth Women Parliamentarians International Chair where I visited the CPA Caribbean Region, British Islands and Mediterranean Region, Canada Region (which has relatively good representation for women) and parts of West Africa, on the same mission of improving the representation of women in Parliament at the heart of the CWP's work.

Speakership

I served as Deputy Speaker of the Uganda Parliament from 2001 to 2011 (two terms). During that time, I also undertook a Masters Degree Course in Women's Law at the University of Zimbabwe. This degree course and the 1st Class Diploma that preceded it gave me further exposure about the law and its social impact.

I was so enthralled by the need to create awareness for women's rights. I began by proposing to my senior, the need to create a Standing Committee on Women issues in Parliament. The matter was sent to the Attorney-General for advice by my senior colleague; however the reply from the Attorney-General was that the Committee was not necessary, and that *"if I had nothing to do with my time, I should go to the Plenary and participate in the debate."*

I am however, very happy that we now have an all-party women's caucus, that has been instrumental in crucial legislation.

In 2006, when I indicated that I wanted to be the Speaker in the next Parliament, there was a rebuff from within my party. I was told that my candidature was disrupting the social and religious stability in the country as I was seeking to replace a senior

Catholic in the national hierarchy!

Another Member of the Party told me boldly that *"the post of Deputy Speaker was enough for me"* and I should not expect any support. I reluctantly abandoned my campaign and waited for an opportunity after the 2011 General Elections.

In February 2011, as soon as the results were declared, I went to meet the President of the country, who also happened to be the Party Chairperson (National Resistance Movement Party) and briefed him that I had listened to party advice last time, but I was determined this time to vie for the post of Speaker of Parliament. I also got a list of the recently elected Members of Parliament and placed personal calls to each of them, congratulating them and seeking for their support for the Speakership in May 2011. Indeed, the strategy worked and the Members unanimously backed me. My opponent from the Opposition received very few votes. I am the first woman Speaker of Parliament in the history of Uganda. My re-election in 2016 also gave me an opportunity to serve again as Speaker of the 10th Parliament.

One of the issues that took time and leadership was to legislate for a Certificate of Gender and Equity Compliance to accompany the budgets, policies and programmes brought to Parliament. This was to ensure that the budgets and other proposals are gender conscious and also equitable. It took 11 years of repeated rebuffs in different laws, until with the help of the women's caucus, the provision was enacted under the *Public Finance Management Act, 2015*. In particular, Section 9 which provides that:

- (a) *The Minister shall, with the approval of Cabinet, submit the budget framework paper to Parliament by the 31st of December of the Financial Year preceding the financial year to which the budget framework paper relates.*
- (b) *The Minister shall, in consultation with the Equal Opportunities Commission,*

issue a Certificate:

- (a) *Certifying that the Budget Framework Paper is gender and equity responsive; and*
- (b) *Specifying measures taken to equalise opportunities for women, men, persons with disabilities and other marginalized groups.*

The other major achievement of my office as Speaker of Parliament was to enshrine in the rules of procedure a requirement that at least 40% of the leadership of the Parliamentary Committees of the House were headed by women. This was after repeated requests to the Whips to nominate women and they had declined and forwarded the names of 44 male MPs for the posts of Chair and Vice Chair of the Standing and Sectoral Committees!

During my tenure as Speaker of Parliament, I have been engaged in 'skirmishes' with the Executive and the Judiciary in my quest to promote the independence of Parliament and the doctrine of the separation of powers.

I have been dragged to court by my party in order to 'tame me' and coerce me into compliance, first when the party Secretary-General 'instructed' me to eject the Members of Parliament who had 'rebelled' against the party. The grounds for expulsion from Parliament are clearly spelt out in Act 83 of the Constitution and the *'instruction'* did not fall within it. When I declined, the Attorney-General wrote to me to 'direct me' to comply with the instruction of the Secretary-General of the NRM Party, which I rejected. A suit was filed in the Constitutional Court. Fortunately, the matter went to the highest court in Uganda, the Supreme Court, which ruled that the Speaker of Parliament could not be directed in the performance of their duties.

I have also spoken out on the abuse of human rights of the Members of Parliament, the public and other groups, much to the annoyance of a number of leaders in the party and in the country. I do



Above: Rt Hon. Rebecca Kadaga, MP gives a speech at the 62nd Commonwealth Parliamentary Conference.

belong to a political party, as do most Members of Parliament, but I do not agree that I should be part of a common-agenda to violate human rights. I have also spoken out on the economic rights of the population as well as service delivery.

At the conclusion of her term as CWP Chairperson in 2016, Rt Hon. Rebecca Kadaga wrote in *The Parliamentarian*: *"During the past three or so years of my term as Chairperson of the CWP, it has been a whirlwind experience, and this has been so because of the enormous task that we undertook, and we continue to execute. At the 1989 plenary CPA conference, our founders resolved to continue to discuss ways to increase female representation in Parliament and work towards the mainstreaming of gender considerations in all CPA activities and programmes. This is the core of our task and it is this undertaking that has guided our activities during the last three years. We have intensified advocacy for women rights and empowerment throughout all the branches of the CPA. In some areas like Seychelles, new Branches of the CWP have been opened during my term and we are proud of this unique achievement. We were also able to formulate a strategic plan which is crucial cog for guiding our activities. In so doing we have traversed most of the CPA Regions organising workshops, seminars, conferences and high-level dialogues all in the quest of inspiring women's political emancipation."*

WOMEN AND GENDER IN CARIBBEAN POLITICS



Hon. Shirley M. Osborne, MLA is the current Speaker of the Legislative Assembly of Montserrat. She has served as the CPA Vice-Chairperson, Regional Representative for Caribbean, Americas and the Atlantic Region on the CPA Executive Committee and as the Regional Representative on the Steering Committee of the Commonwealth Women Parliamentarians (CWP). First elected to the Legislative Assembly in 2015, she has held various positions with the People's Democratic Movement; The Girls' Education Project; and the Government of Montserrat. Her interests include sailing, travel, horses and cricket.

In the aftermath of World War II, clear that they had more than earned their right to self-determination given their indubitable contribution to the resolution of that global conflict and the one preceding it, the colonised peoples of the world intensified their demand for freedom from the manacles and restraints of European occupation and oppression. The British Empire's Crown Colonies in the Caribbean were just as adamant as any that they would govern themselves, and Jamaica became the first of them to wrest its independence from Great Britain, on 6th August 1962.

Less than a month later, on 31st August, the Republic of Trinidad and Tobago was born. The men who are credited with having ushered in this new state are, quite deservedly, deeply revered in their countries and of great renown in the region and elsewhere – Alexander Bustamante in Jamaica, Eric Williams in Trinidad and Tobago and from 1966, also Forbes Burnham in Guyana and Errol Barrow in Barbados.

In much the same way that the former British colonies around the world consider their contribution to the outcome of the two World Wars generally underappreciated and unrecognised, so this writer argues, the contributions of women to the political development of the Anglophone Caribbean goes, by and large, unrecognised and unrewarded. The two are connected in time

and place, yet we seldom, if ever, hear the names of any of the thousands of women who struggled and fought alongside these brave and illustrious men.

In a study of twentieth century workers' strikes in the United States, Karen Brodtkin Sacks notes the *"difference between leaders (usually men) and organizers (usually women)."* Political activity in the Caribbean, too, has followed this particular pattern so it is not at all surprising that historians and commentators, even today, speak of the men named above as having 'led' their countries to independence, in language that often seems to suggest that they accomplished this feat very nearly singlehandedly.

Women in the Anglophone Caribbean are known to have been very politically active down through the centuries although, argues Ann Marie Bissessar, in *Challenges to Women's Leadership in Ex-Colonial Societies*, *"women's participation took less conventional forms"* compared to men's. Women took part in *"urban crowd actions, organised campaigns and petitions and undertook activities congruent with women's identification."* Bissessar writes, *"...generally, females were expected to provide 'support' rather than participate in political discussions..."*

As recently as 2016, the United Nations Development Programme (UNDP) found that in Jamaica, for example, *"While women often make up the majority*

of party membership, they perform low-level jobs as field and election workers and campaigners that seldom translate into leadership positions," and that, *"Even after being elected to Parliament, women struggle to take leadership positions. In the last Jamaican Parliament, no Committees were headed by women."*

In 1901, Catherine McKenzie spoke to the People's Convention Congress about women's rights, and in 1936, Audrey Jeffers was

“Cultural attitudes and attitudes hostile to women participating in politics’ were cited as the second most important barrier to women running for political office in the Caribbean. There still obtains, in the Caribbean, a separate ‘women’s culture’ that socialises and channels males and females into very delineated ‘occupational and other roles’.”





elected to the City Council of Trinidad and Tobago. More than two hundred and fifty women were present in Port of Spain in May 1956, for the inauguration of the People's National Movement's Women's League and two women were elected as Parliamentary representatives in the early 1960s.

All of this notwithstanding, it still took the Republic of Trinidad and Tobago almost fifty years to elect a woman Prime Minister in 2010 with the election of Kamla Persad-Bissessar. Jamaica did slightly better, Portia Simpson-Miller having become Prime Minister of Jamaica in 2006. Guyana still has not elected a woman Prime Minister, and Barbados, after fifty-two years of independence, finally elected Mia Mottley in 2018.

The Commonwealth of Dominica, on the other hand, having become that in 1978, elected Eugenia Charles as Prime Minister in 1980 making her not only Dominica's first woman Prime Minister but also the very first woman Prime Minister in the Western Hemisphere. It is important to note that historians write that Prime Minister Charles "was respected far and wide for her forthrightness, honesty, integrity in public office..."

In the territories still under British rule, there have been woman leaders of government only in Bermuda, first in 1997, and then Turks and Caicos in 2016.

A 2014 joint IGDS/IDRC report, *Politics, Power and Gender Justice in the Anglophone Caribbean*, looking at five different Caribbean territories finds "specific experiences of female political leadership, uneven female representation at parliamentary and local government levels (despite Guyana's quota system), limited success with implementing national gender policies, continued struggles to address



women's rights and power, and on-the-ground challenges to women's organizing and advocacy on questions of good governance."

In 1999, the Inter-Parliamentary Union published findings that "cultural attitudes and attitudes hostile to women participating in politics" were cited as the second most important barrier to women running for political office in the Caribbean. There still obtains, in the Caribbean, a separate 'women's culture' that socialises and channels males and females into very delineated 'occupational and other roles'.

While Bissessar reminds us that there is "nothing novel in the idea of cultural barriers to women's advancement." She also surmised that, "... contrary to popular belief, it is not that women have been less interested in politics than their male counterparts, but that, in many instances they have been deliberately sidelined."

Interestingly, A. Lynn Bolles of the University of Maryland, posits that the British policy of 'indirect rule' of its colonies, even while having the effect of entrenching patriarchy in 'every facet of public and domestic life' did also at the same time, provide, "the necessary loop-hole for women leaders and their activism to enter the scene." She argues

that "certain Commonwealth Caribbean women's ability to embark on a collision course with patriarchal social 'norms' have to do in part with British colonialism and the loop-holes found within that seemingly rigid system, and its antecedents in more contemporary times."

Indirect rule was established "to satisfy governmental and bureaucratic needs of the Empire by filling jobs usually manned by low level English civil servants with local 'natives'." These 'local natives' were, of course, mostly male.

"In Caribbean societies, indirect rule reinforced male domination... thereby cementing a male stake in preserving the system," writes Bolles, yet, she also says, it was this need for a new local bureaucratic class – civil servants – that opened up the way for women to enter public and political life.

The social mobility of these fathers – low and middle level civil servants and professionals like clergy – made it possible for some daughters to enter a new place in society beyond the usual marriage and children. Daughters of the civil service families were sent to be educated in denominational religious institutions like their brothers also were, so that they would make good wives following the rules of decorum of the middle class British. Were they to encounter

failure in the marriage mart, they could be primary school teachers, nurse maids and such, but in any case, their access to education had the effect of enhancing their opportunities for engagement outside the home.

In the pre-independence period between 1922 and 1950, writes Bolles, political conversations in the region centred on the form that the Legislatures ought to take and who might comprise them. Furthermore, this new and expanding class was now agitating for inclusion in the political decision making of the colonies. Still, women were not included in these discussions.

Under Crown Colony Administration, politics and decision-making was an essentially male-dominated area. It continues to be so, today, in independent nations and Overseas Territories alike. When the Commonwealth Women Parliamentarians (CWP) of the Caribbean Americas and Atlantic Region met for their annual conference in 2017, Members could not but comment upon the realisation that, of the seventeen members of the Regional CPA, there was only one territory whose political leader was a woman. In 2018, Barbados joined the Turks and Caicos Islands and raised that number to two.

The latest UN Women report

"There are, indeed, some areas of success for women in the Caribbean Region though the gains seem ever so slow in coming. A number of Legislatures in the Caribbean Region have examples of current or previous women Speakers of the House, Presidents of the Senate and Ministers of Government, reflecting Caribbean women's desire to undertake leading positions in political life and providing role models for young women who may be thinking about entering political service."

on *Women in Political Office in the Caribbean Region* notes that: "On average, 22% of Ministerial portfolios/Cabinet positions in the Anglophone Caribbean are held by women. Across the region, women generally do not hold more than 30% of elected positions with the exception of Guyana" which operates a quota system, and Grenada which clocks in at almost 50% women Members.



There are, indeed, some areas of success for women in the Caribbean Region though the gains seem ever so slow in coming. A number of Legislatures in the Caribbean Region have examples of current or previous women Speakers of the House, Presidents of the Senate and Ministers of Government, reflecting Caribbean women's desire to undertake leading positions in political life and providing role models for young women who may be thinking about entering political service.

Although the first woman who tried, failed to get elected in 1958, there has always been at least one woman, in the eleven-member Legislative Assembly of Montserrat, and in 2015, that Honourable body elected a woman Speaker for the second time in a row.

Another example is the Grenada House of Representatives which has one of the highest representations for women Members in the Commonwealth, with seven of the fifteen Members elected following their recent election in 2018. This places Grenada as second in the Commonwealth overall with 46.7% women Members in their Legislature. However, these are the exceptions rather than the rule and the CWP continues to

Above and opposite page: The CPA Caribbean, Americas and Atlantic Region held the first of two Regional 'Hot Topic' Forums in December 2016 on the need for increased women's political participation for the benefit of wider society. The first Forum heard from a number of distinguished speakers including: Hon. Shirley Osborne, MLA, Speaker of the Montserrat Legislative Assembly; Hon. Kamla Persad-Bissessar, former Prime Minister of Trinidad and Tobago; Dr Josephine Ojiambo, Deputy Secretary-General of the Commonwealth Secretariat; Hon. Rayburn Blackmore MP, Minister of Immigration & National Security, Dominica; and Professor Verene Shepherd, Institute for Gender & Development Studies at the University of the West Indies. The Forum was introduced by Ms Siobhan N. O'Garro and the moderator was Hon. Alix Boyd-Knights, MHA, Speaker of the House of Assembly of Dominica and former CWP Chairperson.

strongly encourage and support other Parliaments in following Grenada's lead.

It bears noting that, consonant with women's universal tendency to downplay their achievements, Cynthia Gairy, who was elected to the Parliament of Grenada in 1961 and served for eighteen years, does not believe that her being the first was a catalyst paving the way for more Grenadian women to enter the House. "I truly believe..." she asserts in *Women and Governance: A Grenadian Experience*, "that the fact that Grenada... already recognised that its women could make as strong a contribution as their male counterparts was the reason for my successive election success."

Still, she might have a point. Grenada has indeed shown itself to be in front of this issue in

many instances, compared to its neighbours. It is historical fact that the women of Grenada were active in the political mobilization of the New Jewel Movement (NJM) that ended the repressive regime of Eric Gairey and his private militia, the Mongoose Gang, and Rhoda Reddock, a Caribbean academic, writes that the leadership of the Grenada Revolution was unmatched in its public acknowledgement of women's role in bringing about the revolution and that it extended an invitation to them to participate in the "process of revolutionary transformation." Even so, Grenada has yet to elect a woman Prime Minister.

So, if it is the case that 'culture' is the major impediment to women's inclusion and ultimate advancement to highest political leadership in the Caribbean, Americas and Atlantic Region,



and if it is that that culture is patriarchal in its deepest foundations, and if we further, accept that the political culture of the Anglophone Caribbean is the also deeply patriarchal 'winner take all' Westminster model in which power resides – and is clenched – in the hands of the few – men – then we could not possibly fail to appreciate that, try as hard as they might, the women of the Caribbean, Americas and Atlantic Region have a very tough 'row to hoe', as the enslavement era saying goes.

These are formidable obstacles each one, ingrained, socialised, inculcated, unceasingly reinforced by community, religious and political leadership. They will not be easily shifted or circumvented, but they must be, and as long and difficult as might be the road to women's political – and other – equality with men, the women of the region are continuing to push up against the strictures and impediments they find in their political pathways and slowly, ever so slowly, are making inroads.

In the Caribbean, Americas and Atlantic Region, the work of advancing women's political participation is being carried out by indigenous entities and institutions specifically political and not, and the result is that there is now distinctly noticeable, a sense of empowerment on the part of Caribbean women that is deepening, strengthening and expressing itself. As women continue to make up the majority of graduates of the University of the West Indies (UWI), for example, and as the region is being exposed to UWI's Institute for Gender and Development Studies and the validation of the United Nations Sustainable Development Goals, and as Caribbean women engage in a matter-of-fact manner in global movements such as #MeToo and the Women's March, the shift is beginning to make itself felt.

As women in individual



territories select and engage global influences and as their communities are urged forward by them, their progress is inspiration for their sisters in neighbouring territories and all are nudged forward – brothers not excepted. This, however, does not cancel out the territorial insularity that is a major factor in a general lack of communication across many Caribbean territories and that continues to be a major impediment for the Women's Movement.

"Nonetheless," affirms Bolles, "women's political groups use interpersonal networks and other strategies to circumnavigate the Westminster model, out manoeuvre the status quo ... and continue to do the extraordinary to get things accomplished on behalf of women, children and men in society."

However much Caribbean women might circumnavigate and outmanoeuvre and rack up wins against 'the system' it remains true that here, as elsewhere, political women encounter difficulties and challenges at every turn. Whether campaigning or governing, they are held to a much higher standard and a much more strictly enforced set of rules than are their male counterparts. In too many instances, women continue to encounter virulently sexist responses to their

involvement and to experience gender-specific harassment and violence for daring to enter the political arena. Caribbean women politicians, too, find that they must often work twice as hard as their male colleagues and be ten times as good if they are to enjoy any real longevity.

That is a part of the regrettable reality that informed my premise for *The Handbook for Political Women*. My personal experience and those of the women whose lives I researched into made it impossible for me to ignore that. Under the subheading, *The Importance of Being Good*, I advise political women, whichever their country of service that, and in what ways, we must *"be deliberate and intentional about being better and doing better than has been done so far ... Our participation must be top-notch ... We must change the way political business is done, and not be changed by how it currently is being done. We must be good ... We must be good in every sense of the word ... We must each leave legacy that is unassailable."*

Reassuringly, as both women and men, and young and old are enjoying ever-greater access and are being exposed to more information and other people's stories, perspectives

and ambitions are evolving. Slowly, very slowly, but evolving nonetheless! One by one, here and there, Caribbean men are joining forces in the struggle for women's advancement. People's relationship to power and tradition – and to traditional and adventitious power structures – is also shifting so there are glimmers and fissures and in time, these will fully open. The light will eventually flood through.

At this point in the region's history, at which political independence and national autonomy have no longer the urgency of the earlier era, there remains this major hurdle of women's equality and full, unimpeded political participation to be leapt, and as national independence and autonomy were won and are celebrated, so will women's independence and autonomy. If history is any indication, they shall be.

There remains a long way to go yet, possibly even a very long way, but the historical resilience and will-to-thrive of the peoples of the Caribbean presuppose – and promise – eventual triumph for its women, inevitable evolution for its governments and certain advancement for its people.

WOMEN'S POLITICAL PARTICIPATION IN THE CPA PACIFIC REGION



Anahila Kanongata'a-Suisuiki, MP
was elected in 2017 to the New Zealand Parliament. She is the current Chair of the Commonwealth Women Parliamentarians Pacific Region Steering Committee. Prior to entering Parliament, she served the communities of New Zealand as a Social Worker and Senior Executive at Oranga Tamariki, the Ministry for Children.

Tena koutou katoa.

I am privileged to be the Chair of the Commonwealth Women Parliamentarians (CWP) Pacific Region. As CWP Pacific Chair, I am deeply concerned that the Pacific Region (excluding New Zealand) continues to have one of the lowest rates of female participation in political life in the world. We have CPA Branches that have no women Members of Parliament – Papua New Guinea and Vanuatu. Quota systems and reserved seats (temporary special measures) have proven successful in a number of countries around the world for women. However, we will need the support all genders and communities in the Pacific to gain traction and achieve greater women's representation and political participation. We hear that *women* are also reluctant to elect women – so we have much work to do to normalise the concepts of women in Parliament and better tell our stories, in order for change to be accelerated for young and emerging women leaders.

The CWP, and its many partners working within our Pacific Region and beyond, have an important role to play in keeping the momentum up for sustainable change. International Women's Day on 8 March provides an important opportunity for all men and women Parliamentarians to reflect on how much has been achieved to increase women's political participation and the significant work ahead. I believe that it is incumbent upon those who have achieved leadership

roles to provide support, mentorship and inspiration to those young women who are emerging leaders in our communities.

Coming together as the Pacific Region Commonwealth Women Parliamentarians (CWP) provides a significant platform to share experiences and to discuss how we have responded to challenges. I am extremely honoured to be the current Chair of the CWP Pacific Region Steering Group and to have the company of many talented women MPs in the CWP.

We can celebrate and be inspired by recent milestones being reached in Fiji, Samoa, the Cook Islands and Tonga. Despite the successful implementation of a quota in Samoa and women successfully taking on leadership roles in their Parliaments across the Pacific Region (Fiji, Tuvalu, Bougainville, Solomon Islands), there is a huge amount of work still to be done. The CWP and CPA need to commit more to supporting these CPA Branches.

Following the recent CPA Pacific and Australia Regional Conference, graciously hosted by the Parliament of the Cook Islands, we convened the annual meeting of the CWP Pacific Region. Travel costs and distance continues to be a barrier to getting our Regional Members together. Members often need to travel for days by boat and plane in order to participate in regional forums and meetings. We are however, committed to enhancing communication through other means and to ensuring women MPs are not isolated from

their peers in the region. We also encourage the CPA as an association to consider funding and constitutional measures that ensure the equal representation of men and women, MPs and parliamentary staff, at all CPA events and programmes.

The CWP Pacific Region is committed to supporting women Parliamentarians from across the region and taking practical steps to encourage other women to follow in our footsteps and seek election.

Women's political participation in the Pacific Region

The average number of women MPs in the Pacific (Commonwealth and non-Commonwealth) is around 8%, the lowest in the world. International agreements such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the Pacific Leaders Gender Equality Declaration all stress the importance of increasing the numbers of women in political and other leadership positions, as part of gender equality strategies. It is generally agreed that having over 30% female representation is the point at which there is critical mass for progress on gender equality. But of course, the CWP wishes to aim higher and have equal numbers and also see that women hold Cabinet and Parliamentary Committee leadership roles.

In theory, there should be no obstacles to preventing equal participation by men and women in political and parliamentary processes. There are no legal or





formal restrictions to women's participation in national parliamentary institutions in the Pacific today. And it is not for lack of capability - traditionally, women in many Pacific societies occupied high positions and leadership roles in society. However, due to social, cultural and economic barriers that have existed historically and are still ongoing, there is a noticeable imbalance in the representation of women in the Parliaments of the Pacific Region.

Our region also faces unique and immediate challenges, including climate change, ocean acidification and rising seas levels, extreme weather, and energy and food security issues, which can sometimes seem to eclipse conversations about gender sensitive Parliaments and political participation. The reality is nevertheless that we need women at the decision-making table, championing the needs of women and girls, in the context of global sustainable development and well-being for all.

Of the twelve Pacific Parliaments who are members of the CPA and CWP¹, eleven have elected women Members of Parliament. Some of these countries have legislated seats reserved for women in an attempt to rectify the gender disparity. For example, in the Autonomous Region of Bougainville there are three constituencies reserved for women only. These seats are seen as an acknowledgement of the vital role that women played in ending the civil conflict in 1998. The seats were strongly advocated for by women, who believed without them, women would be unable to win when competing against men. In the most recent election for the Bougainville House of Representatives, four of the 39 representatives elected were women. Three of the four women were elected from the constituencies reserved for women, while the fourth stood in an open seat. This was the first time in Bougainville's history where



Image credit: Pacific Cooperation Foundation.

a woman has been successful in winning an open seat and in the same year, a woman was elected Deputy Speaker. Women now make up 10% of the total number of candidates in Bougainville and we only hope to see this proportion increase in the future.

Another jurisdiction in which legislation has helped increase the representation of women in politics is Samoa. In 2013, Samoa's Constitution was amended to guarantee that at least 10% of the seats in Parliament would be held by women. In the 2016 election, 24 of the 164 candidates were women, a considerable increase from the five women that stood in the previous election. The results saw three female MPs were re-elected and a fourth woman candidate also won a seat. These four constituency MPs were joined by one additional woman Member to fulfil the constitutional requirement for there to be a minimum of five women in the Samoan Legislative Assembly. Legislation introducing special measures reserving seats in Parliament for women candidates has also been considered by Fiji,

Above: CWP Pacific Region Chair, Anahila Kanongata'a-Suisuiki, MP together with the New Zealand Prime Minister, Rt Hon. Jacinda Ardern, MP, mark the 125th Anniversary of the Universal Suffrage in New Zealand with other New Zealand Pacific Members of Parliament and special guests.

the Solomon Islands and Vanuatu.

There is robust debate around the issue of reserved seats in the Pacific Region. Reserved seats are seen by some as a way to help women overcome the cultural barriers they face when attempting to be elected to Parliament. However, others raise concerns that women will find themselves restricted to reserve seats only, or that the women elected to these seats may be regarded as 'second rate' MPs. While there is support from Pacific women MPs for reserved seats, there is also opposition and a belief that they are unnecessary as greater participation by women is something that will happen of its own accord as women take on more political leadership roles. In Bougainville and Samoa, the reserved seats have made an impact and are helping to change attitudes that women can and should be in politics.

Increasing women's participation in politics

Promoting and increasing women's participation will not be achieved without clear strategies and priorities or without coordinated action across the Pacific Region. Strong networks such as this are critical to the success of increasing women's participation. These networks are a fundamental way to support women who are already in decision-making positions and seeking parliamentary election. They will ensure women in the Pacific are aware of the ways in which they can access any support, mentoring and encouragement they need.

As noted by the United Nations Development Programme (UNDP), often women are a minority within Parliament and there can be considerable advantages in bringing women Parliamentarians together in a women's caucus to work collectively on a shared vision to advance gender equality

in Parliament and the country and to build female representation in Parliament. Internationally, the Inter-Parliamentary Union has found that 81 Parliaments have established some form of women's caucus. Niue, Samoa, and the Cook Islands have formed formal Women Parliamentarians Caucuses, in addition to the wider regional network provided by the CWP.

The CWP Pacific Region wants to ensure that current Members are well-connected with one another, and with their communities, so that they can encourage future Pacific women Parliamentarians. It is an exciting time in the region, and there are many activities planned in partnership with the CPA, IPU, UNDP and UN Women, with the New Zealand and Australian Parliaments, and the EU. The CWP and the Parliament of New Zealand has committed to running regular mentoring programmes to build connectedness, and in these programmes, we link current Members with former Members and with young women leaders. I am also heartened by recent initiatives,

such as Girls Take over Parliament, which have taken place in Tonga and Papua New Guinea, with others planned.

Challenges

Women's economic empowerment, safety from violence, and political leadership are interconnected. It will take a sustained long term effort to break down structural barriers. Gender stereotypes and a perception that politics is 'men's work' has negatively affected women's representation in the region. Not only in terms of encouraging aspiring women candidates but also in voter attitudes towards women leaders. While women play an important and vital role in Pacific culture, their traditional roles in political decision making is often behind the scenes, which is not acknowledged enough to garner the support needed for a successful election.

Despite a myriad of well-intentioned initiatives, sadly, commitments to gender in the region have been slow and often women still lack the resources to

enter politics in the region. Many women who want to enter politics find that the political, cultural and social environment can be unfriendly or even hostile towards them. In the wake of the #MeToo movement, it has emerged that an astonishing number of women Parliamentarians have experienced harassment and violence. This affects women standing for Parliament, as much as women in Parliament. A recent report on the experience of women who stood for the 2017 Papua New Guinea election, found in addition to lack of funds for campaigning, women reported receiving threats of physical violence and destruction of property.²

There are encouraging examples of Parliaments, governments, civil society organisations, communities and other partners coming together to promote gender equality and prevent violence against women and girls. For example, the Tuvalu Parliament recently implemented a National Gender Policy which set out a strategic plan of action

which focussed on institutional strengthening and capacity building, women's economic empowerment, women in decision-making positions and ending violence against women.

Looking forward

As a Tongan New Zealander I'm encouraged by a Tongan Hymn, "*He 'uke ha tuluta, 'aonga kihe ha, ka tanaki e tuluta 'e fonu e ipu na, 'o inu ai e fieinua.*" *What is the use of a single droplet of water?* When collected, it will quench the first of a nation. It will take all of our leadership to leave a legacy that our great great great grandchildren will thank us for. A world of inclusiveness or not? *Faka'apa'apa atu.*

References:

- ¹ Autonomous Region of Bougainville, Cook Islands, Kiribati, Fiji, Niue, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, (Vanuatu).
- ² Dr Kerry Baker (2017), *Experiences of Female Candidates in the 2017 Papua New Guinea General Election*, p.3.

Image credit: Parliament of the Cook Islands.



Members of the CWP Pacific Region at the 37th CPA Pacific and Australia Regional Conference in the Cook Islands.



TOWARDS SAFE WORK ENVIRONMENTS IN PARLIAMENTS



Hon. Michelle O'Byrne, MHA is the Vice-Chairperson of the Commonwealth Women Parliamentarians and Chair of the CWP Australia Region Steering Committee. She is currently Deputy Leader of the Tasmanian Labor Party and Shadow Minister for Education and the Early Years, Innovation and the Digital Economy, Equality and Women and Prevention of Family Violence. First elected to the Australia Federal Parliament between 1998 and 2004 and subsequently elected to the Tasmanian Parliament in 2006. During this period, she has served as a senior Minister for eight years and as Deputy Labor Leader since 2014.



In this 30th anniversary year for Commonwealth Women Parliamentarians (CWP), it is important to celebrate our achievements, assess our progress and be honest about the challenges that still face women as they seek to be elected or obtain senior and leadership roles in our Parliaments.

The CWP, which is formally a part of the Commonwealth Parliamentary Association (CPA), works to encourage women to stand for election to Parliaments and Legislatures across the Commonwealth, including identifying and working towards the removal of barriers to participation and to ensure that women's issues are brought to the fore in parliamentary debate and legislation. We know that when women are empowered, communities are empowered. It is to the betterment of all our Parliaments that we become more diverse.

For our key target to increase women's participation, CWP has an aim of achieving 30% women representation. However, the current rate of participation stands on average at 24%. The progress is gradual, far too gradual.

Some Parliaments and some political organisations clearly do better than others and it is worth looking at their success and/or barriers in this area. Australia currently stands at 36.4% women Parliamentarians. Across Australia, at a Commonwealth and State and Territory level, we range from 26.9% to 56%.¹ Drill down a little further and it is clear again that some parties and some jurisdictions do better than others.

As a non-party political

body, CWP must work with all stakeholders to ensure greater and indeed safer participation of women.

CWP Australia has initiated a number of programs to support women including the Champions for Change program and the CWP Alumni. We congratulate Dr Lesley Clark in her role as the inaugural Chair of the CWP Alumni and look forward to growing women's networks to encourage participation and build skills and opportunity for women whilst in and post their parliamentary careers.

Whilst there are still well recognised cultural, social and economic barriers to women's participation and a challenge in reaching leadership positions once elected, it has become clear that running for Parliament is an option that many women do not consider attractive. This is due in part to the way in which the role is perceived and in response to the levels of violence perpetrated against women in Parliament.

At an international level, the United Nations Declaration on the Elimination of Violence against Women provides the following definition: *'The term violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.'*²

Violence against women in Parliament or political environments is not a new issue. In this new age of social media, it can take many forms across our

Commonwealth, from social media attacks, threats, vandalism and unfortunately physical violence such as the tragic murder of British MP Jo Cox which is still raw in the minds of many. But whilst we have focused on the levels of violence, intimidation and harassment that occur in communities through the political and media process and against elected Members, we rarely examine our own organisations and workplaces. The 135th Inter-Parliamentary Union (IPU) Assembly unanimously adopted a Resolution on *'The freedom of women to participate in political processes fully, safely and without interference: Building*

“Violence against women in Parliament or political environments is not a new issue. In this new age of social media, it can take many forms across our Commonwealth, from social media attacks, threats, vandalism and unfortunately physical violence.”

*partnerships between men and women to achieve this objective.*³

The issue is being recognised and steps have been taken to identify strategies to address it globally. UN Women, the Office of the High Commissioner on Human Rights, and the UN Special Rapporteur on violence against women, its causes and consequences, in collaboration with IPU and the National Democratic Institute for International Affairs, jointly organised an Expert Group Meeting (EGM) on violence against women in politics on 8–9 March 2018 in New York. I recommend all Members take the time to read the EGM report and recommendations.

In Australia, we have been forced to confront the issue of women being bullied and harassed in the Parliament and within their own party structures. In recent months, this has led to media scrutiny of Parliaments as workplaces as women have spoken out about harassment, intimidation and bullying. This has led some to take action such as leaving their parties or the Parliament. The nature of the Westminster system brings with it debate and passion. Women have demonstrated their capacity to engage in what is often called the 'rough and tumble' of the parliamentary process. As women, we do not shrink from that. But there is a difference between robust engagement and bullying. Debate must be respectful, it should not be personal and women must be able to feel safe in their parliamentary workplaces.

If we are to address the low levels of women's participation in Parliament we must examine our own environments. It is simply not enough to advocate for increased participation, we must provide an attractive work environment. We must be responsible for modelling an environment in which women would not only choose to work but one in which they can be safe.

All Members of all Parliaments need to be assured their workplaces are safe and respectful, and free from bullying and harassment. As mentioned this issue has been highlighted in recent months in Australia with many women speaking

out about bullying and harassment in their parties and in their Parliaments.

Australian Broadcasting Corporation journalist Jessica Strutt posed the following question in an article published on 8 September 2018:

*'As the list of Federal female politicians who have either experienced or witnessed bullying and intimidation in the workplace continued to grow this week, a key question remained — is there any genuine appetite to tackle the problem? The claims have no doubt only further dissuaded more women from entering politics — a blow to a group already grossly underrepresented in Parliaments at both a state and Federal level.'*⁴

As Chair of CWP Australia and the Australian Region's representative on the CWP International Steering Committee, and as a long serving Member of Parliament, I believe in the need for respectful Parliaments. We need more women in Parliament and we need to provide a safe and respectful environment for them to do so.

The issue of the treatment of women in Parliament was a significant agenda item at the most recent CWP Australia Steering Committee meeting where we

undertook to engage with each Parliament and party to understand what actions were being taken and identify gaps and potentially best practice in our Parliaments.

To this end, Australia's CWP have formally written to each State and Territory Parliament along with the Federal Parliament urging that steps be taken to ensure workplaces are free from intimidation and bullying for all Parliamentarians and staff. We are still waiting on some responses, but the feedback so far is positive. Parties and Parliaments clearly desire to provide a safer environment. From this work we aim to provide some positive modelling and best practices to share.

Given the current debate about women's participation in Parliaments and the environments in which they work, it's critical that current concerns are understood and meaningful action is undertaken.

As Commonwealth Women Parliamentarians, our job of encouraging women to stand for election to Parliament is hindered by reports that some women MPs and staff may have been bullied and harassed. This acts against the very participation we seek to grow.

We need to ensure that Australia's Parliaments are places

where women feel encouraged and safe to work.

We recognise that the culture which prevails within political parties is central in achieving this, but the physical workplace of Parliamentarians is not only their electorates or constituencies but the very Parliament in which they sit. Recognising the obligation of Parliaments to be safe workplaces, we have also written to the Presiding Officers of Australia's Parliaments to ask what steps they have taken, or could take, to better ensure a safe and respectful workplace for all Members of Parliament.

References:

¹ Anna Hough, *Composition of Australian parliaments by party and gender: a quick guide*, Australian Parliamentary Library, January 2019.

² General Assembly Resolution 48/104 of 20 December 1993, Declaration on the Elimination of Violence against Women.

³ The 135th IPU Assembly Geneva, 27 October 2016.

⁴ Jessica Strutt, *Does the will exist to end bullying and intimidation of women in politics?*, ABC News, 8 September 2019.





YOUTH PERSPECTIVE: CHALLENGES OF INCREASING WOMEN'S PARLIAMENTARY REPRESENTATION IN AUSTRALIA AND NEW ZEALAND



Elise Delpiano is the inaugural recipient of the Julia Gillard Next Generation Internship with EMILY's List Australia. Elise studied Law and International Relations and this year, she starts work in the legal profession. Elise represented the Parliament of New South Wales at the 8th Commonwealth Youth Parliament (CYP) in British Columbia, Canada, and was elected as the Leader of the Opposition. The 8th CYP was the first time that the Youth Parliament was female-led, with both the Premier, Deputy Premier and Leader of the Opposition being young women. Elise then represented the 8th CYP at the 63rd Commonwealth Parliamentary Conference in Bangladesh in 2017, facilitating a youth roundtable on the political involvement of young people in the Commonwealth.

Across the Commonwealth, women are under-represented in Parliament. In my home country of Australia, a mere 34% of MPs are women. This disparity becomes increasingly pronounced in higher political leadership positions. At the time of writing, only 26% of Australian Cabinet Members were women. In our 118 years since Federation, Australia has only had one female Prime Minister - Hon. Julia Gillard, AC.

Australia is not alone in its sluggish pace towards gender-balanced Parliaments, with the slow progress towards improving female political representation seen across the Commonwealth and more broadly across the world.

For example, the number of female world leaders at last year's G20 was the lowest it has been of any G20 summit since 2010. This shows that the path to gender equality, particularly in political leadership positions, is not linear. Striving to achieve gender equality is an ongoing task that we all must focus on. It is not something that will happen without a concerted effort to ensure our Parliaments are more equal.

This year, I was the inaugural Julia Gillard Next Generation Intern, a new internship program created by EMILY's List Australia and sponsored by the Australian Workers' Union. EMILY's List Australia is an organisation that seeks to get progressive, female Australian Labor Party (ALP) women elected to Parliaments across the country.

The purpose of my internship was to conduct research to better understand the barriers women face in seeking to run for public office in Australia, with the purpose of giving

recommendations to improve the level of female representation in our Parliaments. To better understand where Australian Parliaments could improve, I travelled to New Zealand to undertake a comparative study of their Parliament and party structures.

New Zealand was a logical choice. Apart from being Australia's closest neighbour, New Zealand has a long history of female political leaders. Rt Hon. Helen Clark was one of the country's longest serving Prime Ministers. In 1999, the two major candidates for Prime Minister were women. Rt Hon. Jacinda Ardern is New Zealand's third female Prime Minister. She is also the second sitting Prime Minister anywhere in the world to have a child while in office. (*The first woman Parliamentarian to have a child while in office was Prime Minister of Pakistan, Benazir Bhutto in 1990*).

Last year, the World Economic Forum found that New Zealand also has a higher level of political empowerment than Australia, with significantly more progress made towards closing the gender gap and more female MPs in their Parliament.

Over several months last year, I spoke to current and former female ALP and New Zealand Labour (NZLP) MPs and Party members, asking them about their personal experiences and perceptions of women in public office.

Issues women face in seeking public office

There were several common themes affecting women in public office across the Tasman. Firstly, women are often treated differently in the public sphere. Female leaders are subject to a disproportionate amount of

attention from the media and the public because they are often still seen as novel exceptions in politics. As the public are accustomed to seeing men in positions of power, women leaders are questioned about their deservedness and competence to be in a leadership position because it falls outside the status quo. This often leads to women political leaders facing a higher level of personal scrutiny. Women are criticised on their choice of clothing, hairstyle, the need to wear more or less make-up, their marital status, whether they have children or not, and their sexual orientation. This focus on factors irrelevant to political performance acts as a mechanism that hinders female progress, and can prevent other women from considering to run for public office due to the intense personal scrutiny that women in political office are subject to.

Secondly, the type of electoral system can hinder the level of female representation. Mixed member proportional systems (MMP) are generally viewed to facilitate higher levels of female representation, whereas single member district systems (SMD) are the opposite. SMD means only one candidate is chosen, which historically has excluded women and minorities. New Zealand has a MMP system, while Australian jurisdictions have a combination of systems.

Solutions

In Australia and New Zealand, attempts to improve female political representation have been the focus of particular political parties, rather than the legislature as a whole. In other countries, laws have been passed

to mandate a minimum level of female political representation, irrespective of political affiliation.

Firstly, affirmative action measures have been implemented by both the ALP and NZLP, recognising that there are a series of structural barriers that often prevent women from winning public office.

In Australia, the ALP has longstanding affirmative action measures to ensure there is a higher level of female political representation within the Party. Introduced 25 years ago, the affirmative action measures include a goal that increases incrementally every few years, ultimately aiming to ensure 50% of Labor's caucuses across the country are women by 2020. This is enshrined in the Party's constitution and is actively pursued.

In New Zealand, the NZLP has also introduced a percentage goal aimed at increasing female representation. From the 2014 election, the Party's Moderating Committee was bound to determine a List order that ensured the elected caucus would comprise of at least 45% women. This percentage increased to 50% in 2017 and applies for all subsequent elections. This goal was also enshrined in the Party's constitution.

These affirmative action measures need to be implemented and followed, otherwise they will not achieve the desired outcome. Loose 'targets' tend to have a similar problem. Thankfully, both the ALP and NZLP have already begun actively pursuing their constitutional goals for increasing female representation. By last year, the ALP's federal caucus and the NZLP both had 46% women MPs.

While there has been substantial progress in increasing female political representation in Australia, there is still much to be done.

Recommendations

Despite the ALP's female representation approaching 50% at state and federal levels, female MPs are not being promoted to Cabinet at the same rate as their

male counterparts. Female Cabinet representation is even worse in parties that do not have affirmative action measures in place.

1. *Consider different mechanisms for selecting Cabinet positions.* History has shown us that we cannot wait and hope that the passage of time will lead to more women becoming frontbenchers. Affirmative action measures should also be introduced at a Cabinet level to ensure women are being represented at the highest levels of politics.
2. *Ensure women are equipped with a toolkit for Cabinet.* Women need to be seen as serious contenders when Cabinet reshuffles take place. Changes that could be made involve providing more funding and opportunities for continuing each MP's professional development, implementing capabilities audits to identify MPs' strengths and areas needed for improvement, and rethinking the way positions on Select Committees are allocated to allow women to gain experience in key areas outside their pre-parliamentary area of expertise. Women already bring a wealth of experience with them to Parliament. But these measures will ensure that women cannot be questioned on the basis of lack of experience for promotion to senior Cabinet positions.
3. *Introduce a formal mentoring program for female candidates.* Women need support when running for office. At present, there are few, if any, formalised mentoring systems offered for female candidates. Informal mentoring has no checks. Throughout my research, many female candidates recounted how their mentoring experience didn't work out and they weren't sure who to turn to when this happened. Formalising a framework where every female candidate receives an experienced mentor will ensure that women are supported throughout the new and often



Above: Former Commonwealth Youth Parliament participant from New South Wales, Elise Delpiano launches her research report '*The Glass Labyrinth*' on increasing female political representation in Australia and New Zealand with former Australian Prime Minister, Hon. Julia Gillard.

daunting experience of being a candidate.

4. *Consider the state of electoral funding laws to see how we can better support women.* Throughout my interviews, women regularly raised with me that they were unable to use campaign funds to hire some level of childcare during campaign hours. Many female candidates are unable to afford this, especially considering many have to quit their job to become a candidate. If we want more young women to run for Parliament, we need to make sure they have the framework to allow these candidates to access funds that support childcare.

Conclusion

While there has been substantial progress in female political representation in Australia, there is still a long way to go. Australia shares many of the same challenges facing the level of female political representation in other Legislatures around the world.

Each Legislature across the Commonwealth has its own electoral system and particular nuances that makes a blanket solution impractical. Rather, there are various ways in which we can seek to improve female political representation in our Parliaments

based off the experiences of both Australia and New Zealand.

Thankfully, there are already various initiatives in place across the Commonwealth that are working to foster an understanding of the importance of gender equality in our Parliaments. One such initiative is the Commonwealth Women Parliamentarians (CWP), whose important work over the past 30 years should be commended.

Through my research and these recommendations, I hope to create a conversation around what we can do to make politics a more welcoming place for women.

References:

- My full report can be found here: <https://www.emilyslist.org.au/wp-content/uploads/2018/09/JGNGI-report-2018-WEB-FINALindd.pdf>.
- The Glass Labyrinth: <http://www.law.unsw.edu.au/news/2018/09/elise-delpiano-first-julia-gillard-intern-releases-research-report-glass-labyrinth>.
- For more information on the Julia Gillard Next Generation Internship: https://www.emilyslist.org.au/jngi_2019_eoi.



A PERSONAL VIEW: MY EXPERIENCES OF BEING A WOMAN IN PARLIAMENT IN AUSTRALIA



Anna Watson, MP is the Member for Shellharbour in the Parliament of New South Wales, Australia. Anna was raised in a traditional working-class family that shared the values of 'a fair day's work for a fair day's pay', and the right to equal opportunity for all to make every family's life better. Prior to her election to Parliament, Anna worked a variety of jobs, which included training for the health insurance industry, and as a professional trade union official with the United Services Union (USU).

On 9th October 2012, Hon. Julia Gillard, MP, the then Member of the Australian Federal Parliament for Lalor and the first female Australian Prime Minister, gave a powerful speech in response to a motion raised by Hon. Tony Abbott, MP, the then Member for Warringah and the Leader of the Opposition, to have Hon. Peter Slipper, MP removed as the Speaker of the Australian House of Representatives over crude and sexist texts that he had sent to a parliamentary aide.

Tony Abbott, a close personal friend and supporter of Peter Slipper, criticised Julia Gillard for her "shameful" lack of action on the matter, while simultaneously 'cat-calling' her in the chamber. Tony Abbot had famously been photographed outside Parliament alongside climate change protesters who were holding a banner that said 'ditch the witch' in reference to the then Australian Prime Minister, and he was also alleged to have asked when un-married Julia Gillard's long-term partner was going to make 'an honest woman' out of her during a Parliamentary sitting.

Her now famous rebuttal speech captures what – I feel – is a good place to start explaining what it's like to be a woman in the field of modern politics. In a key excerpt from her address, she comments: "In an interview about women being under-represented in institutions of power in Australia, the Leader of the Opposition [Tony Abbott] says: 'If it's true that men have more power generally speaking

than women, is that a bad thing? What if men are by physiology or temperament, more adapted to exercise authority or to issue command?' This is the same man, who today says that people who hold sexist views and who are misogynists are not appropriate for high office, because today, it suits his flimsy political purpose. Well I hope the Leader of the Opposition has got a piece of paper and he is writing out his resignation. Because if he wants to know what misogyny looks like in modern Australia, he doesn't need a motion in the House of Representatives, he needs a mirror. This is a man who as the former Minister for Health said, and I quote: 'Abortion is the easy way out.' This is a man who during the carbon-tax campaign said, and I quote: "What the housewives of Australia need to understand as they do the ironing..." And then of course, I continue to be offended by his ongoing sexism and misogyny right at this moment, as he sits there as the Leader of the Opposition, catcalling across this table at me as I sit here as Prime Minister, shouting cave-man slurs about my personal marital status like: 'If the Prime Minister wants to make an honest woman of herself...', something that would never have been said to any man sitting in this chair. I will not be lectured about sexism and misogyny by this man. Not now, not ever."

In my view, this is the state-of-play for the Australian political approach to gender. As a female

Member of the New South Wales Parliament, I am assessed daily on my choice of clothing, my hair and whether I have an agreeable demeanour. For men in politics, their ambition has them categorised as 'leaders'. For women, we are labelled "aggressive", "mannish" or "difficult" for the same qualities.

Female MPs, including me, on both sides of the ideological coin are regularly glanced over for promotional opportunities, and generally only given a look-in when the barrel of male candidates has been exhausted. It seems to me that we're given token, vanity promotions as a kind of box-ticking attempt at equality, rather than actually regarding us as political powerhouses or 'real players'.

I feel that women in politics

"As a female Member of the New South Wales Parliament, I am assessed daily on my choice of clothing, my hair and whether I have an agreeable demeanour. For men in politics, their ambition has them categorised as 'leaders'."



The Parliament of New South Wales in Sydney, Australia.

are treated more harshly than men; berated and bullied with what are primarily gender-based slurs, and then told to 'toughen up' or that we are simply being 'too sensitive' when we endeavour to defend our position. Some might say that it's the professional equivalent of someone purposely breaking your ribs, and then saying, "oh come on, don't take it like that, you're over-reacting!"

To this end, there is a real culture of gas-lighting in this proverbial boys' club, where you are pushed to the limit, and then told how to feel about it. I can't tell you how many times I've been bullied and verbally harassed, only to be told that I 'took it the wrong way'. While it is clear that not all male politicians are guilty of being active participants in this culture, there are certainly examples of those who are complicit in allowing it to continue, simply because of the inherent privileges they're afforded for the achievement of being male.

However, luckily for me, and many of my female colleagues, this is a very small part of what

being a woman in politics is like. Thankfully, we are too busy working to affect change in our electorates to allow ourselves to be distracted by this kind of behaviour. It's actually a lot like trying to sleep with a mosquito in the room – it's really annoying, sure, and there are moments that send you into a spiral of pure rage, but when all is said and done you simply swat the mosquito away and carry on sleeping. While we women surely cop-it inside the walls of Parliament in a way that our male colleagues don't, our electorates are where we spend the bulk of our time.

In my electorate of Shellharbour in New South Wales, I have been the elected MP for almost 10 years. Unlike in Parliament, my gender is for the most part, a non-issue. Why? Because when there are real problems to be solved, no-one worries about my gender. It's a place where I am taken seriously, because the responsibilities in my remit are serious.

During Parliamentary sittings, it's all about how well you play the game, how well you take the hits and your ability to think

like a man. When you're in the electorate, all that game-playing and pretence goes out the window – because when the chips are down, the only thing that really matters is getting the job done.

In the electorate, being a politician, female or otherwise, is about the quality and strength of your work. Your worth is judged on your ability to listen, to problem-solve, to go in to bat for your constituents, to answer the hard questions, to live and breathe the area's success and quality of life and to be a champion for the issues that matter most to the community.

In my experience, when you're fighting tooth-and-nail to secure public housing for someone who is escaping a domestic violence situation with their children, my being a woman doesn't even register. The parents of young children in low socio-economic suburbs don't care that I'm a 'she', all they care about is my ability to campaign for them to get a school bus in their area so their kids can attend school. The patients and staff of our local public hospital have never once

raised my gender in connection to my profession, their only judgement of me is based solely on my actions to fight against the privatisation of their local healthcare facilities.

And here is where I believe there is a duality for women in modern politics; between Parliament and the electorate. To come back to my original point, I really empathise with Julia Gillard and her experiences within the walls of the Australian Federal Parliament, because the problem is that her experiences are not unique, in fact they are horrifyingly common and all too familiar. It's something that all women in politics may face at one point or another during their careers. And while the unspoken discriminatory gender rules that stubbornly cling to the bricks-and-mortar of government are still in full force, I will continue to swat away that pesky 'misogynist' mosquito and carry on with what really matters to my electorate. Because at the end of the day, the best method to dismantle the oppressive systems in our political fabric is to prove them wrong.





INCREASING THE NUMBERS OF WOMEN IN PARLIAMENT: A PERSPECTIVE FROM PAKISTAN



Meraj Hamayun Khan is a former Member of the Khyber Pakhtunkhwa Assembly in Pakistan. She started her political career in 1996 by joining the newly created Tehrik i Insaf as the provincial president of its women's wing. Later she joined the Qaumi Watan Party and was elected to the Assembly on reserved seats for women. She was elected as the Chairperson of the Women's Parliamentary Caucus and since then she has worked tirelessly to make it an effective forum. She is also known for her innovative social projects for women and children and is the founder of the NGO, De Laas Gul.

At almost the threshold of a new decade there is still cause for concern as to why women lag behind men in the crucial political race to reach Parliament and make their contributions as change makers to societies which are discriminative and keep them tied in chains of age-long injustices and abuse.

Though it is now widely acknowledged that without participation of women in all spheres of development, a country's progress in core indicators of human development is impossible, Pakistan still occupies a prominent position among those countries which have yet to become fully aware and sensitive to this fact. There still exist barriers which prohibit advancement and recognition to women aspiring to actively participate in the development of their country.

Illiterate in the majority cases but with very creative imagination and extremely poor, women are most willing to offer their services to whoever needs them, living in perpetual anguish and tension in insecure environments and yet they still manage to keep their spirits high and silently work from dawn to dusk. Their steely nerves and resilience are of great benefit to those who put them in a role requiring responsibly and firm and lasting commitment.

Unfortunately, patriarchal societies with rigid beliefs and biased perceptions cannot sense the damage they are doing to themselves and the community at large, by silencing the voice of

women and keeping them caged in their polluted habitats. This stalemate continues at the close of this decade because women have very little or no access to the very decision making tables where policies are made which govern their life.

The Legislative Assembly is, in a way, a mini-Khyber Pakhtunkhwa as it reflects the culture that prevails in the province, a culture which believes that 'women should neither be seen nor heard'. It is a culture based on strict code of Pakhtunwali with emphasis on honour and protection of family and clan. Women being 'vulnerable' - physically, mentally and emotionally - need to be kept under strict control for fear they might breach family honour. At the same time, they have to be protected from all the evils believed to be lurking all around in society.

Political leadership, having been raised in the same belief and strict code of Pakhtunwali, finds it difficult to change the patriarchal thinking and introduce a system based on equality and justice. Women, on the other hand, being totally or semi-literate, do not grasp the universal issues of dependency and independency, domination and suppression, freedom and fidelity so they live contentedly nurturing the dependency syndrome, little realising how it inhibits their development as well as thinking.

The current parliamentary statistics clearly bring out the vast gap in representation of the two genders in the political dialogue. There are only eight

elected women out of 272 general seats of the lower house of the Parliament (the National Assembly) with three from Punjab, four from Sindh and one from Baluchistan. No one was elected from Khyber Pakhtunkhwa. The total number of candidates (contestants) was 171.

The situation in the provinces is no better. Only one woman was elected out of 99 in Khyber

“Though it is now widely acknowledged that without participation of women in all spheres of development, a country's progress in core indicators of human development is impossible, Pakistan still occupies a prominent position among those countries which have yet to become fully aware and sensitive to this fact.”



Pakhtunkhwa and that because of a sympathy vote for her and her family as her husband, the original ticket holder, was killed in a suicide bomb attack.

The silver lining in this pathetic situation is the increase in voter turnout (though the Election Commission of Pakistan reports that two million women voters are still unregistered) and the number of candidates (contestants). This was possible due to the passage of the *Political Parties Act, 2017*, which bound the political parties to give 5% tickets to women. Another welcome fact is that out of 464 women contesting for the five Legislatures in Pakistan, 175 were independent candidates which shows that women are overcoming their diffidence and fears in joining politics.

Not only in Pakistan, the whole global picture is a cause for concern as shown by the World Economic Forum Calendar of 144 countries, which reports a 96% improvement in health outcomes, 95% in education attainment, 59% in economic participation, and only 23% in bridging the gender political gap.

Acknowledging the fact

that women's representation in political decision making process *“will fuel sustainable economies and benefit societies and humanity at large”*, the United Nations has included gender equality as one of its sustainable goals. For Pakistan to achieve this goal, it is imperative that a serious effort is made to study the barriers which impede progress and analyse the roles played in creating and sustaining them through:

- Legislative and regulatory frameworks
- Culture and country contexts
- Self-efficacy and empowerment of women themselves.

A holistic approach which takes into consideration all the above factors influencing women's access to Parliament needs to be used to bring about a noticeable change in the current political status of women. The question is how this can be done when men are leading and are in control of the development programme.

How can they be convinced that women's involvement would bring value to the planning and implementation process instead of weakening it? The

answer is not simple but it has to be considered. First of all it is time that women themselves, especially those who are in the national Parliament and Legislative Assemblies, whether directly elected or on reserved seats, should understand and take their responsibility of law making seriously. Law making is the first step towards empowering women legally and making people aware that they have to follow certain rules, which bind them to consider women as equal partners. The discussion that is generated by a law influences the thinking in the community and helps in breaking down old traditions.

Some other specific recommendations to increase women's empowerment are:

- A gender audit of the *Political Parties Act 2017* to see if principles are translating into practice and whether further improvements needed to be made.
- Serious engagement with the Election Commissions to ensure that effective measures are in place and a conducive environment is created for women in

politics. These measures include the appointment of women at decision-making level, the holding of discussions on gender, and the facilitating of women meeting the basic requirements for entering into Parliament.

- An increase in the Membership for women in the Executive and Governing bodies of political parties.
- Training of women as voters as well as effective political candidates.
- Engagement with political parties for greater sensitivity through internal regulations and practices to promote women's leadership.
- The creation of feminist advocacy groups with a unified voice, a coalition for civic education and women's participation as election watchdog.
- Massive advocacy to inform the public about electoral regulations.
- A national charter highlighting women's aspirations for the future of their country.





REFLECTIONS ON WOMEN'S EMPOWERMENT AND THE IMPORTANCE OF EDUCATION TO INCREASE POLITICAL PARTICIPATION



Rt Hon. Baroness D'Souza was elected as the second Lord Speaker of the UK House of Lords in 2011, a position she held until 2016. She first entered the House in 2004 and was Convenor of the Crossbench Peers from 2007 to 2011. Baroness D'Souza has a special interest in human rights and development issues and is the co-founder of the Marefat High School in Kabul, Afghanistan. She was director of an independent research group focusing on development and emergency aid. Baroness D'Souza taught anthropology at both the London School of Economics and Oxford Brookes University.

In the early 1960s a world-wide advertisement for a *Virginia Slims* cigarette especially designed for women carried the strapline 'you've come a long way, Girl!' The point being, one supposes, that having their own cigarette brand emancipated women from having to smoke those shared by men! This together with a penchant for bra-burning characterised the women's liberation movement of the late last century. I have never been a militant feminist and struggle with what such militancy adds in today's context. *Does it alienate those from whom women most need support OR without militancy, would we not have got so far in the last 100 years as we have and therefore militancy is a vital tool?*

Looking back on the actions of the brave suffragette women in the early part of the last century and noting the ridicule, abuse and disbelief with which they were confronted by all sectors of society – not least the press of the day – we can only wonder at the strident courage of these women fighting the entrenched views of both men and of society more generally. It seems unthinkable today to recall that women did not have the full vote until 1928 and only as a result of sustained attacks on the prevailing wisdom. So, *who can say that militancy didn't work? It did, and we are all the beneficiaries of it. However, is it legitimate to ask if it still works?*

Let us look for a moment at the *#MeToo* movement. After

the first flush of widespread indignation against men's sexual abuse of women, we now begin to see that the movement has on occasions become vindictive and exploitative. The temptation is to jump on the bandwagon of punishing men – understandably because of the long history of persistent abuse of women. But not all men are guilty and not all women are entirely free of revenge. There remain brutal systems such as slave labour, enforced marriages, girl trafficking, female genital mutilation, and the total lack of legal protection for women in many countries. But if the *#MeToo* movements and others like it are to be truly successful in changing societal patterns, it is important that men are afforded the same legal and other protections as are available to women.

What has changed in the last 100 years since women first got the vote in the UK? What protections has the world managed to set in place?

First there are the UN Conventions that aim to protect and promote women including the fundamental International Covenant on Civil and Political Rights (ICCPR), asserting that all human beings are born free and equal in dignity and in rights; the UN Convention on Economic, Social and Cultural Rights (CESR); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of the Child and a host

of other international, regional and national commitments. But laws alone do not make for a gentle and humane society and although legislation is a first critical step in an effective response – vigorous monitoring and strict accountability are also needed to effect a change in culture.

The last 25 years or so have seen truly remarkable changes in attitudes towards women and the entry of women into all sectors of the workforce. The research attention paid to this trend has not been lacking. For example, there are now several reputable and comprehensive studies showing the economic advantages of having women on the boards of major international companies; an IMF 2016 report documented a positive association between corporate return on assets and the share of women in senior positions in two

"If the *#MeToo* movements and others like it are to be truly successful in changing societal patterns, it is important that men are afforded the same legal and other protections as are available to women."

million European companies.

The rate of women doctors qualifying increases significantly each year; the number of women who apply for science and engineering-based degrees is growing. Women astrophysicists, including space travellers, are now commonplace. However, these advances are not true for all women.

The vast majority of women work endlessly to feed families, are regularly exploited and abused by society and by their male relatives, are prevented from any participation in matters that affect their lives and livelihoods, who are weary beyond description and still have no access to proper contraception, maternity care, education, let alone any leisure.

Who has not travelled through rural areas in all five continents and witnessed groups of men chatting away in cafes drinking tea, coffee, alcohol amidst clouds of cigarette smoke while the women continue to toil? Indeed, evidence from our hunter/gatherer past suggests that the women's food gathering was a far greater contribution to the daily diet than were men's hunting activities!

Why does it matter that so many millions of women are nowhere near parity with men in just about every aspect of life? Apart from the obvious and horrific abuse that women continue to suffer – *why and how should we fight to ensure that women the world over have a voice in decisions that affect their lives and livelihoods?* Although there is now great focus on women's political engagement at national levels, the local context is equally if not more important. As I have so often said to audiences around the world, politics is about organising people in order to achieve a common goal. Therefore, the village woman who brings together others in her own and neighbouring settlements to insist on clean water is as



much a politician as is a Head of State. Village politics are a valuable training for wider political representation and empowerment.

That said the importance of women's political engagement regionally and nationally is hard to overstate. This is not because women necessarily have a unique view by virtue of their gender, but because without women, the political conversation is simply incomplete. Democratic systems are at their most legitimate, credible and effective if there is engagement from all corners of society. It damages democracy if women are excluded. Looking more broadly it is striking that this exclusion happens most frequently in less developed countries, in tandem with the fact that 70% of the world's poorest people are women. In the least developed countries, in the absence of quotas for women politicians, the average is 12% of women Parliamentarians compared to almost 20% globally – and still far from the UN and Commonwealth target of 30%.

Too many women today still live in states of poverty, fear and exploitation. Political participation is undoubtedly their right but it

is perhaps unrealistic to expect such women to aspire to political leadership when their primary concern remains subsistence and survival. So the conditions for political equality have first to be created. In an ideal world, girls go to school, learn employment skills (resulting as often as not in later marriage, better family spacing and fewer children). They take up dignified and rewarding work and ultimately become politically engaged at the local, regional and even national levels. Once enfranchised some become democratic representatives themselves and it is at this stage that women's empowerment becomes transformative in bringing about permanent shifts in the distribution of social and economic power.

Let me give a brief example of how creating the conditions for equality can work in a limited amount of time in a country not renowned for its liberal attitude towards women – Afghanistan. Early in 2002, as a Governor of the Westminster Foundation for Democracy, I visited Afghanistan and met a young man, Aziz Royesh, passionate about education, most especially of girls. He was a recently returned refugee

Above: Baroness D'Souza visits the school that she co-founded, the Marefat High School, in Kabul, Afghanistan.

from Pakistan and had set up an embryonic school in a bomb-damaged building in which he taught basic subjects in three shifts to 30 pupils, ranging in age from seven years to middle aged women.

I began to raise, to begin with small amounts, of money with which Aziz repaired a large building and put in heating. This was a master stroke because it drew the whole community in on long and cold winter evenings and Aziz was able to persuade parents to allow girls to be schooled and he also started adult literacy classes. This was after years of Taliban rule when anything approaching education for girls was severely punished.

Marefat High School today has almost 4,000 students ranging in age from seven to the early twenties; approximately 500 girls have graduated and almost 98% have gone on to higher education including universities in South and central Asia, the Far East, the USA





REFLECTIONS ON WOMEN'S EMPOWERMENT AND THE IMPORTANCE OF EDUCATION TO INCREASE POLITICAL PARTICIPATION

and Europe. A total of 271 full scholarships have been won. 60 students went to the USA for high school, undergraduate and postgraduate degrees of which 42 were girls. One statistic of which I am most proud is that a few years ago, the Women's University in Bangladesh offered 16 full scholarships to girls in the region (Afghanistan, Pakistan, India, Sri Lanka, Nepal) and the Marefat female graduates won 11 of them. This is an indication of the quality of the teaching. The school has been praised by the President and the First Lady and has international recognition.

These graduates now work in the President's Palace and the First Lady's Office, in various Ministries, in the Parliament, the Elections Commission, the media and the academic world. 28% of the teaching staff at Marefat are themselves graduates of the school. It is an undoubted success and although its future cannot be guaranteed in a country as unstable as Afghanistan continues to be – it has already produced future leaders for the community and demonstrates that, even under the most extenuating circumstances, much can be achieved.

This is of course in line with

the widespread acceptance of female education as the basis and the pathway to development generally. The time-worn adage that if you educate a girl, you also educate a family, a neighbourhood and, eventually, a nation continues to ring true wherever you look in the less developed world.

The Commonwealth Parliamentary Association, largely through its active and effective Commonwealth Women Parliamentarians (CWP) inaugurated in 1989, has long lobbied for greater participation by women in parliamentary affairs. It has argued that given that women constitute slightly more than 50% of the world population and it is incumbent on the CWP to lead the way. The Commonwealth population of 2.4 billion, is one third of the world's population, and 94% live in Asia and Africa. Potentially this is a powerful force and the CWP has worked ceaselessly to mobilise this force. There have been conferences, regional and Branch workshops, networking, the setting up of women's parliamentary caucuses and a great deal of campaigning against injustices such as the abduction of girls by Boko Haram and honour killings in India and the Sudan. The CWP has championed issues such as gender equality, the elimination of gender-based violence, parental leave and childcare, pensions and electoral reform.

But the CWP would itself admit that there is still a long way to go. Twelve of the Commonwealth countries have achieved 30% or more women Parliamentarians with Rwanda, one of the newest members of the Commonwealth, achieving 61% female parliamentary representation by means of quotas. However, this still leaves 41 Commonwealth countries which are nowhere near the UN target.

Other persistent anachronisms affecting Commonwealth



countries include sexual and domestic abuse, unequal pay, lack of full access to education and/or abortion, and the criminalisation of same-sex relations, let alone same-sex marriage. In the UK for example, despite legislation, there has been a reluctance to enforce the criminalisation of Female Genital Mutilation and a recent House of Lords *Report on Affordable Child Care in the UK* makes it clear that the lack of care is holding back many women from pursuing a career.

The world's ancient and modern history tells us that women get things done! One issue which continues to be discussed and debated is how better to build on the potential for an international movement among Commonwealth women Members. There is no shortage of meetings and opportunities to renew individual friendships. The problem is how these links can become more institutionalised and effective. We all return to our day jobs after our Commonwealth gatherings and time is always short. Unless we agree clear, do-able actions to continue our conversations and our legislative campaigning on agreed goals in

between our meetings, progress will not accelerate. There should be a common standard on women's rights to which all Commonwealth countries not only aspire but activate.

Changing the law to facilitate women in politics is not, by itself, enough. Neither do I believe that quotas are sufficient; arguably such arrangements, by providing a quicker route to political involvement might undermine progress towards political engagement for all women, because they do not allow for the organic change in cultural norms and social power that are also required.

It is important to emphasise that the history of women's political participation should not focus alone on increasing 'women's rights' but should reflect everyone's rights. Political participation is a basic human right. Creating the social and cultural conditions that encourage such political participation for women is a crucial driver for achieving wider development an establishing stable and successful societies, to benefit women AND men.

FINDING POLICY SOLUTIONS TO INCREASE WOMEN'S ECONOMIC EMPOWERMENT IN THE UK

FINDING POLICY SOLUTIONS TO INCREASE WOMEN'S ECONOMIC EMPOWERMENT IN THE UK



Hon. Dawn Butler, MP was first elected to the UK Parliament as the Member of Parliament for Brent South in 2005 and became the first elected African-Caribbean woman to become a Government Minister in the UK. She was later elected for Brent Central in 2015. Dawn is currently the Shadow Minister for Women and Equalities and continues to commit her time in the UK Parliament to representing groups and people in society that are often underrepresented.

Unbeknown to me I was always political. I would fight for my rights and the rights of others just because it was, in my very strong opinion, the right thing to do. My father was very influential in my life as the *de facto* shop steward on the railways, I would sit on the living room floor listening to stories of battles won and lost at work.

It was no wonder then that I became a trade union official and joined the Labour Party, the political party that made my parents feel welcome when they arrived from Jamaica. The values that I hold dear like fairness, equality and justice are the DNA of the Labour Party and that is why I am proud to serve as the Member of Parliament for Brent Central.

When I became the first black female MP to ever be appointed as a Minister in the UK Government and the first black female MP to speak from the despatch box in 2009, it was a momentous and proud occasion. But it was tainted by the fact that I felt the horror and disgust from some of the MPs opposite. So much so that an opposition Conservative MP tried to disparage me and criticise and question my grasp of English. He rose to his feet on the floor of the House and said "*Will the Minister very kindly stop this assault on the English language? Can we drop these awful terms such as 'upskilling' and 'third sector'.*"

Ten years later much has changed, for a start upskilling and third sector are now commonly used terms, but the battle to be

recognised and not ridiculed as a black woman is still a constant battle. Much more needs to be done to accomplish the change that is really needed.

In my roles as Member of Parliament for Brent Central and Shadow Minister for Women and Equalities, I am determined to make those changes and accelerate the progress of change and help tackle the structural barriers that still exist in society that prevent progress for so many people. Gender equality is an incredibly important goal which I work towards every single day.

To build a fairer society we must tackle all injustices. A fairer society should be judged on the basis that we measure success by the obstacles we overcome.

One such example from the UK includes the most recent data from the Office of National Statistics' Annual Survey of Hours and Earnings, which showed that the median gender pay gap for all employees was 17.9%.

A very high differential when in 2018 we celebrated the passing of the *Parliament Qualification Act*, which laid the foundation for the first women being able to stand for Parliament – a suffrage landmark.

We also marked the 90th anniversary of the *Representation of the People (Equal Franchise) Act 1928*, which gave women over the age of 21 equal voting rights to men. It took another 10 years before equal franchise was achieved where women and men at the age of 18 could vote. What struck me about the many

celebrations in 2018 was that it was almost overlooked that all men received the voting rights but only some women, this was to ensure that men always had the majority say.

Therefore when it comes to equality we have to be forever vigilant, we need to reflect on how far we've come but also be mindful of how far we still need to go to achieve full equality. We need to strive for greater inclusive progress.

The Sustainable Development Goals are an important part of this through *SDG Goal 5: Achieve gender equality and empower all women and girls*. This goal rightly says that gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Together, all around the world, we must continue making progress towards this important aim.

I am pleased to have worked internationally with the Commonwealth Parliamentary

“To build a fairer society we must tackle all injustices. A fairer society should be judged on the basis that we measure success by the obstacles we overcome.”



Association on these issues and more, including attending the CPA's celebrations for Commonwealth Day last year where I spoke to so many young people from across the Commonwealth. Young people are our present and future and they are paramount in ensuring we achieve these Sustainable Development Goals and bring about real positive change in society.

As young people start creating ways of elevating others and forcing change and progress, it gives us hope that Goal 5 of the Sustainable Development Goals is achievable. One such initiative are inclusion riders where actors refuse to act in a film unless there is diversity behind and in the pipeline of a film.

I know from personal experience just how important allies are and the difference it makes to have more than one 'other' at the table. In 2005 when I first entered the UK Parliament, Rt Hon. Diane Abbott, MP and I were the only two black female MPs. For me this was hard and often soul destroying. Besides the fact that 8/10 times I was called Diane and not by my actual name, I recall the moment I was in a lift on my way to a Parliamentary Committee and was told by another Member of Parliament that *"this lift isn't for cleaners"*.

Roll forward 13 years later and although there are more women of colour in Parliament, being wrongly identified is still very

prevalent and sadly the abuse has not stopped. As a black female Member of Parliament, I suffer abuse on a daily basis, as do so many of my colleagues.

We need to do so much more to achieve equality and ensure that everyone, no matter their gender or background, feels like they belong exactly where they are and that they can do and achieve anything.

There are so many challenges holding back gender equality – and at the heart of it is valuing the role that women play in society.

Women's Economic Empowerment

At the heart of the gender pay gap are several issues; discrimination, the undervaluing of roles predominantly done by women, the unequal distribution of labour with more women in part-time low-paid jobs, the dominance of men in best paid positions and unequal caring responsibilities. Tackling these issues must be our main priority if we are to see sustainable change in workplaces and in the home.

To remove structural barriers, it is imperative that you chip away at the foundations which contribute and build on policies that encourage transparency.

One of the policies I have been campaigning for is to require all large private and public employers to obtain government certification of their gender equality practices or face further auditing or fines. They must produce action plans

demonstrating how they will tackle issues of recruitment, progression, pay and work/life balance. Only companies with this certification will be considered for government contracts under a Labour government. This is important because there is no guarantee that the gap will close over time – it needs significant action from Government, businesses and society.

A further step is the pledge by the Labour Party to introduce mandatory race pay gap reporting for large companies, alongside company action plans, to encourage businesses to tackle racial discrimination in the workplace. These steps are about encouraging companies to take ownership of the issues and encouraging them to be exemplar employers.

We must ensure there is better provision and greater take up of parental leave and more affordable childcare. Only then will we have more balanced workplaces and homes, because as we know, women continue to play a greater role in caring for children and sick or elderly relatives.

Just 7% of engineering apprenticeships achieved last year were undertaken by women. And at the top, men continue to dominate the most senior and best paid roles – in 2018, only seven Chief Executives in the FTSE 100 list of top UK businesses were women. We must support women's journeys into male-dominated sectors.

If we are going to evoke change we must examine the intentions of the goalkeepers of businesses and their unconscious bias. That is why, to tackle the underrepresentation of women and people of colour in positions of power, I believe we must implement the Parker Review recommendations to increase diversity on boards.

The Equality and Human Rights Commission estimates 54,000 mothers a year are forced to leave their jobs early after they

become pregnant. So one of the things we must do to tackle gender inequality is create a more balanced and flexible working environment for all.

A holistic approach to economic empowerment means tackling the things that unfairly hold women back. Another Labour Party policy that I am proud of is the policy to end period poverty. In the UK on average, every female spends around £5,000 in their lifetime on menstruating products.

Low income families shouldn't have the additional burden of struggling to afford sanitary products; or homeless women suffering on the streets; or young people missing school once a month because they just can't afford sanitary protection. The Labour Party has pledged to provide free sanitary products in schools, colleges and foodbanks, as well as free prescriptions for sanitary protection or reusable cups. This is just one part of my vision to bring about gender equality and the economic empowerment of women.

Women's Representation

Representation matters in politics – not just for its own sake, but because it shifts the balance of power, brings politics closer to more people who are directly affected by policies. Diversity can also dictate which issues are heard or ignored.

Fifty-one percent of the population are women and since 1918, just 491 women have served as elected MPs in the UK Parliament. There were 208 female MPs elected at the UK General Election in 2017 – 32% of all MPs. This is the highest ever number and proportion so clearly we are making progress, but it is not anywhere near fast enough if we are to reach true representation.

Even more of an effort needs to be made on diversity. 52 MPs in the UK House of Commons are from non-white backgrounds, 8% of the total. This is compared

to around 14% of the whole UK population who are from a non-white background.

One of the simplest steps that could improve diversity in our politics is to enact *Section 106* of the *Equality Act 2010*, which includes a requirement for political parties to publish the demographic make-up of their election candidates, for instance, BAME (Black, Asian and minority ethnic) and disabled etc. Previous research has shown that transparency can be a driving force for change.

The UK Parliament has agreed to introduce a trial of proxy voting for MPs on baby leave. This is a welcome but small step to bring the UK Parliament into the 21st century. As a feminist and a campaigner, I have been left asking what about the MPs who are hospitalised, MPs with cancer? These small steps sometimes need to be a leap. Too often we have seen the indignity of MPs being wheeled into Parliament in a wheelchair to vote, or MPs being aided to walk into the lobbies to vote. As a shop steward I would not accept that in any other work place.

I have always said that we will know that we have achieved true equality in Parliament and in positions of power when there are as many 'rubbish' women as 'rubbish' men sitting in the seats of power.

It is important that in tackling gender inequality we take intersectionality seriously. Intersectionality is where people's overlapping identities and experiences interact in the complex prejudices they face. Intersectionality, is about double, triple or quadruple discrimination people face. I myself have been subjected to multiple layers of discrimination and when confronting said discrimination I have not always had the support of white feminists and this used to confuse me.

Identity isn't one-dimensional, but our current legislation means that you can only bring



a discrimination claim on the grounds of one aspect of your identity. This is hugely problematic for individuals such as older white women, Muslim women or disabled Black women for example, who can't claim pay discrimination on multiple identity grounds. We must change that. And I was proud to announce that a Labour government would change just that.

Violence Against Women and Girls

Sadly violence against women and girls continues to be a global epidemic, affecting an estimated one in three women worldwide. We will not be able to achieve women's economic empowerment or greater women's representation if we cease to value women and if women are not safe. It is proposed that a Labour government would appoint a Commissioner to set new standards for tackling domestic and sexual violence.

Age-appropriate sex and relationship education would also become a compulsory part of the curriculum so young people can understand, appreciate and learn about respectful relationships and so that young people fully understand what it means to understand power and consent. The law should be strengthened, banning the use of community resolutions as a response to domestic violence. And we must ensure that under the Istanbul Convention, disability hate crime

and violence against women with disabilities is reported annually, with national actions plans to address these issues.

The response I received after announcing the domestic abuse policy made me stop in my tracks. Person after person approached me, each one tearful, some spoke in hushed tones telling me how this policy would have changed their lives, a landmark new policy to ensure that employers introduce workplace domestic abuse policies and provide up to ten days paid leave for victims of domestic violence. This will allow women and men to leave their abusive partners safely and get the help, protection and support they need knowing their livelihood is secure.

Radical Workplace Revolution

I firmly believe we must lead a radical workplace revolution to ensure that employees no longer have to rely on the ladder of success. Because this ladder of success has held women and people of colour back for too long. How many times have we heard people say they did all that was asked of them, worked extra unsociable hours. Yet they were still unable to take the next step.

In most cases, men seem to seamlessly rise up this ladder of success with little effort or set back.

So instead of relying on the shaky ladder of success, I am determined instead to build the foundations of an escalator of success. Where we, as a

Above: Dawn Butler, MP joined the CPA Chairperson, Hon. Emilia Monjowa Lifaka, MP for the CPA Youth Programme on Commonwealth Day 2018, to speak to young people from across the Commonwealth about how they *"could put their mark on the special relationship that we have with the Commonwealth."*

government, remove the structural barriers, and ensure that career progression along with pay progression are transparent so that employees are treated well, promoted fairly and equally. And companies are held to account and their good practices rewarded, where we ensure strong workplace protections are in place, and when people need it, there is access to justice.

Throughout this journey, we must remember that the pursuit of gender equality must include everyone – that includes our LGBTQ+ community, women of colour, disabled women, older women, working class women, single mums, as well as other groups who are traditionally underrepresented.

My overarching belief is that equality is equality, you cannot pick and choose. That means we must fight for the rights of everyone as if they were our own. Together, we can achieve it.



Image credit: UK Parliament/Jessica Taylor.



THE WORK OF THE WOMEN AND EQUALITIES SELECT COMMITTEE IN THE UK PARLIAMENT



Rt Hon. Maria Miller, MP is the Chair of the Women and Equalities Select Committee in the UK Parliament and a member of the CPA UK Branch Executive Committee. Before entering Parliament, Maria worked for 20 years in marketing. Maria was first elected to the UK Parliament in 2005 to represent Basingstoke and has held a number of Ministerial roles including Secretary of State for Culture, Media and Sport, and Minister for Women and Equalities (2012-2014).

Last year, the UK Parliament celebrated *Vote100* to mark the anniversary of 100 years since it passed a law enabling some women and all men to vote for the first time. As Chair of the UK Parliament's Women and Equalities Select Committee, I was delighted this milestone was celebrated with such enthusiasm and hope. I

"I am particularly proud of the cross-party nature of the Select Committee's work and how concern for these issues overrides any political divisions. Working collaboratively and applying our collective range of experience and skills is key to driving forward the Committee's ambitious programme of inquiries."

particularly enjoyed participating in the Commonwealth Women Parliamentarians British Islands and Mediterranean Regional Conference and a panel discussion organised by the CPA UK Branch on empowering women's voices in the UK Parliament with my colleagues, Angela Rayner, MP and Baroness Jenkin.

When I first became a Member of Parliament in 2005, it was hard to believe I was only the 265th woman ever to be elected to the UK Parliament. The low number of female Parliamentarians made me think I could never be one myself, but I was inspired to put myself forward by witnessing the inspirational contributions of trailblazers such as the UK's first woman Prime Minister, Rt Hon. Margaret Thatcher. I am delighted to say the outlook has improved with more women than ever being elected in the 2017 general election, although I am also pleased that the common conclusion of the *Vote100*



events was that a 50/50 gender-balanced Parliament is the only acceptable outcome.

In 2019, the UK now has some of the best laws protecting women, people with disabilities and the LGBTQ community; however, there is still much more to be done on all fronts. While more rights are enshrined in law than ever before, instances of sexual harassment at work and discrimination of disabled people and pregnant women in the workplace are all too common. It is all very well creating laws, but if they don't work in practice, there needs to be robust processes for scrutiny and review in place.

That is where the Women and Equalities Select Committee centres its work. As the Minister

Left: Rt Hon. Maria Miller, MP speaks at the Commonwealth Women Parliamentarians workshops on gender equality held at the 62nd Commonwealth Parliamentary Conference in London, UK.

for Women and Equalities from 2012-2014, I was adamant that the establishment of a Select Committee was necessary to challenge the government on equality issues. I fought hard for the Women and Equalities Committee to be set up in 2015 in the UK Parliament, and as Chair, I work on a cross-party basis with colleagues to keep these important issues to the fore.

The Committee applies pressure on the government by conducting inquiries, and by using the media to keep these issues at the top of the

agenda. Our latest inquiry focusses on the use of non-disclosure agreements in discrimination cases, which builds on the Committee's recent inquiry into sexual harassment in the workplace. A key recommendation from that report was for the UK Government to clean up the use of non-disclosure agreements in sexual harassment cases, and this new inquiry now gives us the opportunity to explore this in more detail. We have issued a call for evidence and once all written evidence submissions have been collated, the Committee will call on witnesses to shape our understanding of how areas of the law can be improved.

I am particularly proud of the cross-party nature of the Select Committee's work and how concern for these issues overrides any political divisions. Working collaboratively and applying our collective range of experience and skills is key to driving forward the Committee's ambitious programme of inquiries. I am certain that the work of the Women and Equalities Select Committee has helped push these important

Below: Commonwealth Women Parliamentarians from the CPA British Islands and Mediterranean Region, attending the CWP BIM Regional Conference in London in April 2018, visit the first statue of a woman in Parliament Square opposite the United Kingdom Parliament. The statue commemorates the life of the suffragist, Dame Millicent Fawcett, who campaigned for women's right to vote in the United Kingdom during the early 20th century and is seen as one of the most influential feminists of the past 100 years.



Above: Rt Hon. Maria Miller, MP speaks in the UK House of Commons about the work of the Women and Equalities Select Committee at the Women MPs of the World Conference. Please turn to page 68 for a full report.

issues to the top of the policy agenda and to the forefront of peoples' minds. It has also encouraged the UK Parliament to rethink how it works for women with recent steps made to improve accessibility and the working environment, as well as undertaking an IPU-backed Gender Sensitive Parliament Audit.

In addition to my work with the Women and Equalities Select Committee, I am also a member of the CPA UK Executive Committee which enables me and colleagues to meet and work with other Commonwealth Parliamentarians around the world. Empowering women is one of CPA UK's strategic priorities and we are continually looking at how this can be achieved by working in partnership with other CPA Branches and by running and participating in multilateral activities.

I have seen first-hand the work of CPA UK and the CPA International Headquarters when I attended both the 62nd Commonwealth Parliamentary Conference in December 2016 in London, UK and the 63rd Commonwealth Parliamentary Conference in November 2017 in Bangladesh. It was interesting to see this important network of Commonwealth Parliamentarians at work and meet so many of my fellow female Parliamentarians working for increased

representation of women.

I am pleased to announce that in June 2019, the CPA UK Branch is planning a *Workshop on Gender Impact Analysis* bringing together Commonwealth Parliamentarians and experts to learn about different ways to identify and highlight gender inequality and bring about change. Further information will be sent out shortly, but if you are interested in taking part please contact the CPA UK Branch.

I am also strongly supportive of CPA UK's *Modern Slavery Project* which has achieved excellent results in supporting legislative change in a number of countries. Of course, women are disproportionately affected by this heinous crime.

I credit the Commonwealth Women Parliamentarians for their work over the last 30 years and draw many parallels with the work of the Women and Equalities Select Committee in the UK. Along with all the other organisations invested in gender-balanced, accessible Parliaments, I look forward to witnessing more change for the better.

Image credit: UK Parliament/ Jessica Taylor



WOMEN'S POLITICAL REPRESENTATION IN THE UNITED KINGDOM PARLIAMENT: CENTENARY CELEBRATIONS THAT LACKED 'DEEDS'



Professor Sarah Childs is Professor of Politics and Gender at Birkbeck, University of London, UK. Her research expertise centres on the theory and practice of women's representation, gender and political parties, and re-gendering Parliaments. Sarah has written several books on women's representation. On Sarah's recommendation a new group of UK MPs, *The Commons Reference Group on Representation and Inclusion* was established by the Speaker and she continues to advise this group as it oversees the implementation of changes to the UK Parliament.

1918 saw two pieces of legislation that were critical to the realisation of women's political equality in the United Kingdom. *The Representation of the People Act* passed in February of that year gave some British women the right to vote; women had to be over 30 and meet a property qualification – 'land or premises' of a 'yearly value of five pounds or more' – or be the 'wife of a husband so entitled to be so registered'.¹ It would take another decade to bring about equality in voting rights between British women and men, at the age of 21.²

The second, and less well known law, is *The Parliament (Qualification of Women) Act*. Passed in November 1918 this provided all women over the age of 21 with the right to stand for election to the UK's House of Commons.³ At the general election a couple of weeks later, 17 women stood as candidates. Only one, the Sinn Féin candidate Constance Markievicz was successful, although as an Irish Republican she did not take up her seat. The first woman MP to sit in the House of Commons in the UK was the American-born Nancy Astor in 1919.

The centenary year of 2018 witnessed a great number of celebrations and commemorations across the UK. The first ever statue of a woman was unveiled in Parliament Square in London of Millicent Fawcett, the leader of the National Union of Women's Suffrage Societies; and Manchester was the site for

a statue of militant suffragette Emmeline Pankhurst, the leader of the Women's Social and Political Union, only the second statue of a woman in the city after Queen Victoria. These were not the only statues – a seemingly popular form of commemoration.⁴

Thousands of women also took to the streets, marching like their foremothers in numerous cities.⁵ Many donned purple, white and green sashes. Parliament's senior archivist Mari Takayanagi argues that the suffragette colours have now become synonymous with suffrage, whether militant or not. There were numerous academic conferences,⁶ and national and local museums put on exhibitions. Plays and musicals were staged and books on women's suffrage and women in politics were (re) published.⁷ *EqualTeas* – tea and cake parties with suffrage related board games – were held in homes, workplaces and girls' organisations.⁸

At the UK Parliament, Westminster Hall's 'Voice and Vote' exhibition recreated the ventilator and the cage – historic means by which women were able to view parliamentary debate when formally excluded from the public galleries.⁹ The names of all women MPs who had ever sat on the green benches were also listed. Portcullis House, the newer part of the parliamentary estate, staged the '209' photography exhibition of sitting UK women MPs.¹⁰

In the UK House of Commons Chamber itself, Rt Hon. Harriet

Harman, MP, the longest continually serving current woman MP in the UK, hosted over a hundred women Parliamentarians from 86 countries.¹¹ (see page 68 for full report).

On the centenary of the Qualification Act itself, and as part of the #Askherstand campaign, current UK MPs – male and female – brought women into the UK Parliament for the day.¹²

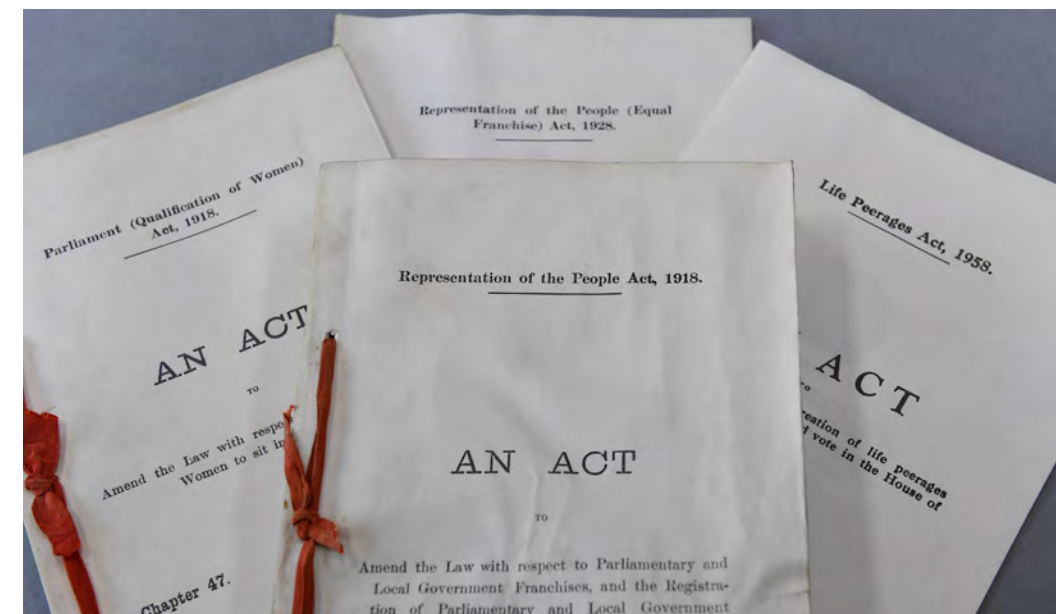
There was – for women up and down the country – no end of possibilities to participate in centenary activities of one sort or another. As someone who participated in a good many – including an 'end of year' live radio broadcast from inside the

"1918 was well and truly marked in 2018. Yet, as the year ended, it could only be concluded that there were no 'deeds' in 2018 worthy of the suffrage meaning of the word. I say this specifically with regard to the gender gap amongst Parliamentarians at Westminster."

UK House of Commons on BBC Radio 4's *Woman's Hour*, these events were highly informative, engaging and entertaining, and frequently moving. To see suffrage memorabilia 'in person'; to hear from historians and suffrage experts; to read books about hitherto unknown political women,¹³ or simply to celebrate with other women the acquisition of women's political rights. One could also buy plenty of suffrage centenary gifts including designer jewellery, tea towels, mugs, and most famously (at least at the UK Parliament) Suffragette rubber ducks for one's bath.¹⁴

1918 was then well and truly marked in 2018. Yet, as the year ended, it could only be concluded that there were no 'deeds' in 2018 worthy of the suffrage meaning of the word. I say this specifically with regard to the gender gap amongst Parliamentarians at Westminster.

Following the 2017 general election, there still remain more than 100 women 'missing' from the UK House of Commons. In a House of 650 Members equal representation requires 325 women. At present there are 209. Constituting 32% of all MPs, there is additionally a skewedness in women's representation by party. In respect of the main political parties, women currently make up 21% of the Conservatives (67 women MPs); 43% of the Labour party (119 women MPs); 34% of the Scottish National Party (12 women



MPs); and 33% of the Liberal Democrats (4 women MPs).

The under-representation of women in British politics relative to their presence in the population is well-documented, whether one looks to academic (*Norris and Lovenduski 1995; Childs 2008; Kenny 2017*), civil society,¹⁵ or Parliament's own research.¹⁶ Plenty has been said too about what should be done, most notably in recent years by Parliament's Speaker's Conference on Representation in 2010,¹⁷ and the 2014 Women in Parliament All Party Parliamentary Group (APPG) Report, *Improving Parliament*. In addition to these publications, the Fawcett Society's *Strategies for Success* published in late 2018 established that the obstacles

that women face participating in politics – particularly in respect of parties' selection processes – are not historical artefacts but continue to negatively structure women's experiences.¹⁸ The Report went so far as to talk of 'high levels of resistance to women and other under-represented groups', evident in the structures, processes and culture of politics.

It is not the case that Government, Parliament or political parties do not know what might be done. In 2016, *The Good Parliament* provided more than 40 recommendations that would transform the House of Commons into a diversity sensitive institution.¹⁹ In respect of women and men's equal participation at Westminster, the report made the following recommendations, with those in bold relating directly to sex quotas (equality guarantees) and candidate diversity data gathering (strong equality promotion) (*Lovenduski 2005*):

6. Publish a series of statements detailing and promoting the role and work of MPs, to both educate the public more about what it is that MPs do, and to explicitly signal the range of characteristics, skills,

dispositions, and experiences relevant to the job of being an MP.

7. Engage in various parliamentary and other activities to enhance the supply of, and demand for, diverse parliamentary candidates.

8. Secure a cross-party concord regarding candidate selection for the 2020 Parliament following the boundary review: all political parties should seek to increase the percentage of its women MPs – at the absolute minimum all parties currently represented in the House should maintain existing percentages of women MPs.

9. Introduce prior to dissolution for the 2020 general election statutory sex/gender quotas to take effect for the 2025 general election if, three months prior to the 2020 general election, political parties currently represented in Parliament have failed to select at least 50% women in a party's 'vacant held' and 'target seats'. Introduce permissive legislation to allow for party quotas for other under-represented groups, where parties have



failed to select proportional percentages of candidates from these groups.

18. Support the production of comprehensive website materials showing that a diversity of people are, and can be, MPs.

19. Support the development of a residential 'Introduction to being an MP' Programme for under-represented groups.

22. Immediately commence Section 106 of the Equality Act 2010 (which requires political parties to provide data relating to parliamentary candidates).

23. Clarify the status and effectiveness of the Access to Elected Office Fund for supporting disabled people to stand for election as local councillors or MPs.

24. [Women and Equalities Committee] Call the Secretary of State for Women and Equalities before the Committee regarding commencement of Section 106 of the Equality Act 2010.

43. [Political parties] Engage in various activities to increase the supply of, and demand for, diverse parliamentary candidates.

The snap general election of 2017 overtook *Recommendations 8 and 9* relating to candidate quotas for what had been scheduled to be the 2020 general election. Despite the fact that the *number* of Conservative women MPs declined between 2015 and 2017, from 70 before the election to 67 afterwards, the fact that the *percentage* of Conservative of women MPs stayed the same at 21% pre-empted consideration of candidate sex quotas. This was something that some high-profile supporters of women's representation in the Conservative party had said should be 'on the table' if there was a reduction in women's

presence in the parliamentary Conservative party.²⁰

What of *Section 106* of the *Equality Act 2010*, *Recommendations 22 and 24*? None of the recent Secretaries of State for Women have been favourably disposed. Their reluctance in the face of a public campaign²¹ and the Women and Equalities Committee inquiring into women's under-representation once again in 2018, was inexplicable according to the Fawcett Society's Sam Smethers.²²

Section 106, passed by the outgoing Labour government in 2010 requires political parties to provide candidate diversity data. A transparency and monitoring measure, *Section 106* would enable academics, civil society groups and the public to hold political parties to account for the outcomes of their selection processes. It is also expected to nudge political parties to select more diverse candidates. As developed in *The Good Parliament* Report, it would moreover have provided candidate diversity data to be published on a rolling basis as parties selected their candidates; the data would have been systematic and comparable across parties; would distinguish between selections in winnable and unwinnable seat (to illuminate whether diverse candidates had a good chance of being elected and not just selected); and would be hosted by the Electoral Commission.

Section 106 was a political 'ask' that was very much felt by academics and campaigners to be in tune with other gender-gap auditing processes. It was very much hoped that it would find favour precisely because the Government had arguably gone down a similar road with gender pay gap audits. That campaigners were in 2018 asking for *Section 106* and not for legislative quotas was in itself telling of the current environment in which women's

political inequality is being discussed in the UK.

#AskHerToStand has arguably been the most notably successful campaign in terms of its publicity and wide appeal, with cross party support within Parliament. Actions to increase the size and diversity of the political supply pool of women should be supported: more women actively recruited into politics is a good thing.

Research tells us that women need more than men to be invited to participate in politics (*Lawless and Fox 2005*). Yet, there is a very big risk that this strategy on its own reinforces a supply-side only analysis of the causes of women's political representation. This can easily be interpreted as assuming that if the supply pool increases so too, automatically and inevitably, will the numbers of women returned to Parliament. There is too much data to the contrary (including from the Scottish Parliament and National Assembly of Wales) to be complacent about an ever-upwards trajectory of women's political representation. The demand side intervention of quotas is globally proven to be successful. The nearby case of Ireland's quota attests to this.²³ Asking women to stand without changing how political parties do politics and select candidates can only be an 'incremental' approach that ensures women's ongoing inequality at Westminster in the short and medium term.²⁴

As 2019 opens, campaigners have not given up on enacting *Section 106*. That said, there is no way of denying that the centenary year ended without any statutory or regulatory acts to address women's political under-representation in the UK Parliament. Though it is only an equality promotion measure, the enactment of *Section 106* would have constituted a symbolic and substantive intervention. Without it, regrettably, there is little that happened in 2018 that will merit

commemoration one hundred years from now.

Bibliography

- Childs, S. (2008) *Women and British Party Politics* (London: Routledge)
- Kenny, M. (2018) 'From Thatcher to May and Beyond: Women in British Politics', in Allen, N. and Bartle, J. (ed) *None Past the Post* (Manchester: MUP).
- Lawless, J. L. and Fox, R. L. (2005) *It Takes a Candidate* (Cambridge: CUP)
- Lovenduski, J. (2005) *Feminizing Politics* (Cambridge: Polity).
- Norris, P. and Lovenduski, J. (1995) *Political Recruitment* (Cambridge: CUP).

References:

- ¹ https://www.legislation.gov.uk/ukpga/1918/64/pdfs/ukpga_19180064_en.pdf
- <https://thehistoryofparliament.wordpress.com/2018/02/06/the-representation-of-the-people-act-1918-a-radical-reform-measure-bill/>
- ² <https://www.parliament.uk/about/living-heritage/transformingsociety/elections/voting/womenvote/case-study-the-right-to-vote/the-right-to-vote/birmingham-and-the-equal-franchise/1928-equal-franchise-act/>
- ³ <https://www.parliament.uk/about/living-heritage/transformingsociety/elections/voting/womenvote/parliamentary-collections/nancy-astor/parliament-qualification-of-women-act/>
- ⁴ <https://www.bbc.co.uk/news/uk-politics-43868925>; <https://www.theguardian.com/culture/2018/dec/14/thousands-turn-out-for-unveiling-of-emmeline-pankhurst-statue-in-manchester>; <https://www.leicestermercury.co.uk/news/leicester-news/hundreds-gather-historic-unveiling-statue-1165140>; <https://www.bbc.co.uk/news/uk-england-tyne-45482172>.
- ⁵ <https://www.theguardian.com/>



Image credits: UK Parliament/Jessica Taylor.

[lifeandstyle/2018/jun/10/women-march-across-uk-to-celebrate-100-years-of-female-suffrage](https://www.fawcettsociety.org.uk/event/askhertostand-breaking-down-the-barriers);

http://www.bbk.ac.uk/events/remote_event_view?id=3142

⁶ For example: http://www.lsbu.ac.uk/_data/assets/pdf_file/0005/127625/1918-2018-100-years-of-the-womens-vote-in-Britain-programme.pdf;

<https://research.reading.ac.uk/research-blog/event/a-century-of-women-mps-conference-including-rachel-reeves-mp-and-dr-jacqui-turner-university-of-reading/>

⁷ See for example: <http://www.naomipaxton.co.uk/suffrageplays.html>; <https://www.oldvictheatre.com/whats-on/2019/sylvia-coming-soon>;

<https://www.theguardian.com/books/2017/jan/22/alice-in-westminster-political-life-alice-bacon-rachel-reeves-review>

⁸ <https://equaliteas.org.uk>

⁹ <https://www.parliament.uk/get-involved/vote-100/voice-and-vote/>

¹⁰ <https://www.parliament.uk/209-women>

¹¹ <https://www.bbc.co.uk/news/uk-politics-46136404>

¹² <https://5050parliament.co.uk/askhertostand/>;

<https://www.fawcettsociety.org.uk/event/askhertostand-breaking-down-the-barriers>

¹³ For example, Rachel Reeve MP's Alice in Westminster, or the Labour party activist, Nan Sloane's book on Labour's women activities *The Women in the Room*

¹⁴ <https://www.shop.parliament.uk/products/suffragette-duck>; for example <https://museumoflondonshop.co.uk/collections/museum/suffragette>

¹⁵ See Hansard Society 'Women at the Top' reports; <https://www.hansardsociety.org.uk/publications/publications-a-z> and www.fawcettsociety.org

¹⁶ <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01250>

¹⁷ <https://www.parliament.uk/business/committees/committees-a-z/other-committees/speakers-conference-on-parliamentary-representation/>

¹⁸ <https://www.fawcettsociety.org.uk/strategies-for-success>

¹⁹ <https://www.bristol.ac.uk/media-library/sites/spais/images/grc/GoodParliament%20SinglePage%20Report.pdf>;

For an update see https://www.parliament.uk/documents/lords-information-office/UK%20Parliament_%20Gender%20Sensitive%20Parliament%20Audit_Report_DIGITAL.pdf;

<https://www.ipu.org/news/news-in-brief/2018-12/uk-parliament-makes-steady-progress-gender-equality>

²⁰ Listen to comments by Women2win founder Baroness Anne Jenkin <https://www.bbc.co.uk/programmes/m0001kb7>;

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2017/inquiry2/>; It should be noted that the adoption of candidate quotas changes the demand for women and can, as the recent case in Ireland shows, significantly increase the supply of women too. <http://blogs.lse.ac.uk/europpblog/2016/03/16/the-2016-irish-election-demonstrated-how-gender-quotas-can-shift-the-balance-on-female-representation/>

²¹ <https://www.centenaryaction.org.uk/2018-statement>; <https://www.fawcettsociety.org.uk/make-equality-law-21st-century>

Above: The Prime Minister of the United Kingdom, Rt Hon. Theresa May, MP and Members from both Houses of the UK Parliament gathered in Central Lobby to celebrate the centenary of the *Representation of the People Act, 1918* in February 2018.

²² <https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/women-house-of-commons-evidence-17-19/>

²³ <http://blogs.lse.ac.uk/europpblog/2016/03/16/the-2016-irish-election-demonstrated-how-gender-quotas-can-shift-the-balance-on-female-representation/>. Irish quotas also increased the supply of women coming forward showing the interaction of supply and demand side factors.

²⁴ https://www.researchgate.net/publication/248994967_Quotas_as_a_Fast_Track_to_Equal_Representation_for_Women_Why_Scandinavia_Is_No_Longer_the_Model



WOMEN SUPPORTING WOMEN: INTRODUCING THE COMMONWEALTH WOMEN PARLIAMENTARIANS ALUMNI INITIATIVE



Dr Lesley Clark served for five terms as an Australian State Member of the Queensland Parliament from 1989-2006. She now works as a consultant across the Asia-Pacific region with a range of international agencies to increase the political and parliamentary representation of women. She was the Gender Expert with Commonwealth Election Observer Groups in Ghana and Nigeria. Dr Clark is currently a member of the Australian Pacific Women Gender Advisory Panel and has just been appointed as the Champion for the CWP Alumni Initiative.

The last time that I wrote an article for *The Parliamentarian* was in 2001, when I was the Chairperson of Commonwealth Women Parliamentarians (CWP) Australia Region.¹ My article was about increasing women's political and parliamentary representation, which is still my passion today. It is therefore with great pleasure that I am contributing again, almost two decades later, as the inaugural Champion of the new CWP Alumni Initiative, which aims to leverage the expertise of former women Members of Parliament to support sitting women MPs. I thank the Commonwealth Women Parliamentarians (CWP) for the privilege to champion this program and promote it across the Commonwealth.

In 2001, women comprised 14% of MPs in the Parliaments of the world. In 2019, women still comprise only 24% of MPs, indicating the extent of the challenge ahead to achieve gender equality. In this article, I would like to review the current parliamentary representation of women across the Commonwealth, and describe the role the CWP Alumni Initiative can play in contributing to the goal of gender equality in women's representation by 2030.

Current parliamentary representation of women
Women currently comprise 24% of MPs in the lower houses of national Parliaments in the Commonwealth, matching the world-wide parliamentary

representation of women MPs. Rwanda leads both the world and the Commonwealth with 61% women MPs in its Parliament, and the Commonwealth now has 12 countries with more than 30% women Members in their national Parliaments. However, at the other end of the scale, there are still 12 Commonwealth countries with less than 10% women MPs in their national Parliaments.² Papua New Guinea and Vanuatu currently have no women MPs. Most concerning, the rate of increase in women MPs worldwide is now stagnating, with an increase of only one percent from 23% in December 2016 to 24% in December 2018.³

It is evident from extensive global research that a multi-faceted approach is required.⁴ Women's political under-representation is due to the combined effect of institutional and structural constraints, as well as cultural and attitudinal barriers that suggest women should not have a leading role in public life. While temporary special measures, such as candidate quotas and reserved seats, are a powerful tool, and work should continue on implementing such measures, but they alone are not enough. The other recognised barriers also need to be addressed, particularly deeply entrenched gender norms.

I recently contributed to the design of a new program funded by the Australian Government to increase women's political participation in the Pacific region, where advocacy campaigns to

implement temporary special measures have had limited success.⁵ Women leaders in the Pacific identified the need to transform gender norms as a key priority to enable them to achieve the legitimacy needed to participate and lead in the political sphere.

Response from the Commonwealth

The Commonwealth Women's Forum (CWF), held in April 2018 as part of the Commonwealth Heads of Government Meeting, focused on the theme '*An Empowered Future for Women and Girls*'.⁶

The CWF developed an Outcome Statement and called on the Commonwealth Heads of Government to implement a number of recommendations to increase gender equality. Recommendations 2 and 6 were

"In 2001, women comprised 14% of MPs in the Parliaments of the world. In 2019, women still comprise only 24% of MPs, indicating the extent of the challenge ahead to achieve gender equality."

of particular significance for women's leadership.

UN Women Theory of Change

The 2016 UN Women *Theory of Change*⁷ provides a useful framework to guide future work on women's political leadership. It proposes a four-pronged strategy, including the need to focus on both current and future women MPs, as set out below:

- (1) Support development and implementation of robust legal frameworks and administrative arrangements that facilitate women's participation. This includes relevant reforms to constitutions, gender equality laws or party statutes, and policy actions such as setting numerical targets for women in leadership positions with temporary special measures and reforming party statutes.
- (2) Expand the pool of qualified and capable women to run for election, including through initiating programmes that boost women's confidence and



capacity to lead, enhancing their campaign strategies and techniques and promoting linkages with supportive civil society organisations.

- (3) Transform gender norms so that women are accepted as legitimate and effective

Above: Dr Lesley Clark with Daw Khin Saw Wai, MP, a Member of Parliament from Myanmar. Lesley was a mentor through a project organised by the International Women's Development Agency in partnership with the Myanmar NGO, Akhaya, which provided a successful mentoring programme to support women MPs in Myanmar using current and former Members of Australian Federal and State Parliaments in 2017.

leaders including through developing campaigns that sensitize the media, male political leaders and electorate on the need for women in public life at all levels.

- (4) Support women leaders in gender-sensitive political institutions, including Parliament, political parties and Electoral Management Bodies to attract, promote and retain women leaders, and highlight the constructive contribution they make to decision-making.

CWP Alumni Initiative

The CWP has primarily focussed its efforts on supporting women leaders in Parliaments, which matches the fourth component in the UN Women's strategy. However, it has also recognised that success in supporting women Members and highlighting the constructive

contribution they make to decision-making, can contribute to changing gender norms. Thus, attitudes can change when voters and male leaders learn about and experience successful women MPs who perform their roles honestly and effectively, delivering for their constituencies and serving their countries. They can also be influenced by women performing well in the high-level roles of Speaker, Minister, Prime Minister or President.

Such women MPs can demonstrate to their male colleagues, and the wider community, that women do in fact make good political leaders and achieve positive results for their communities. Women MPs can also serve as role models for the next generation of young women and encourage them to aspire to a career in politics.

The new CWP Alumni Initiative, as outlined in the *CWP Strategic*

Commonwealth Women's Forum 2018, Outcome Statement: 'An Empowered Future for Women and Girls', 16-18 April 2018, London.

- **Recommendation 2:** Build on the global movement to accelerate progress to gender equity and empowerment and to use the Secretariat's convening power to bring together a high profile and visible taskforce of champions made up of both male and female leaders from political, public and private sectors at the national, regional and local levels to champion gender equality and promote women's access to leadership positions across the Commonwealth, and to hold governments and businesses accountable on reaching the global target of 50% representation across all levels of decision-making.
- **Recommendation 6:** Heads, drawing on Commonwealth good practice and experience, develop practical strategies and legislation that increases women's access to leadership from the grassroots to national and international levels, to enable meaningful political leadership, by women. Call on Heads to commit to working with all political parties and systems to increase the proportion of women candidates. This includes training, sponsorship, mentoring programmes, and access to networks and mentoring programmes such as the Commonwealth Women Parliamentarians (CWP) and the Commonwealth Women in Local Government Network (ComWLG), with particular attention given to creating opportunities for young women and girls.



WOMEN SUPPORTING WOMEN: INTRODUCING THE COMMONWEALTH WOMEN PARLIAMENTARIANS ALUMNI INITIATIVE

Plan (2017-19), proposes using the expertise of former women Parliamentarians to support sitting women Parliamentarians to increase their effectiveness and assist them to become successful role models. Achieving this goal will in fact support many of the strategies identified in the *CWP Strategic Plan* as well as other strategies like the UN Women's *Theory of Change*.

Thus, the CWP Alumni Initiative recognises the necessity of moving beyond mere numbers and focusses on the impact and influence that women MPs can and do have in Parliament, in their political parties and the wider community - i.e. moving from descriptive to substantive representation.⁸

The *EMILY's List Australia Impact Analysis Report* provides a summary of the substantial impact of women MPs in the Government of Victoria in Australia on policies and legislation between 2014-18, categorised according to five core principles – Equity, Equal Pay, Choice, Diversity and Child Care.⁹ Further research is currently being undertaken by the Inter-Parliamentary Union to

Below: Dr Lesley Clark has been the Gender Expert with several Commonwealth Election Observer Missions across the world including in Ghana and Nigeria.



enhance the evidence base of the value of women's participation in Parliament.¹⁰

Support to women MPs to increase their substantive representation has the potential to achieve the following benefits:

- Changed cultural attitudes on the part of male MPs and voters
- Increased number of woman candidates nominated to stand for election
- Increased pool of women MPs able to be promoted to higher levels
- More young women considering a career in politics
- Improved governance and reduction in levels of corruption¹¹
- Government policies, legislation and funding that advances gender equality
- More gender sensitive Parliaments.

It is proposed that mentoring will be used as the key strategy to achieve the goals of the CWP Alumni Initiative. Former women Members will be recruited to act as mentors for newly elected women MPs and Senators, as well as for those seeking support to progress their parliamentary career to a higher level. It is therefore intended that a database will be created in each region of former women MPs who are interested in becoming mentors to help to widen the network.

Mentoring is a well-established

and proven technique used to help women progress their careers in the public and private sector. It is also a successful method of supporting women candidates to win elections, as shown by the work of EMILY's List, which began in the United States and now also operates in the United Kingdom and Australia. Established in 1996, EMILY's List Australia has supported the successful election of more than 235 women candidates with financial support, mentoring and training. Many have gone on to come political leaders, including the former Australian Prime Minister, Rt Hon. Julia Gillard and the female Premiers of Queensland and Tasmania.¹²

Mentoring has also been used as a strategy to support newly elected women MPs. For example, the International Women's Development Agency (IWDA), in partnership with the Myanmar non-governmental organisation (NGO), Akhaya, began piloting a successful mentoring program in 2017 to support women MPs in Myanmar using current and former Australian women MPs, including myself.¹³ The pilot evaluation confirmed the mentoring experience supported Myanmar MPs to:

- Improve public speaking skills and confidence to engage in political debates
- Gain knowledge and insights into political strategies such as continuous campaigning
- Engage their electorates on gender equality issues
- Expand their connections to the women's movement and become active supporters of gender equality.

As a result of the success of the pilot program, another six women MPs will be selected in 2019 and I will continue my support as a mentor. IWDA is also currently expanding the mentoring program to Timor Leste.

I have found sharing my knowledge and experience as a

mentor for women candidates and MPs enormously rewarding. Mentoring is a two-way process, which involves a peer-to-peer relationship based on mutual respect. I have learned such a lot from the women I have worked with in the Asia Pacific region, and I now have an increased understanding of their cultures and challenges.

Australian MP, Lisa Chesters summed up her experience as a mentor in this way: *"Mentoring is a two-way street. As a mentor you should feel comfortable sharing some of your concerns, your anxieties. We're all on a journey and there is no silver bullet. It's not a senior, junior relationship. It's a peer to peer relationship. Mutual respect is critical. I've probably learnt more from my mentor, rather than the other way around ... It makes you think critically of the work you're doing in the electorate ... Quite often your mentee will challenge you as well. And that's really healthy. It's really rewarding because you then start to do your own self-exploration."*

Mentoring programs have also been initiated by the Australian and New Zealand Parliaments to support women MPs from the Parliaments of the Pacific Islands Forum countries. The mid-term evaluation of the Australian Pacific Women Parliamentary Partnership Project (2013-2018), which included a mentoring program component, found that effective mentoring programs require: clear goals; the provision of adequate resources; and dedicated management. The evaluation recommended that any future mentoring component should recruit retired Pacific women Parliamentarians and retired Australian women Parliamentarians with appropriate skills and commitment, as proposed in the CWP Alumni Initiative.¹⁴

The New Zealand Parliament and CWP Pacific Region mentoring program began in



November 2017 with Pacific MPs from Fiji, Niue and Tonga being mentored by New Zealand women MPs.¹⁵ Feedback from both New Zealand and Pacific women MPs was very positive, with lessons learnt including: the need for flexibility; commitment to long term support and regular contact; and a willingness to learn from each other.¹⁶ The New Zealand mentoring program is continuing in 2019 with mentoring programs planned for women MPs from Fiji and the Cook Islands.¹⁷

The CWP Alumni Initiative will learn from these and other mentoring programs for women MPs. It will be supported by a CPA Masterclass video to be published online which will outline the benefits of mentoring, the roles of mentors and mentees and how to develop and maintain a successful, rewarding mentoring relationship. However, the key to the success of the program will be the fact that it will be driven by the women MPs themselves; by their needs and their goals. If you would like to find out more about the CWP

Alumni Initiative and how you and your Parliament can become involved, please contact the CPA Headquarters Secretariat or your CPA Regional Secretariat.

As Champion for the CWP Alumni Initiative, I look forward to meeting past and current women MPs from across the Commonwealth and encouraging them to become involved in this exciting new initiative. In the words of the CWP International Chairperson, Hon. Dr Dato' Noraini Ahmad, MP (Malaysia) - *"Together we can and will build the future we want, working towards a future of equal rights, equal opportunities and progress for all."*¹⁸

References:

- ¹ Clark, L. *Gender Balance in Parliament: which electoral system can best promote the equitable representation by women?* *The Parliamentarian*, 2001, Issue Four p341-348.
- ² IPU Women in Parliament, <http://archive.ipu.org/wmn-e/arc/world011218.htm>.
- ³ IPU, 2018, *Women in Parliament in 2017: The Year in Review*, <https://www.ipu.org/resources/publications/reports/2018-03/women-in-parliament-in-2017-year-in-review>.
- ⁴ Pacific Women, *Women in Leadership Synthesis Report: Informing the Pacific Women Shaping Pacific Development Roadmap 2017-2022*, March 2017, http://www.pacificwomen.org/wp-content/uploads/Leadership_SynthesisReport_FINAL_April2017.pdf.
- ⁵ UNDP, 2016, *Temporary Special Measures to Increase Women's Political participation in the Pacific: Case Studies of Implementation in the Region*, http://www.pacific.undp.org/content/dam/fiji/docs/UNDP%20PO%20TSM_Womens%20Political%20Participation.pdf.
- ⁶ Commonwealth Women's Forum 2018, Outcome Statement: *'An Empowered Future for Women and Girls'*, 16-18 April 2018, London.
- ⁷ UN Women, *UN Women Theory of Change: Women's Political Empowerment and Leadership*, see *Innovating for Impact: A Pacific Regional Consultation on Women's Political Empowerment and Leadership Background Paper*, 13-15 September 2016, Nadi, Fiji.
- ⁸ Center for Women in Government and Civil Society, Rockefeller College of Public Affairs and Policy, University at Albany and

WOMEN SUPPORTING WOMEN: INTRODUCING THE COMMONWEALTH WOMEN PARLIAMENTARIANS ALUMNI INITIATIVE



Left: A women's campaign training programme in the Solomon Islands.

Nkumba University, 2014, *Mapping the Substantive Representation of Women in the Ugandan Parliament*.

⁹ Emily's List Australia, 2018, *Impact Analysis: Legislative and Policy Achievements of Emily's List Australia Women in Power – Andrews Labor Government 2014 – 2018*.

¹⁰ IPU, *The Value of Women's Participation in Parliament: Enhancing the Evidence Base – a research project*, TOR, https://www.ipu.org/sites/default/files/documents/ipu_wip_study_2018_tor_21sept18.pdf.

¹¹ Chandan Kumar Jha and Sudipta Sarangi, 2018, *'Women and corruption: What positions must they hold to make a difference?'*, *Journal of Economic Behavior and Organization*, 151, pp 219–233.

¹² <https://www.emilyslist.org.au/about/>.

¹³ IWDA and Akhaya, *Learning Review: Myanmar Women Parliamentarians Mentoring Pilot Program*, August 2018, <https://iwda.org.au/resource/myanmar-women-parliamentarians-mentoring-pilot-learning-review/>.

¹⁴ Leanganook Yarn, *Mid-Term Evaluation of the Pacific Women Parliamentary Partnerships Project 2013-2018*, March 2017.

¹⁵ New Zealand Parliament, 2017, *Pacific Mentoring Programme Helps Women MPs Share Experiences*, <https://www.parliament.nz/en/get-involved/features/pacific-mentoring-programme-helps-women-mps-share-experiences/>.

¹⁶ CWP Masterclass, *The Importance of Mentoring for Parliamentarians with a Special Focus on Gender*, delivered by Ms Munoko Poto Williams, MP, New Zealand Parliament, www.cpahq.org/cpahq/cpamasterclasses

¹⁷ Personal communication, Wendy Hart, CPA Pacific Regional Secretary.

¹⁸ Commonwealth Women Parliamentarians 2018 Newsletter, Message from the CWP Chairperson, p 1.



GENDER INEQUALITY: NOW IS THE TIME FOR ALL PARLIAMENTARIANS TO DELIVER CHANGE

Male Parliamentarians as 'agents of change'



Maurice Corry, MSP is a Member of the Scottish Parliament, first elected in 2016. He is a Member of the Cross-Party Group on Women's Justice and he is a spokesperson for Community Safety and Veterans Affairs. Prior to his election, he served in the British Army and he served as a local councillor, a position he continues today.

As the 30th anniversary of the establishment of Commonwealth Women Parliamentarians (CWP) approaches, I have been reflecting on how the lives of women have changed over this period and, in particular, the participation of women in politics.

Over the past 30 years, women have fought to gain better access to higher education and more diverse career opportunities. For example, through increased participation in higher education and having more diverse career opportunities. More women are now in senior roles and positions of influence. However, there is still a long way to go. Although the number of women in such positions has increased over this period, the 'glass ceiling' only has a small crack, there remains a long way to go before it is broken. Gender stereotypes still abound – albeit sometimes more subtly than 30 years ago.

In 1999, when the Scottish Parliament met for the first time in almost 300 years, 37% of its newly elected representatives were women – at the time one of the highest percentages in any Parliament in the world. At the last election, this figure has reduced to 35% and according to global rankings published by the Inter-Parliamentary Union, the Scottish Parliament has now slipped to 27th place. Twenty years on, conversations about ensuring women are equally represented in the Scottish Parliament are still taking place. Parliaments must reflect the

society they serve.

The rise in the use of social media has improved access to information and opinions. Used properly, it is a powerful democratic tool for politicians to engage with their communities. However, online abuse, towards anyone, regardless of gender, sexual orientation, religion, political persuasion, is totally unacceptable, detrimental and does nothing to advance the cause of informed discussion. When social media is used as a tool to harass and intimidate those people involved in public life, there is a danger that freedom of speech can become curtailed and thus the democratic experience is compromised.

The #MeToo movement has shone a light on the abuse of power and opened up a new discussion about gender inequality. For too long inappropriate behaviour has been viewed as 'the way things are'. However, #MeToo has encouraged men and women across the globe not only to call out inappropriate behaviour but also to think about the structural inequalities which need to be addressed and the action that needs to be taken to address this imbalance of power.

As we have seen with the #MeToo movement, gender equality is not just a 'women's issue', it is an issue about structures and powers within society and therefore is an issue that everyone should be concerned about. This will of course involve addressing this

power imbalance which helps facilitate this abuse.

The current CWP strategy was developed during a meeting of its Steering Group and other women Parliamentarians from 16 Commonwealth countries in February 2017 including a Member of the Scottish Parliament, Ms Margaret Mitchell, MSP. An initiative to emerge from this was the call for the appointment, by all CPA

“As we have seen with the #MeToo movement, gender equality is not just a ‘women’s issue’, it is an issue about structures and powers within society and therefore is an issue that everyone should be concerned about. This will of course involve addressing this power imbalance which helps facilitate this abuse.”



Branches, of a 'male champion of change' to 'ensure that male Parliamentarians also carry the torch for gender equality in Commonwealth Parliaments and Legislatures'.

Although I am not keen on the name 'male champions' itself, the objectives of the initiative include raising awareness of the importance of gender representation and gender sensitive policy development both within Branches and across the wider CPA and CWP networks.

The CPA Scotland Branch Executive Committee responded to the CWP and I was appointed as the 'CWP male champion' for the Scottish Parliament in September 2017. It is clear that the women Members in the Scottish Parliament do not need a male to speak on their behalf, they are more than capable of doing so themselves. So, since being appointed, I have tried to define what this role should involve and how I could help.

I am keen to take this role seriously so in November 2018 I met with the current CWP Chairperson, Hon. Dato' Noraini Ahmad, MP (Malaysia) to discuss the current CWP strategy. This sets out the gender priorities. I was struck by her enthusiasm to renew the effort to increase women's political participation across the Commonwealth and her determination to focus on women in leadership; economic

empowerment; ending violence against women and engaging men in the gender agenda. The 'male champion' initiative is a pillar of the CWP Strategic Plan.

I have hopes that a Commonwealth-wide network of CWP 'male champions of change' will be established to share knowledge and experience and learn from each other and to support the work of the CWP. As far as I know, I am the only one appointed thus far! However, perhaps a network of 'change agents' for gender equality, of both women and men, might be a better way forward.

A long-time supporter of the work of the CWP, Hon. Lechesa Tsenoli, MP, Deputy Speaker of the Parliament of South Africa has delivered an interesting and informative CPA Masterclass video on 'The role of male MPs as Agents of Change' which is available online. I urge fellow Commonwealth Parliamentarians to watch these videos at www.cpahq.org/cpahq/cpamasterclasses.

I also urge Members, through their respective CPA Branches, to consider this initiative from the CWP and to feed in their views on how discussion and consideration in this area is best taken forward, by both female and male Parliamentarians.

**Commonwealth Women Parliamentarians (CWP) Strategic Plan 2017-2019, page 12.*



Above left and above right: The Commonwealth Women Parliamentarians (CWP) network met at the 63rd Commonwealth Parliamentary Conference (CPC) in Dhaka, Bangladesh and focused on the equal representation for women in Parliaments and gender empowerment. In a first for the CWP, a workshop session was held at the 63rd CPC on the role of male Parliamentarians in championing gender equality which was attended by both male and female Parliamentarians at the conference. Male Parliamentarians from Rwanda, Scotland and Fiji presented their experiences to the workshop and the discussion covered a wide range of views and experiences from different jurisdictions.

Below: Long-time supporter of the work of the CWP, Hon. Lechesa Tsenoli, MP, Deputy Speaker of the Parliament of South Africa films a CPA Masterclass video on 'The role of male MPs as Agents of Change' which is available online at www.cpahq.org/cpahq/cpamasterclasses.





ONE HUNDRED YEARS OF WOMEN'S SUFFRAGE IN JERSEY

As a series of exhibitions and events are organised to mark the 100th anniversary of women's suffrage in Jersey, the Assistant Greffier of the States Assembly takes a look at the history of Jersey women in politics.



Anna Goodyear was born in Jersey and holds a BA (Honours) degree in English from the University of Exeter. She began her career as a journalist with the Jersey Evening Post then started work for the States Greffe as a Committee Clerk in 2008. Anna was appointed to the post of Assistant Greffier of the States of Jersey in October 2014.

In 1919, women in Jersey were given the vote – provided they were over 30 years of age and a rate-payer. One hundred years on, women are able to vote without those restrictions, but they are still a minority voice in Jersey's Parliament.

Jersey's first female election candidate – Caroline Trachy

Women in Jersey were able to vote in elections from 1919 but it took the repeated efforts of one woman to become a politician before the law was changed to enable women to stand for election.

In December 1922, Caroline Trachy stood for election as a Deputy in the parish of St Helier. Jersey's Deputies are elected by residents of the district or parish and are appointed as voting Members of the States Assembly. Caroline was successfully proposed and seconded, but she was disallowed after the nomination process on the grounds that, although women could nominate and vote in States elections, they were not eligible to stand.

Caroline founded the Jersey Women Political Union on 9 April 1923, which aimed to obtain "full political and civil rights for women in Jersey, embracing legal and moral support to women in difficulties caused by present, unjust laws."

On 17 August 1923, the Union submitted a General Petition to the States requesting full civil rights for women. The journal 'The Vote' described that petition as asking "for the granting to women of full civil and political rights now enjoyed

by the women of Great Britain." However, when the petition reached the States, it was only moderately successful. A law passed in February 1924 that made women eligible to stand as Deputies, but only if they were separated. A second law, the *Married Women's Property Act*, was passed in February 1925, which removed the rate-paying clause from a woman's eligibility, but did not permit married women to stand for election.

In the wake of those changes, Caroline stood again in the 1925 election but was disqualified by the Royal Court and the Bailiff on the grounds that she was not separated. Her response was that she would not "prejudice other married women by being separated" and would continue her fight.

The States went on to change the law and in April 1928, Caroline became an eligible candidate for the upcoming election, but was not elected by the people of Jersey and ranked last in the polls. It would be another 20 years before the first female States Member would be sworn into office.

Jersey's first female politician – Ivy Forster

It was 30 years after women in Jersey secured the right to vote that the first female was elected as a Member of the States of Jersey.

Ivy Forster was elected as a Deputy for St. Helier in 1948. Jersey had been occupied by the Nazis during World War II and

during that time, Ivy had helped escaped Russian slave workers who had been brought to the Island by the Nazis. For almost two years, Ivy had sheltered Russian prisoner-of-war, Geigori Koslov, in her attic. She was arrested in May 1944, but managed to avoid deportation due to illness, and was permitted to serve her sentence on-Island.

After Jersey's liberation, Ivy became an after-dinner speaker, giving talks on her experiences during the war, and was encouraged by the then Bailiff, Alexander Coutanche, to stand for election. After being elected as Jersey's first female politician in 1948, Ivy went on to become the first woman to top the poll when she was re-elected in 1951 but her political career came to an end when she lost her seat in 1954.

Below: Caroline Trachy was the first women to stand for election as a Deputy in Jersey in December 1922.



Image credits: States Assembly, Jersey



Left: Ivy Forster was elected as a Deputy for St Helier in 1948, the first women in Jersey to be successfully elected.

As a Deputy, Kristina was elected solely by the residents of the parish of St Peter. She held the position for two terms, then last year, she decided to seek an Island-wide mandate and stand for the position of Senator. She came second in the poll,

which was topped by another female candidate, Senator Tracey Vallois.

"One kindly observer's advice was that I had a good chance, after all, they said, there is always a token female vote," Senator Moore said. "Well we proved last year that voters don't just give women a sympathy vote. The people of Jersey placed women in first, second and seventh place in the May 2018 election.

"Twenty-seven percent of the Members of the States Assembly are women. But why aren't women taking half of the seats in the 21st century? Particularly in Jersey, where there are so many more economically active women than there are in most places in the world. It is an important time to take stock and consider where we are. Only 44 women have ever been elected in Jersey. The parish of St Ouen has never elected a female Constable or Deputy and seven parishes have never had a female Constable. One wing of our General Hospital has been named after the first female Senator, Gwennyth Huelin, but there are no other rooms named after women in any of our public buildings.

"A former Constable of St Lawrence, Iris Le Feuvre, famously said that her husband did not have a problem with her being a States Member, as long as his dinner was on the

table. And despite some signs of change, we still see women taking the brunt of domestic duties, even when they work full-time. Why is it, for example, that girls out-perform boys at school and university, but by the time the woman falls pregnant, if the couple has to make an economic decision over who has the best career prospects, the woman is often already behind in terms of pay and prospects, so decides to stay at home as paying for childcare doesn't stack up?

"What I think puts many women off is that first hurdle. Putting yourself out there before the electorate and expecting people to vote for you. We have established an organisation called 'Jersey Women in Politics' to help and support women who are interested in Jersey's political system and in standing for election to the States. Shaping the future path for our Island is so important and by ensuring that a diverse range of opinions is heard, and a proper debate is had, we can take Jersey on the right path to equality of representation in the States."

Details of the events being held in Jersey throughout 2019 to mark the centenary of women's suffrage will be published on the States Assembly website: www.statesassembly.gov.je.

Right: Senator Kristina Moore is one of the Island's 13 current female politicians. She was first elected in November 2011, the first female Deputy for the parish of St Peter.



Historical timeline of Women in Politics in Jersey

- 1919: A law is passed enabling female rate-payers aged over 30, and non-rate-paying men aged over 21, to vote.
- 1922: Caroline Trachy stands for election to the States but is disallowed as it is illegal for women to sit in the States.
- 1923: The Women Jersey Political Union is formed.
- 1924: Women who are British subjects, aged over 30 and whose property affairs are separate from those of their husband, are permitted to stand for election to the States of Jersey.
- 1925: Caroline Trachy stands for election to the States but is disallowed because her property affairs are not separate from those of her husband.
- 1928: Caroline Trachy successfully stands for election, but is not elected.
- 1930: The voting age for women is lowered to 21.
- 1945: Men and women are permitted to vote in Jersey on an equal basis for the first time when the requirement to be a rate-payer is removed.
- 1948: Ivy Forster is elected to the States as Jersey's first female politician.



A PERSONAL VIEW: THOUGHTS ON GENDER EQUALITY IN PARLIAMENTS FROM A VERY SMALL ISLAND



Norma Paris is a former Member of the States of Alderney. She stood down at the last election in December 2018 having served for nearly five years as the only woman of the ten States Members. She held the Chair of the Business Development, Tourism and Marketing Committee for one year and the Chair of the General Services Committee for two years as well as serving on several other committees. Before entering politics she was involved in publishing and general aviation.

Alderney is indeed a very small island. For those who may be unsure of its whereabouts it is the most northerly of the Channel Islands and lies about 13km to the west of the Cotentin Peninsula of France. The island is about 5.5km by 2.5km with a population of just over 2,000 people.

It is perhaps best known for the reference to the Alderney cow in A.A. Milne's poem *'The King's Breakfast'* and the Womble Alderney who was named after the author Elizabeth Beresford's home.

However, on a more serious note, Alderney's position in the English Channel has given it an historical strategic and military importance far in excess of the size of the island. It has been subject to periods of intensive fortification from Roman times right through to the Second World War. One of our forts is Roman in origin, most were fortifications built during the French Revolutionary and Napoleonic Wars and then overbuilt during Victorian times.

All, including the Roman one, show evidence of conversion into German strongpoints during the Second World War, as Alderney became part of Hitler's Atlantic Wall. After the surrender of German Forces in 1945 the island, which had effectively been evacuated in 1940, saw the return of some of the population to the island. The Homecoming, which is still just within living memory, is commemorated every year on the date of the anniversary.

Alderney is a self-governing, democratic territory and one of the principal islands of the Bailiwick of Guernsey. The Channel Islands have never been subject to the British Parliament and their relationship with the UK is with the Crown through the Privy Council. The island has always been outside the EU and the UK looks after the Channel Islands in the fields of foreign affairs, defence and the islands' association with the EU.

We have our own directly elected assembly, administrative, fiscal and legal systems and our own court of law. Some of this structure is still based in ancient Norman Law tradition dating back to when the islands became part of the British Crown after William, Duke of Normandy invaded England in 1066. Queen Elizabeth II is our Head of State and our loyal toast is *'The Queen, Our Duke'*.

The States of Alderney consists of a President and ten States Members. The President chairs the States Meetings and stands for election every four years. The role is essentially politically neutral. States Members also hold office for four years, but elections are staggered so that five seats come up for election every two years.

Thus continuity is maintained. There would never be a circumstance of ten entirely new Members, and we always have an experienced parliamentary body. Unfortunately, this also means that there is a relatively short period of stability, after new Members become acquainted

with their roles and before the next election, in which to achieve policy goals. The possibility of change is being discussed as part of some governance reform. In addition, two States of Alderney Members are full members of the Guernsey States of Deliberation and take part in the government of the Bailiwick with full voting rights.

"It is generally accepted that organisations whose management team closely reflects the make-up of their customers, or in the case of governments, their electorate, tend to be more successful. If for no other reason, this is because they are more in tune with the concerns and aspirations of their market place or electorate."

I was elected to the States at a by-election nearly five years ago. I joined a team which had been totally male since 2010. During my term of office, which has spanned two elections, no more women have been elected, although several have stood.

"Perhaps of greater influence on potential candidates is the fact that the independent spirit of Alderney residents means that we have a very lively and active democracy. Politics here is not for the faint hearted. In such a small community you are bound to be well known to the majority of your electorate who will, rest assured, engage with you whenever the desire or opportunity presents itself. Feelings can run very high over relatively personal matters as well as major policy decisions."



Since 1945, there has never been more than three women serving together at any particular time.

I did not stand for re-election in December 2018 and the new States still consists of nine men and one woman. Of the five seats available, two sitting Members were re-elected and three new Members. Interestingly, our 'new girl on the block' topped the poll. In a jurisdiction where turnout to vote is high (60% at this election, often approaching 70%) and a system where there are no party allegiances in play, topping the poll carries weight. I shall observe from afar with great interest and I most sincerely wish her well.

However, it is generally accepted that organisations whose management team closely reflects the make-up of their customers, or in the case of governments, their electorate, tend to be more successful. If for no other reason, this is because they are more in tune with the concerns and aspirations of their market place or electorate. At a seemingly steady 10% of Members, our female representation is dismally low. We are on a par with the Democratic Republic of North Korea.

In all fairness, we as a States do not reflect the make-up of the island community in more ways than this. There is also a significant under representation of younger people, too. As with an increasing number of jurisdictions we have an ageing demographic and it is often these people, still very active, who are able and willing to offer their knowledge and expertise to do what is perceived to be a part time job, for a low rate of pay. Indeed, until relatively recently it was unpaid, as those who served before 2003 often remind us. All this experience needs to be leavened with more youthful views and ways of communicating. However, to take on a poorly paid and probably insecure job, where most of the time commitment is during the day, whilst holding down a job and/or raising a family is a tough call. To leave one's job would be risky. Our low unemployment figures disguise the fact that jobs are not plentiful here as anyone unable to find a job tends to move off island to seek work.

We do not have any policies in place to attract young or female candidates. In my view this is another issue which needs to be addressed

as part of governance reform.

Perhaps of greater influence on potential candidates is the fact that the independent spirit of Alderney residents means that we have a very lively and active democracy. Politics here is not for the faint hearted. In such a small community you are bound to be well known to the majority of your electorate who will, rest assured, engage with you whenever the desire or opportunity presents itself. Feelings can run very high over relatively personal matters as well as major policy decisions.

We are a representative democracy and as Matthew Parris (no relation) pointed out whilst writing in *The Times* a little while ago *"politics negotiates with popular opinion, it doesn't take dictation."*

This can be a particularly fine line to tread here in Alderney. Loudly expressed opinions are not necessarily accurate or even the views of the majority and there is a great responsibility on States Members to make sure they are very well informed and as objective as possible about the subjects they must vote on.

I came to politics here from a successful business career, - yes. I may be female, but I am one of





THOUGHTS ON GENDER EQUALITY IN PARLIAMENTS FROM A VERY SMALL ISLAND

the oldies - and I am sufficiently confident in my abilities to be able to stand my ground and speak my mind. However, when I have lobbied other women whom I think would make excellent, hardworking States Members I am told by them, almost without exception, that the rough and tumble of how our democracy works does not appeal to them. I find this a slightly sad reflection on all those spirited women who refused to take 'no' for an answer when seeking the vote.

There is no doubt that our electorate can be formidable and sometimes grumpy, but another image of a sunny afternoon always springs to my mind. After the funeral of a local dignitary, I sat on the wall outside our community hall with about half a dozen other mourners. Whilst we ate sandwiches, drank tea and basked in the sunshine there was a wide-ranging discussion about various issues of the day. And all on first name terms. There are few jurisdictions where such informal access to politicians is available.

So, how has it been working with my nine male colleagues? I would be speaking less than the truth if I did not acknowledge

that as the lone woman there have been some decidedly 'off message' moments. I have been accused of being bossy and wanting my own way. Perhaps in the description of a man in my role this might well translate as being decisive and goal orientated? I have grown accustomed to having many of my ideas received in silence and then 'mansplained (man explained) back to me later. Does one need the credit for the ideas? Yes, but the next best thing is to see them translated into action. Naturally, I am accused of nagging, but as any woman will tell you nagging is merely the unwelcome repetition of unpalatable facts.

However, that is about as far as it goes. I am paid the same amount as my male colleagues and I have found throughout my term of office that our small civil service team has always been immensely helpful. It is an interesting aside that the male/female balance of senior roles in our civil service reflects our island demographics much more accurately than States Membership.

The routine matters of government are performed by

the three major Committees enshrined in law. I have been elected the Chair of one of these, the General Services Committee, for the past two years and was the Vice-Chair for the two years before that. General Services is an old-fashioned name for what might well be called Environment and Infrastructure elsewhere. An attempt was made to change its name several years ago, but the momentum of the old name soon stopped that.

In a truly sexist working environment it would be regarded as a 'blue' rather than a 'pink' job. We may be a small island but we face nearly all the issues of a nation state and many of these fall within the mandate of the General Services Committee. We have responsibility for the roads, the water supply, the harbour, sea fisheries, coastal erosion, waste disposal, the upkeep of States owned properties, agriculture and environmental monitoring, recreation and sports activities.

Apart from the housekeeping that such a broad mandate entails, during my two years in office, the Committee has brought to fruition a major project with the renovation of one of our

most important heritage sites and we have created a new use for it. This will enable it to be open to the public and, hopefully, make a contribution to its future upkeep. The seventeenth century barracks building contained within the curtilage of our Roman Fort has been converted into hostel accommodation for those coming on island to pursue archeological and wildlife research. It is now the home of our newly accredited Bird Observatory which has received extensive publicity as the sheer scale and richness of our bird populations becomes apparent. This has been a landmark project, hopefully the first of several to find a sensitive use for an old building of significant historical value and I am proud to have been associated with it.

One of my colleagues pointed out to me early in my political career that, in his opinion, any successful woman always has a man behind her. This is an interesting take on the old sexist joke that 'behind every successful man there is a surprised woman'. In some respects, and this is definitely one of them, it is true that we are stubbornly behind the times here, but the upside of this is that few people lock up their homes or their cars, it is safe to walk home alone at night and you would never lie dead in your bed, undiscovered for weeks. We are a caring, close knit community and that is almost beyond price.



CWP COMMONWEALTH WOMEN PARLIAMENTARIANS

CWP NEWS AND REGIONAL STRENGTHENING



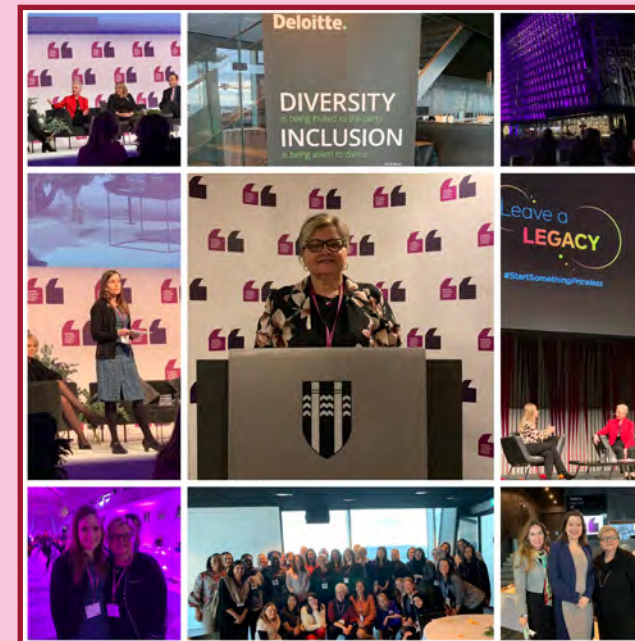
Commonwealth Women Parliamentarians at inaugural Women Leaders Global Forum in Iceland discuss positive developments for women in leadership

Commonwealth Women Parliamentarians from across the network attended the inaugural Women Leaders Global Forum, which was held between 26 and 28 November 2018, in Reykjavik, Iceland. The Women Leaders Global Forum is where women leaders discuss and share ideas and solutions on how to further advance society, increase equality between women and men and promote and positively develop the number of women in leadership positions.

The Forum is annually co-hosted by Women Political Leaders (WPL), and the Government and the Parliament of Iceland, and is co-chaired by leaders of the OECD, World Bank, World Economic Forum and others. The forum was founded by Silvana Koch-Mehrin, Founder and President of the Women Political Leaders (WPL), and Hanna Birna Kristjansdottir, Chair of WPL's Executive Board, who were inspired by the World Economic Forum and wanted to devise a women's forum. They chose Iceland as the host as it is the best country for women, according to the WEF's Global Gender Gap Report.

The inaugural Women Leaders Global Forum featured keynote speakers, all internationally recognised for their contribution to advancing society and 400 delegates from over 100 countries, who attended two days of workshops as well as bilateral meetings and events. The Commonwealth Women Parliamentarians were represented at the Forum by Hon. Laura Ross, MLA (Saskatchewan), the Chairperson of the CWP Canadian Region who said: "As the Chair of CWP Canada Region, I was honoured to be invited to attend the Women Leaders Global Forum 2018 alongside four hundred women from over 100 countries. This Forum was the perfect opportunity to network with fellow legislators, business and community leaders. The objectives of both CWP and WPL are very similar in that increasing the number of women and their influence within their Legislatures is our main objective. Having more women sitting at the decision-making tables changes politics and public policies.

A large number of delegates had the opportunity to present to the Forum on the current situation within their respective countries on the status of elected women within all levels of government. Many of the presenters also talked about quotas so that more women would be able to be elected to public office. I had the opportunity to present on behalf of the CWP and to give the perspective of the CWP Canada Region on the present status of the number of women elected to Federal, Provincial and



Territorial offices in Canada. In my presentation, I was able to share why it is so important for partisan politics to be set aside so that work undertaken with CWP will be successful. It is the advancement and the encouragement of women of all political stripes to seek public office."

The Women Leaders Global Forum continued with presentations on women as change-makers in the digital revolution and it was noted that entrepreneurship is integral to the world economy and that women need to be fully engaged. A key session at the Forum looked at 'The World Atlas of Women' and the measurements taken across the world showing the differences in parity in the distribution of political and business power.

The Women Leaders Global Forum's mission is to provide a platform where women leaders discuss and share ideas and solutions on how to further advance society, increase equality between women and men and promote and positively develop the number of women in leadership positions. Under the heading 'We Can Do It', the 2018 theme was 'Digitalisation' and the way it has created an increasingly interconnected world, single-handedly changing the way we live, work and love.





Commonwealth Women Parliamentarians attend the first historic Women MPs of the World Conference at the UK Parliament

In a historic first, women MPs from five continents and almost 100 countries including many Members of the Commonwealth Women Parliamentarians (CWP), met in the 'Mother of Parliaments' in Westminster for a unique conference, held to mark 100 years since the first women in the United Kingdom gained the right to stand for election to Parliament. The conference was granted the rare privilege to hold its proceedings in the House of Commons Chamber at the Parliament of the United Kingdom on 8 November 2018.

The one-day event brought together women MPs from around the world to celebrate their achievements, discuss how to strengthen visibility and further empower women Parliamentarians to continue to drive change nationally and internationally. The focus of the event was to inspire the next generation, to contribute to women's equal participation in Parliaments globally, and to demonstrate how elected women around the world are shaping the political agenda and making a difference to women and girls in their home countries. Delegates discussed how to advocate for greater representation of women in Parliament and public life, as well as exploring the specific challenges facing women MPs and how these might be overcome.

Women MPs were able to share their experiences and propose solutions to what can be done to help them become more effective, counter harassment and abuse, balance family and political responsibilities, and to help more women get into Parliament. Women Parliamentarians are spearheading policy change and through this conference were able to shine a spotlight on four policy areas that affect the lives of women and girls: promoting women's economic empowerment; ending violence against women and girls; championing efforts to enable all women to have access to voluntary family planning; and breaking the barriers to girls' education.

Community organisations and charities working for women's rights were invited into the public gallery at the UK Parliament to watch the debates.



Image credits: UK Parliament/Jessica Taylor

The historic event was co-hosted by the United Kingdom Secretary of State for International Development and Minister for Women and Equalities, Rt Hon. Penny Mordaunt, MP, who gave the opening speech in the House of Commons Chamber and the conference was also supported by the UK Leader of the House, Rt Hon. Andrea Leadsom, MP and the former Deputy Leader of the Opposition, Rt Hon. Harriet Harman, MP, who also both contributed to the debate in the Chamber.

Secretary of State for International Development and Minister for Women and Equalities, Rt Hon. Penny Mordaunt, MP said: "Without the determined and inspiring women who fought for the vote, my fellow women MPs and I would not be doing the jobs we do today. We currently have the highest number of women in history sitting in the UK House of Commons, but only 32% of MPs are women. Worldwide, only 24% of people elected into political office are women. We have a long way to go before we see true equality. We want more women to feel empowered and supported to enter politics and drive change nationally and internationally. This centenary year we are not just celebrating the achievements of the women who came before us – we are helping women here and now to tackle gender inequality around the world."

Mother of the UK House of Commons*, Rt Hon. Harriet Harman, MP said: "Women have fought their way into nearly every Parliament in the world. But it's not enough for us just to be there, we want to exercise power on equal terms with men in Parliament. As only relatively recent arrivals, women MPs are still pioneers in male-dominated Parliaments. At this historic conference, we have been able to get together to share our experiences, our successes and setbacks. We have determined to fight yet harder to get equality for women in our countries. We have made links, so we can work together in the future. We have strengthened our resolve to fight the backlash against women in public life and to get yet more women into Parliaments. Our countries are very different but as women Parliamentarians, our goals are the same. We want equality for women and nothing less. The sisterhood is global."

The UK Prime Minister, Rt Hon. Theresa May, MP held a reception for the international delegates to the Women MPs of the World



Conference at No. 10 Downing Street at which she said: "The women here come from many nations, many cultures and many backgrounds. We have lived very different lives, we hold different political beliefs, but each of us have answered the unique calling that is public service. And we all have the privilege of serving our communities and our countries in our national legislatures. Celebrating is something we should be doing. Because today, 2018, we see more female Members of Parliaments and Legislative Assemblies around the world than there have ever been. And that is good news for all of the citizens we serve. More women in elected office means a greater voice speaking out on issues that affect women, certainly. It also means a greater focus on preventing gender-based violence, on girls' education, on childcare and on women's health."

The delegates to the conference included many Members of the Commonwealth Women Parliamentarians (CWP): former Chairperson of the Commonwealth Parliamentary Association, Hon. Dr Shirin Sharmin Chaudhury, MP, Speaker of the Bangladesh Parliament; Hon. Bardish Chagger, MP, Leader of the Government in the House of Commons, Canada; Diane Abbott, MP, Shadow Home Secretary, United Kingdom; Hon. Aishatu Dukku, MP, Nigeria; Ya Kumba Jaiteh, MNA, The Gambia; Hermine Patricia Tomaino Ndam Njoya, MP, Cameroon; Rt Hon. Maria Miller, MP, Chair of the Women



Image credits: UK Parliament/Jessica Taylor

and Equalities Select Committee, United Kingdom; Nikki Kaye, MP, Opposition Spokesperson for Education, New Zealand; Hon. Lindiwe Zulu, Minister of Small Business Development, South Africa; Jessie Kabwila, MP, Malawi; Hon. Sarah Flood, Saint Lucia; Hon. Nafisa Shah, MNA, Pakistan; Hon. Cynthia Forde, MP, Barbados; Hon. Jovah Kamateeka, MP, Uganda; Hon. Emilia Lolloh Tongi, MP, Sierra Leone; Princess Kasune Zulu, MP, Zambia; Dawn Butler, MP, Shadow Minister for Women and Equalities, United Kingdom; Rushanara Ali, MP, United Kingdom.

Women MPs also attended from: Colombia, Egypt, Indonesia, Oman, Ireland, Slovakia, Venezuela, Bosnia and Herzegovina, Philippines, Israel, Romania, Peru, Norway, Burkina Faso, Nepal, Turkey, Albania, Senegal, Germany, Guinea, Afghanistan, Greece, Jordan, Brazil, Tunisia, Iceland.

*Rt Hon. Harriet Harman, MP is the current 'Mother of the House' in the UK Parliament as the longest continuously serving woman MP, first elected in 1982.

The event was supported by the UK Foreign and Commonwealth Office, British Council, Commonwealth Parliamentary Association UK Branch, Westminster Foundation for Democracy and Wilton Park.

Commonwealth Women Parliamentarians Alumni Champion begins new role

In accordance with the Commonwealth Women Parliamentarians (CWP) Strategy, the CWP Alumni Initiative has been launched by the CPA Headquarters Secretariat with the objective of providing a framework for former women Parliamentarians to deliver mentoring, coaching and advice to the benefit of sitting women Parliamentarians and to act as a resource for the CPA.

Dr Lesley Clark, a former Member of the Legislative Assembly of Queensland in Australia has been nominated to the position of CWP Alumni Champion and she will act as an Ambassador for the CWP Alumni Initiative and will share her experience and expertise across the CPA and CWP's membership. Dr Lesley Clark was Member of Parliament from 1989 to 1995 and again from 1998 to 2006. Like many Members of Parliament, she was involved with local politics before entering Parliament, serving as a member of the Mulgrave Shire Council. During her parliamentary career, she held many positions and served on numerous Parliamentary Committees, giving her a wealth of experience. Since retiring from Parliament, she has held the position of the Director of Equity and Diversity at James Cook University in Queensland and now works as a consultant in international development to increase women's parliamentary representation.

Please turn to page 56 to read about the work of the CWP Alumni Champion. To contact the CWP Alumni Champion please email hq.sec@cpahq.org.





COMMONWEALTH PARLIAMENTARIANS AT 67th WESTMINSTER SEMINAR DISCUSS HOW TO CREATE EFFECTIVE PARLIAMENTS



Hon. James Duddridge, MP is the Chair of the Commonwealth Parliamentary Association UK Branch (CPA UK). Since 2005, he has been the MP for Rochford & Southend East. Before politics, he pursued a successful business career in the private sector and was a banker with Barclays both in the City of London and in Africa, working in the Ivory Coast and Botswana. He was also a founding member of the highly successful national polling firm *YouGov*. He has held positions in government as a Government Whip and was Foreign Office Minister between 2014 and 2016.

Over the last year as Chair of the Commonwealth Parliamentary Association UK Executive Committee, I have enjoyed meeting and hosting delegations of Parliamentarians and clerks from around the Commonwealth who have visited the UK Parliament. It is always a pleasure to meet my Commonwealth counterparts and I always learn something from our time together.

Last November, we had the pleasure of hosting over 70 Commonwealth Parliamentarians and clerks at the 67th Westminster Seminar, a five day programme of workshops in the UK Parliament organised by the Commonwealth Parliamentary Association UK Branch. The theme of the Westminster Seminar was 'Effective Parliaments', and all sessions were designed to help participants learn and share knowledge on best practice.

I was struck by the enthusiasm of all participants and the wealth of experience they contributed from a wide range of countries, including The

Gambia, Canada, Seychelles and Pakistan. To have representatives from over 30 countries together for a whole week provides a rich opportunity for all. Many new friendships and networks grew out of the week.

The first three days of the Westminster Seminar were tailored to meet the working needs of Parliamentarians and clerks, including sessions on communications, legislation and Committees. My opening session with my colleague, Rt Hon. David Hanson, MP was entitled 'The Political Scene in Westminster'. Unsurprisingly, Brexit occupied much of the discussion. It was useful to reflect upon responses from delegates, as well as sharing our own different viewpoints.

The Commonwealth Parliamentary Association UK Branch was also delighted to host His Excellency Festus Mogae, former President of Botswana and His Excellency Joaquim Chissano, former President of Mozambique, to talk about the importance of inclusive public health policy to prevent



Rt Hon. Andrea Leadsom, MP, Leader of the UK House of Commons summed up the Westminster Seminar when she commented: *"The countries of the Commonwealth collectively create a network which is diverse in parliamentary structures and rich in knowledge. The Westminster Seminar brings together Parliamentarians from across the Commonwealth to share their experience and best practice."*



the further spread of HIV and AIDS. In the week before World Aids Day, this session focussed all minds on the implications of leaving minority groups behind.

The fourth day was spent at the National Assembly for Wales with our hosts, the Commonwealth Parliamentary Association Wales Branch, looking at how the Senedd is run. The visit served as a useful contrast to Westminster, not least in size and age. For those used to working in older buildings, it was impressive to see the modern design of the Senedd which has been built with concern for accessibility and the environment.



It has innovative ideas and the Senedd youth parliament and education outreach programme served as a good reminder that Parliaments should not limit themselves to legislation and scrutiny.

On the final day of the programme, delegates joined up with UK Parliamentarians in their constituencies and carried out local engagements including visits to local councils and schools. Again, this served as a useful comparison to understand how different authorities organise themselves, how they serve their communities and how they work around challenging

issues, including pressures on local housing.

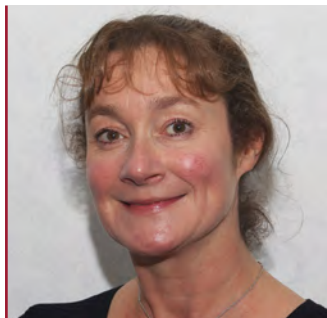
After saying farewell to all the delegates, it struck me how much information and knowledge had been shared during the course of the week, and how much more we all still have to learn about harnessing the potential our Parliaments have to offer. I therefore do urge you and your colleagues to think about participating in the next Westminster Seminar 2019 and contributing your valuable knowledge to our Commonwealth parliamentary family.



For more information about the next Westminster Seminar, please visit the CPA UK website www.uk-cpa.org. The 67th Westminster Seminar took place at the UK Parliament organised by the Commonwealth Parliamentary Association UK Branch from 26th-30th November 2018.



AN INSIDER'S GUIDE TO THE CPA FUNDAMENTALS PROGRAMME FOR CPA SMALL BRANCHES



Hon. Daphne Caine, MHK is a former Isle of Man journalist and served in various roles within the Isle of Man Civil Service for 20 years until her election to the House of Keys in September 2016.

Once upon a thousand years ago, a Parliament was born. Marauding Vikings vanquished the Manx people in the tenth century and bequeathed a parliamentary system that still endures today, with some modernizing over recent centuries by its native Celts and later English influences.

Located geographically at the centre of the British Isles but for many years a self-governing Crown Dependency, the Isle of Man boasts autonomy over its law-making and revenue raising that many a new Parliament would envy.

But how well is it functioning as a modern Parliament? That is the crucial question examined by participating in the **CPA Fundamentals Programme**: how good are we, and how do we compare with others in the Commonwealth?

No matter how thoroughly you may feel you understand the workings of a parliamentary assembly, participating in the study programme through McGill University in Montréal, Canada, fosters greater insight and enables an appreciation of the value of good governance along with the need to balance Executive power with parliamentary scrutiny.

In a recent article (*The Parliamentarian* 2018/Volume 99/Issue 3) Hon. Tony Smith MP, Speaker of the Australian House of Representatives explained how, 'on appointment to the Speaker's panel, each Member is issued with guidance notes which offer guidance on the history of the

role and all aspects of the House practice and procedure for Chairs'.

No such comprehensive guidance notes were available on election for the new Members on the CPA Fundamentals/McGill University class of 2018! Some received informal mentoring following their election or appointment; many studied the formal Standing Orders that govern parliamentary processes, while others reported battling against the establishment, a lack of structure and weak accountability of the Executive or a lack of impartiality by a Presiding Officer. I hope I won't break any Chatham House rules by reporting the following from the Members' presentations, analysing the merits and demerits of their assemblies.

Alongside the Isle of Man's 1,000 years of tradition, the course brought together a panoply of Commonwealth colleagues from such diverse and distant assemblies in CPA Small Branches as Tasmania, the Falkland Islands, the Caribbean Region and even fascinating little Bougainville. Geographically part of Solomon Islands but politically part of Papua New Guinea, Bougainville has a post-conflict

Parliament inaugurated on 15 June 2005. Participants hear directly from Members, frequently two per Parliament, usually on opposing sides of political and party divides.

Study on the CPA Fundamentals Programme on Practice and Procedure commenced online in the summer of 2018 with an introduction to the principles of Commonwealth Parliamentary Governance. We progressed through Contemporary Issues in Parliamentary Governance to Advanced Parliamentary Governance at McGill University's School for Continuing Studies on Sherbrooke Street, Montréal as part of the residential week of the course. We have now commenced the final 'strategic pillar' on Parliamentary Communications.

Lecturer Dr John K Johnson leads the various modules enabling Members to better understand factors that influence and impact on parliamentary functions. He provides encouragement to undertake self-assessment and analysis of one's own Parliament, to determine the strengths and weaknesses in terms of structures and processes plus

comparisons with others.

Online learning is enhanced by four end-of-module tests plus posting essays with online discussions for all students that enable each topic to be explored in more depth. Only time pressure and parliamentary duties prevents this from being as active a forum as it might be.

The residential week at McGill University was a privilege and an eye-opening collision of historic tradition and evolving modernity. Additionally, it enabled for many of us a first visit to Québec's biggest city in an historic week when cannabis was legalized (although none of us, to my knowledge, bothered queuing around the block to sample the newly legal product). Mostly it was an opportunity in an exceptionally mild week in early Fall to enjoy meeting Commonwealth Parliamentarians from across the globe, plus a little sightseeing, with our forays around Montréal brightened by the public art adorning every road and square in the streets adjacent to the McGill University campus.

While most participants were newly elected Members, a few were in a governing party and amongst the cohort was a Madam Speaker, the first woman in one of the participating small jurisdictions. But she reported 'token lip service' was given to women in her experience. Her colleague said the assembly suffered through a lack of resources and no research facilities or meeting spaces – not because of poverty but because 'the Executive controls the Legislature'.

A major theme of our studies was to consider how the balance of power should be maintained, and the level of compliance each jurisdiction has with the **CPA's Recommended Benchmarks for Democratic Legislatures**. There was also much discussion over female representation in Parliaments, which threw up some interesting comparisons between small islands and the Australian



Capital Territory (represented by Members, Michael Pettersson, MLA and Elizabeth Lee, MLA) boasting now the first female majority Parliament in Australia and the first female head of government there too. Jeff Collins, MLA from Australia's Northern Territory also revealed exceptional diversity with 12 out of 25 women in Parliament, five from indigenous communities.

One Member revealed how the first Prime Minister of their 40 years old Parliament was in office for 30 years. Another from a South Pacific island highlighted issues in a Parliament dominated by 47 out of 50 Members from the ruling party, where three members of the opposition serve on two scrutiny Committees each.

Effective scrutiny was another major area of consideration, study and debate.

One extremely pertinent lecture was delivered by Glenn Wheeler from the Office of the Auditor General (OAG) in Canada's Northwest Territories, an area larger than England, France and Belgium combined, with a population of 43,000 people spread over 33 communities. The role of the OAG of Canada, he explained, was to undertake financial audits and performance audits. Reports are discussed with departments to get agreement on facts and departments' responses

to recommendations before tabling the reports directly to the Legislative Assembly. Recent report subjects ranged from Climate Change in 2017, to Correction (prison segregation) in 2015. Sometimes work would commence in response to specific requests from the Legislative Assembly.

Mr Wheeler's concluding comments resonated with me: 'We can't force departments to make change. To some extent we rely on media and the professionalism of departments to make change, and we rely on goodwill and a robust democratic system.'

Through the residential week, we continued to study all those aspects that make up a robust democratic system, with debates continuing through the evenings and even at breakfast.

One of the highlights was a fascinating lunch with the Canadian MP for Hamilton Centre, Hon. David Christopherson, MP of the New Democratic Party, who left school at 15 and started in politics at age 22 after discovering 'a knack for talking'. Several of my fellow students taped his whole 'off-the-cuff' presentation. So much experience, eloquence and frank advice from someone towards the end of his parliamentary career, who will surely be in demand for speaking

engagements in his retirement!

His talk included such pearls of wisdom as: 'Be ethical and honest all the time.' 'Politics is a marathon not a sprint.' 'To thine own self be true.' And the basic tenet to ensure re-election: 'The absence of screw-ups; better a missed opportunity than a screw-up!'

Another highlight was a session by the equally charismatic Kathleen Sears on political leadership. This was one of the most impactful sessions for me – encouraging self-awareness to understand individual strengths and weaknesses and how to improve. Political skills, she advised, means utilising legitimate means to influence a course of action; advancing ideas by saying what's best for the community not the individual. We should search opportunities to create alliances, promote exchanges and make an impact, always remembering that what you do speaks louder than what you say.

The skill of a politician, (reinforced by both speakers separately) is to retain credibility. The best politician should use persuasion, think on your feet but always demonstrate integrity.

We were welcomed and gently supported throughout the week by Dr Rick Stapenhurst, the very experienced Parliamentary Programs Coordinator at McGill University. He facilitated the





AN INSIDER'S GUIDE TO THE CPA FUNDAMENTALS PROGRAMME FOR CPA SMALL BRANCHES



Member presentations with Paul Belisle, a former Clerk to the Parliament of Canada, plus the evaluation round-up sessions at the close. Dr Rick (it's quite informal) also provided information on the Administration and Financing of Parliament and with Dr Johnson led us through the core functions: looking at how to enhance the democracy of our Parliaments and make them better for our citizens, guarding against the common issue of the encroachment of the Executive on parliamentary power. Consideration of core functions progressed later in the week with Oversight (Dr Rick) and Committees and Executive Scrutiny plus the Role of Parties from Kevin Deveau. There was plenty more including Codes of Conduct and Legislation, the Role of Back Benchers, etc. A participant from the previous year, former Jersey Deputy of St Brelade, Murray Norton, even joined us by video link to comment on the perils and pressures on politicians of social media.

I could go into details of more of our lectures – but perhaps better to recommend signing up for the course for those interested. Participation in the CPA Fundamentals Programme delivers what it promises – it provides a well-supported learning space with excellent study materials, to enable

participants to unpick what makes Parliaments tick and stitch our own back together, with the insight to suggest improvements to the design where necessary.

Equipping Members with the time and technical knowledge to be better informed about parliamentary systems is very empowering; it is necessary to understand the systems and the possibilities to be able to work effectively. Democracy needs us to admit shortcomings in the system where they exist and seek to make improvements where necessary. On the Isle of Man, residents are frequently publicly critical of our Parliament but we don't suffer outside criticism gladly. The best scrutiny comes from Members from across the political spectrum self-analysing and working collaboratively to improve the structures that in turn will lead to better functioning of the assembly.

Parliamentary performance is improved by fully appreciating internal and external pressures, the role of media, the art of communication and the need for transparency in good governance.

The course provides technical information on all these subjects plus opens up a wealth of academic study and reading for ongoing study. While appreciating the Isle of Man's unique tri-cameral system of Parliament, I was previously unaware how

staunchly plurality-majoritarian our system of election is, how quickly perception can veer from us upholding an arena-type legislature to allegations of a rubber-stamp Parliament. Equally, how delicately power is balanced between Executive government, Parliament and its administration.

The constant striving for greater equality and better representation of women in Parliament is an interesting factor that came up for consideration on numerous occasions. While the Isle of Man has the proud boast of being first in the world to give (some) women the vote in 1881, the number of female representatives remains low, compared with many in the Commonwealth. The current House of Keys has five elected female Members, while five more women have been elected to the eight seats in the upper chamber, making Tynwald overall 31% female, the highest proportion in its long history. Recent appointments to the Legislative Council saw the Island leap from 178th place on the Inter-Parliamentary Union comparison table in 2016 to 44th place now – just below the United Kingdom. But what caused the improvement and how it can be built on in future elections is something for future analysis and report. It is likely the re-drawing of constituency boundaries prior to the 2016 General Election, forming 12 equal constituencies consisting of two seats each, prompted more women to put their name forward. It has been established that the number of women elected (five) was directly in proportion to the number who stood, so the focus in future must be on more credible female candidates coming forward. The rise of party activity is also something likely to have an impact on the next election in 2021.

And in concluding the CPA Fundamentals Programme, what parliamentary issues remain? The final session of the residential week at McGill

University enabled each of us to identify and share the top three things we would take home and recommend to our Parliament. While these centre on the CPA Benchmarks, it also throws into sharp relief the absence of any women in the Isle of Man Council of Ministers, which I feel would be addressed if more experienced women Members are returned next time at the ballot box; but other structural issues have also been highlighted by the course and its various modules.

The *Lord Lisvane Review of the Functioning of the Isle of Man Parliament* exposed some criticisms that continue to resound with the Manx public as unresolved: for instance, the lack of an appointed Auditor-General, and the number of Members from upper and lower chambers taking a role in the government. These and other management issues will be my focus in the near future, armed with the political science learnings of my year on the CPA Fundamentals Programme with McGill University, which is thoroughly recommended for any Parliamentarians who are interested in living, breathing and improving their own parliamentary structure.

I commented to one of the tutors that I was turning into a parliamentary process nerd. His response: 'We need more parliamentary process nerds.'

For more information and how to apply for the CPA Fundamentals Programme on Practice and Procedure for Commonwealth Parliamentarians please visit www.cpahq.org/cpahq/cpafundamentals or email hq.sec@cpahq.org. There are two Programmes available – one for all Commonwealth Parliamentarians (with the University of Witwatersrand, South Africa) and one for Members from CPA Small Branches (with McGill University, Canada).

Parliamentary Report

NEWS AND LEGISLATION FROM COMMONWEALTH PARLIAMENTS



THIRD READINGS

Sri Lanka
Page 76

British Columbia
Page 79

Australia Federal
Page 83

United Kingdom
Page 85

New Zealand
Page 88

India
Page 92



Australia Federal Government loses vote on substantial legislation: first in almost 80 years Page 82

CANADA

Building closures and legislative news
Page 80

UNITED KINGDOM

'Brexit' dominates UK Parliamentary Legislation
Page 86

INDIA

Quota in Employment and Education debated in India
Page 90

With thanks to our *Parliamentary Report* and *Third Reading* contributors: Stephen Boyd (Federal Parliament of Australia); Ravindra Garimella (Parliament of India); Dr Jayadev Sahu (Parliament of India); Erin Virgint (Federal Parliament of Canada); Luke Harris (Parliament of New Zealand); Karen Riarh (British Columbia Legislative Assembly); Neil Iddawala (Parliament of Sri Lanka) and Michael Berry (Parliament of the United Kingdom).

THIRD READING: SRI LANKA

Mutual Assistance in Criminal Matters (Amendment) Act No. 24 of 2018

The Bill was introduced in the Sri Lanka Parliament on 5 June 2018 by the Minister of Justice and Prison Reforms. The Bill was challenged in the Supreme Court under *Article 121* of the Constitution and amendments recommended by the Supreme Court were introduced and adopted by Parliament at the Committee Stage level.

International mutual assistance in criminal matters has become very important to combat transnational crime and Sri Lanka had enacted a legislation in this regard in 2002. The main objective of this legislation is to improve effectiveness of investigation, prosecution and prevention of crime and the confiscation of criminal proceeds. In this Bill, there are provisions for international co-operation and mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offence related to cybercrimes.

It also has provisions for the collection of evidence in electronic form in respect of computer crimes and criminal offence from other countries and international organisations through direct agreements if a country or organisation is not a party to the relevant international or regional conventions.

The Second Reading took place on 7 and 9 August 2018. **Hon. Lakshman Kiriella**, Minister of Public Enterprise and Kandy City Development and Leader of the House of Parliament moved the motion for the Second Reading of the Bill.

Hon. Ajith P. Perera, State Minister of Power and Renewable Energy, stated that it is important to update the principal enactment in keeping with the new challenges faced in the areas of terrorism, bribery, financial crimes, money laundering etc. He further stated that due to the technological advancement, banking, terrorism and other activities do not confine to a single country and it is essential to have co-operation with other countries to conduct investigations and obtain witnesses with regard to crimes and corruption.

He stated that the study on money laundering conducted by the Asia Pacific group also has stressed out that our laws have to be updated and that this legislation intends to update municipal laws in line with the international conventions in order to make provisions for combating transnational crimes, prevention of crimes and strengthening internal investigation.

The Minister stated that the Bill has

provisions to investigate crimes related to computer system and data and to obtain international assistance to collect electronic evidence to conduct court proceeding regarding criminal matters; *Section 2* expands the possibility of exchanging assistance in criminal matters with foreign countries and international organisations, and it is also possible to have direct agreements with countries to exchange assistance in criminal matters if a country is not a party to an international convention.

Hon. (Mrs) Shanthi Sriskandarasa, MP, appreciated for bringing the Bill to amend the Criminal Matters with the objective of combat corruption and bribery in the country. She stated it is very much important to bring legislation to cope up with the crimes that are connected with modern technology. However, she expressed her doubts about implementation of law and order without any discrimination to the entire country and stressed the necessity of a mechanism to observe the implementation of laws and rules properly.

She stated that some people in the North and East have been engaged in illegal acts such as liquor production, sand mining, fishing, and smuggling of timber etc, with the blessings of higher authorities and questioned as to why the government failed to take action on such acts. She also expressed her doubt whether the Judiciary would punish true culprits, even if corporal punishment was implemented for those who engaged in drug smuggling, and requested the Government to implement the laws effectively and efficiently to the entire country.

Hon. Chandima Gamage, MP, stated that the *Mutual Assistance in Criminal Matters Act* was enacted in 2002 and had been confined to a few countries. This legislation has provisions to work mutually with any country in the world in order to bring thieves, corrupts, murderers and all kinds of criminals to book through judiciary. He also stated that there are provisions to use video and audio transmission technology to lead evidence when a witness lives in a foreign country and unable to appear before courts in Sri Lanka.

Hon. Wimal Weerawansa, MP, stated that though the Bill is described by the Government Members, as a Bill that intends to eradicate corruption in the country, but it is not so and has some other objectives. The amendments are derived from agreements that Sri Lanka had with the Commonwealth in the past and with the USA

in 2015 (Resolution 30/1). He also stated that it is not necessary to bring this Bill as the United States of America has left the United Nations, which brought the Resolution 30/1 to United Nations.

He further stated that this Bill makes provisions for any country and any international organisations to ask for an accused to give evidence for a crime. It is not only confined for corruption but also other criminal activities and any person of this country including security forces, who is accused of committing any crimes can be handed over to another country, if such a country asks for such a person as a witness. He stated that they have no objection to hand over thieves, but this Bill paves the way to victimize the war heroes of the country and has an adverse impact on the security of the country and therefore he opposed this Bill.

Hon. Anura Priyadharshana Yapa, MP, described the Bill as a bitter medicine coated with chocolate and stated that this Bill not exclusively applies to bribery and corruption. He questioned whether any other South Asian or SAARC country presented such Bill with regard to Mutual Assistance in Criminal Matters.

He further added that this Bill has been brought for the interest of imperialists, as they want to weaken the countries, which talk about their identity and independence. He pointed out the plight of the former Yugoslavian President, Milosevic, who had been handed over with the charges of war crimes against humanity in the international arena but died in the process. He further stated that in Spain, some magistrates have the power to issue warrants to arrest persons in any country and the President of Chile was arrested in England by a warrant issued by a Spanish Magistrate. This Bill may facilitate such incidents and a judge in another country could issue a warrant against a person in our country.

He also stated that we already have a set of laws for bribery and corruption in our country and this Bill may bring unexpected consequences, such as to build up cases against those people who strived to win the war and requested to be cautious on these matters.

Hon. Bimal Rathnayake, MP, stated that mutual assistance in criminal matters is necessary to have international cooperation to combat crimes such as human, gold and drug trafficking that are very common in Sri Lanka. It is common to exchange criminals between countries and one of the drug dealers of Sri Lanka was arrested in connection with drug trafficking in Pakistan, and in that aspect, this kind of legislation is important.

He stated that Sri Lanka considers states that have imperial powers as *'the international'*; these countries try to influence 'weaker' countries in order to interfere in their economic and political sovereignty while safeguarding their perpetrators.

He pointed out that the USA has signed international agreements to safeguard their citizens who commit crimes or wrongdoing in a foreign country, so that they can only be tried at the USA's courts. He added that Sri Lanka has laws to deal with corruption and military crimes and the issue is that of letting other countries probe into and influence our military and economic matters.

He accused the government of being subservient to imperialists and stated that therefore his party (JVP) oppose the Bill; however, he stated that corrupted people of this country should not be safeguarded in the name of saving the country from imperialists' agenda.

Hon. Vasudeva Nanayakkara, MP stated that he would extend his fullest co-operation to this Bill if it intends to eradicate corruption and to punish those who are involved in corruption, but it is not so. He further stated that the Minster said that we only give information and no extradition, but when the provisions of this Bill read together with the *Extradition Act* and *Office for Missing Persons Act*, the request for extradition may come.

He also stated, if a citizen of this country commits a crime in a foreign country, we may help that country to conduct investigation but if any of our citizens commit any crimes within the country we can conduct inquiries and punish them and should not allow foreign countries to interfere in our internal matters.

Hon. A. Aravindh Kumar, MP, stated that this Bill has been brought with the intention of punishing the culprits who were involved

with bribery or corrupt practices etc, and he appreciated the Minister for her initiatives to enact laws in order to uphold the Rule of Law in the country. He also stated that it is essential to work with foreign countries and international organisations to punish the wrongdoers.

Hon. (Mrs) Thalatha Atukorale, Minister of Justice and Prison Reforms, wound up the debate and stated that with globalization, new crimes have been identified and this legislation is introduced to amend the principal enactment in order to cover all those new crimes and to facilitate mutual assistance. She also stated that the following new objects are included in *Section 3* of this Act in order to facilitate the provision and to obtain assistance in criminal and related matters, including:

- the tracing of crimes committed via the Internet, information communications technology, cloud computing, block chain technology and other computer networks including the trading of any digital currencies;
- bribery of any foreign public official or official of a public international organisation and their respective proxies and beneficiaries;
- expedited preservation of stored computer data and expedited disclosure
- of preserved traffic data and data retention;
- location of proceeds of a criminal activity;
- use of documentary evidence obtained in a specified country through specific authorization to be made admissible in a judicial proceeding; and
- admissibility and applicability of evidence led from a specified country through video conferencing technology.

The Bill was passed on 9 August 2018 and the Act came into force from 15 August 2018 from the date on which the Hon. Speaker endorsed his certificate on the Bill.

Recovery of Damages for the Death of a Person

The Recovery of Damages for the Death of a Person Bill was debated and approved by Parliament on 10 January 2019. It became the law of the country with effect from 17 January 2019. This Bill was published in *The Gazette* on 3 September 2018 and introduced in the Sri Lanka Parliament on 9 October 2018.

There are no direct provisions under the Roman Dutch Law for the recovery of damages for the mental pain and suffering where a person dies because of negligence or carelessness of a third party. This Bill seeks to provide for the recovery of damages pertaining to the death of a person caused by a wrongful act, omission, negligence or default of another person and for other matters connected thereto. The provisions of this Act will be in addition to and not in derogation of any other right or remedy provided by any other written or unwritten law.

In this Bill, there are provisions for the Courts to seek assistance from experts to determine whether an applicant for the damages suffered from mental pain and suffering due to the death, the loss of the love and affection, and care and companionship of the deceased, before awarding damages. Further, the Bill prohibits a person to claim damages if the person has abandoned the deceased person.

The Minister of Justice and Prison Reforms, **Hon. (Mrs) Thalatha Athukorala, MP**, outlined the objectives of the Bill and said that every person has to recognise the value of the life of the other person. She said it is important to create a crime free environment and to respect family values and the sentiments of others, as we all believe in strong family ties.

She stated that there are provisions in the Roman Dutch Law to claim compensation for



THIRD READING: SRI LANKA

a person's death; but no provisions to claim compensation for the mental stress and trauma caused by the death of a loved one, even when the death occurred as a result of negligence of someone.

The Minister stated that the special feature of the Bill is that a parent or parents, a child or children, a sibling or siblings, a grandparent or grandparents or guardians jointly will be able to claim damages for the loss of love, affection, care and companionship and the mental suffering they have to endure, from any person whose wrongful act, omission, or negligence caused a death of their loved one.

The Minister pointed out if an applicant dies before a damage claim is made or a judgement on damages is delivered, heirs, executors or administrators of the deceased applicant will have no right to claim damages.

Hon. Chandrasiri Gajadeera, MP, stated that it is detrimental for not allowing the heirs, executors or administrators to proceed with the legal action if the deceased applicant died before a judgement is delivered. He requested the Minister to make appropriate provisions for the living heirs to continue with the legal action to claim damages.

Hon. Ajith P. Perera, MP, Minister of Digital Infrastructure and Information Technology, said we follow the Roman Dutch law and there are provisions under the Roman Dutch law to claim damages for the death of a person caused by a wrongful act, omission, negligence or default of another. He stated that lot of debates took place in respect of claiming damages for the death of a person from the person whose wrongful act or negligence is the cause of such death, after the determination of the *Rienzi Arsecularatne vs. Prof. Priyani Soysa* case. In this case, the right of the parent to claim damages in respect of the child's death that occurred due to medical negligence was discussed. The Supreme Court determined that as per the prevailing law of the country there is no provision to claim damages for a death that caused due to professional negligence.

Our country has strong family values, people are family oriented and the family depend on each other. This determination paved way to find a way to come out from the Roman Dutch law in order to make provisions for a parent to claim damages when a child died due to wrongful act or negligence of another person. The proposal to make provisions for a parent to claim damages when a child dies as a result of

negligence or carelessness of another person or party has been extended to other members of the family, also based on the strong family values of our country. For example, if an adult child died due to negligence, then the parents of such child deprived of the protection and other financial support. Therefore, the Minister has taken proper steps to make provisions for all the parties who affected by the death of a person to claim damages, if such death occurred due to negligence or carelessness of a third party. The Minister concluded his speech by stating that this Act is a very important and progressive piece of legislation of this country.

Hon. Susantha Punchinilame, MP, appreciated bringing this piece of legislation that has provisions to claim damages for the death of a person from the person whose negligence or wrongful act is the cause of such death. He stated it would be appreciated if provisions can also be introduced to claim damages for the persons who live with the support of medical devices for basic activities of daily living, due to wrongful act or negligence of another party.

Hon. Douglas Devananda, MP, pointed out that there are no provisions in the Bill for a spouse to maintain an action for damages against the person whose wrongful act or negligence caused the death of the other spouse.

Hon. Vijitha Herath, MP, appreciated for introducing this Bill and said it has become one of the serious issues that people die due to a wrongful act or negligence of another, especially in the medical field; there was no appropriate legal provisions to claim damages from the person or organisation, who is

responsible for such death. This Bill contains progressive provisions to fill the gap in the law and now we can institute legal action to claim damages for the wrongful act or negligence of a person, which cause death of another person.

However, the Member pointed out that there is a drawback in this law as the heirs, executors or administrators of the applicant cannot proceed the case if the applicant died. This lacuna may cause adverse effect, as there is a possibility to eliminate the applicant to proceed with the legal action by kidnapping or killing the person. The Member requested that the Minister of Justice bring an amendment to enable the heirs to continue the legal proceeding when the applicant of such claim dies before the judgement is delivered.

Hon. Hector Appuhamy, MP stated that the Bill is very special to our country as our people give priority to family and family values. This Bill make provisions to claim damages from the person who is responsible for the death of a person who lived in the family very closely. He stated that he would like to highlight, not the possibility of claiming damages after the death of a person, but for claiming damages for the loss of love and grief of a living person due to the death of the beloved one.

At the conclusion of the debate, the Minister of Justice and Prison Reforms, **Hon. (Mrs) Thalatha Athukorala**, thanked all the Members for their valuable contribution to the debate. She also stated that taking into consideration of the suggestion made by **Hon. Douglas Devananda, MP**, an amendment would be incorporated to the Bill to make provision for the spouse to claim damages.



THIRD READING: BRITISH COLUMBIA



Budget Measures Implementation
(Employer Health Tax) Act, 2018

Bill 44, Budget Measures Implementation (Employer Health Tax) Act, 2018, enacts a new, annual tax on employers with payrolls above \$500,000 with rates phased in for payrolls up to \$1.5 million, effective 1 January 2019. The Bill also outlines a specific tax treatment for charitable and non-profit employers.

During the Second Reading debate, **Hon. Carole James**, Minister of Finance, explained that the tax will partially replace revenue from medical services premiums, which were reduced in 2019 and will be eliminated in 2020. She described medical services premiums as regressive and costly to administer, and noted that other jurisdictions in Canada similarly use a payroll tax.

Shirley Bond, MLA and Official Opposition Critic for Finance, agreed on the need to eliminate medical services premiums; however, she expressed concerns about the impact of a payroll tax on businesses, consumers and municipalities. She particularly had questions about the use of only a payroll tax to replace medical services premiums, instead of a combination of personal income and payroll taxes, as well as the 2019 transition year when reduced premiums and the employer health tax will apply.

Andrew Weaver, MLA and Leader of the Third Party, similarly expressed support for the elimination of the medical services premiums and outlined an alternative approach that would have included an element of personal responsibility based on ability to pay.

The Budget Measures Implementation (Employer Health Tax) Act, 2018 received Third Reading on 6 November 2018.

Budget Measures Implementation
(Speculation and Vacancy Tax) Act, 2018

On 22 November 2018, Budget Measures Implementation (Speculation and Vacancy Tax) Act, 2018 received Third Reading. The Bill enacts a speculation and vacancy tax on residential property in core urban areas of British Columbia, effective the 2018 calendar year, based on assessed value and ownership, with foreign owners subject to a higher tax rate. The Bill provides for a number of exemptions, including for a principal residence and for homes that are rented out for at least six months per year.

During the Second Reading debate, **Hon. Carole James**, Minister of Finance, described the tax as a measure to improve access to housing and housing affordability by acting as an incentive for home owners to add vacant homes to the rental market or to sell homes.

The Official Opposition Critic for Finance, **Shirley Bond, MLA**, questioned the design of the tax, including how taxable areas were determined and whether it effectively targets speculators, and outlined concerns about how many British Columbians may be subject to the tax.

The Leader of the Third Party, **Andrew Weaver, MLA**, discussed the application of the tax and proposed three amendments which were supported by government and adopted: that the Minister conduct an annual consultation with mayors in the taxable areas to review the tax; that revenue be designated for affordable housing initiatives in the taxable areas; and a reduction in the tax rate for one group of owners - Canadian non-residents of British Columbia.

Human Rights Code Amendment Act,
2018

Bill 50 amends the Human Rights Code to establish a Human Rights Commissioner as a new statutory officer. The Commissioner is responsible for protecting and promoting human rights and addressing discrimination by identifying and promoting elimination of discriminatory practices, delivering public information and education about human rights, intervening in complaints, and initiating inquiries into matters related to human rights.

During the Second Reading debate, the Attorney General, **Hon. David Eby**, stated that public consultation informed the Bill, emphasizing a consensus on the need for an independent office, and noted that the province has been without a human rights commission since 2002. He also advised that the legislation did not change the mandate of the BC Human Rights Tribunal, which will continue to directly accept discrimination complaints.

Michael Lee, MLA and Official Opposition Critic for Attorney General, supported the Bill, and reflected on the evolution of human rights in the province; he also sought clarity with respect to the Commissioner's inquiry powers and the ability of the Commissioner to intervene in certain proceedings.

The Leader of the Third Party, **Andrew Weaver, MLA**, also expressed his support for the Bill, discussing the need to examine and address human rights issues proactively.

The *Human Rights Code Amendment Act, 2018* unanimously received Third Reading on 22 November 2018.

CANADA FEDERAL: WINTER LEGISLATIVE NEWS

Closure of Centre Block

In January 2019, the Centre Block, which housed the Senate of Canada and the House of Commons for nearly a century, closed for the largest, most complex heritage rehabilitation project ever undertaken in Canada. The Senate and the House of Commons have moved to new temporary chambers within the parliamentary precinct until the renovation project is complete in approximately a decade. The Centre Block was built between 1916 and 1927, after the original building, with the exception of the Library, burnt down in 1916.

Legislation

Before Parliament adjourned in December 2018, several government Bills received Royal Assent, including:

- *Bill C-76, the Elections Modernization Act*, which, among a number of reforms, aims to curb foreign interference in Canadian

elections, introduces a ‘pre-writ’ period with spending limits and disclosure rules for political parties, increases the amount of child care expenses during a campaign for which qualifying candidates can be reimbursed from 60% to 90%, caps the length of an election period at 50 days or less, allows at-home voting for people with disabilities, and allows Canadian citizens permanently living abroad to vote

- *Bill C-89, Postal Services Resumption and Continuation Act*, which, in light of rotating Canada Post strikes, provided for the resumption and continuation of postal services and imposed a mediation process to resolve matters remaining in dispute between Canada Post and the Canadian Union of Postal Workers.

- *Bill C-21, An Act to Amend the Customs Act*, which authorizes Canada Border Services Agency to collect biographic information on all travelers – including Canadian citizens – as they leave Canada. The Act also permits for the exchange of biographic data between Canada and the United States on travelers at all land ports of entry, including Canadian and U.S. citizens.
- *Bill C-47, An Act to amend the Export and Import Permits Act and the Criminal Code* (amendments permitting the accession to the Arms Trade Treaty and other amendments) which makes the necessary changes to Canada’s export and import control regime that will allow Canada to join the United Nations Arms Trade Treaty.
- *Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act*

and to make consequential amendments to another Act, which, among other changes, amends provisions in the Code relating to sexual offences. Specifically, it sets out a procedure for determining the admissibility and use of the complainant’s records when they are in the possession of the accused.

Furthermore, **Hon. Jean-Yves Duclos, MP**, Minister of Families, Children and Social Development introduced C-87, the Poverty Reduction Act. C-87 sets out poverty reduction targets for Canada and establishes the National Advisory Council on Poverty.

Committee reports

A number of reports were presented in the House of Commons, including:

- Moving Forward – Towards A Stronger Canadian Museum Sector (Standing Committee on Canadian Heritage);
- Democracy under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly (Standing Committee on Access to Information, Privacy and Ethics)
- Moving Forward in the Fight Against Human Trafficking in Canada (Standing Committee on Justice and Human Rights)
- Responding to Russian Aggression Against Ukraine, Moldova and Georgia in the Black Sea Region (Standing Committee on National Defence)
- Protection and Recovery of Endangered Whales: The Way Forward (Standing Committee on Fisheries and Oceans)



Changes in the Senate

In December 2018, the Prime Minister, **Rt. Hon. Justin Trudeau, MP**, announced the appointment of seven Senators based on the advice of the Independent Advisory Board on Senate Appointments. The new independent Senators are:

- **Hon. Margaret Dawn Anderson**, a proud Inuvialuk and long-serving public servant for the Northwest Territories Government, to fill a vacancy in Northwest Territories.
- **Hon. Pat Duncan**, former Premier of Yukon and long-serving public servant and businesswoman, to fill a vacancy in Yukon
- **Hon. Stanley Kutcher**, expert on adolescent mental health and leader in mental health research and advocacy, to fill a vacancy in Nova Scotia.
- **Hon. Rosemary Moody**, former neonatologist and professor of pediatrics and advocate for women

and girls, to fill a vacancy in Ontario.

As of 31 January 2019, the standings in the Senate were: Independent Senators Group 54, Conservative Party 31, Liberal Party 9 and non-affiliated 11. Currently, 49 of 105 Senators are women (47%).

Changes in the House of Commons

On 14 January 2019, Prime Minister Trudeau announced changes to the Ministry and welcomed several new Members to Cabinet:

- **Hon. Jane Philpott, MP**, former Minister of Indigenous Services, was appointed President of the Treasury Board and Minister of Digital Government
- **Hon. Seamus O’Regan, MP**, former Minister of Veterans Affairs, was appointed Minister of Indigenous Services
- **Hon. Jody Wilson-Raybould, MP**, former Minister of Justice and

Attorney General of Canada, was appointed Minister of Veterans Affairs

- **Hon. David Lametti, MP**, former Parliamentary Secretary to the Minister of Innovation, Science and Economic Development, was appointed Minister of Justice and Attorney General of Canada.
- **Hon. Bernadette Jordan, MP**, former Parliamentary Secretary to the Minister of Democratic Institutions, was appointed Minister of Rural Economic Development
- **Hon. Scott Brison, MP**, resigned from his position as President of the Treasury Board and Minister of Digital Government and announced that he will not seek re-election in the 2019 general election.
- On 17 January 2019, former Québec provincial Minister, **Yves-François Blanchet** was chosen to be the new leader of the Bloc Québécois.
- On 6 November 2018, **Hon. Tony Clement, MP**, resigned

from the Conservative Party caucus and from his role as justice critic, following reports that he had shared sexually explicit images of himself online.

On 1 December 2018, **Raj Grewal, MP**, left the Liberal Party caucus following allegations of a severe gambling addiction.

On 29 January 2019, **Nicola Di Iorio, MP** announced his resignation after several months of absences from the House of Commons.

Apology in the House of Commons

On 7 November 2018, the Prime Minister, **Rt. Hon. Justin Trudeau, MP**, delivered a formal apology in the House of Commons to the Jewish refugees who were aboard the MS St. Louis in 1939. After being denied entry into Canada due to strict immigration policies, the ship returned to Europe and 254 passengers were murdered in the Holocaust.



AUSTRALIAN FEDERAL GOVERNMENT LOSES VOTE ON SUBSTANTIAL LEGISLATION – THE FIRST IN ALMOST 80 YEARS

On 12 February 2019, the minority Morrison Government reached a new low when it lost a vote, 74-75, on key legislation dealing with the medical evacuation of asylum seekers from the detention facilities on Nauru and Manus Island. About 1,000 detainees are on these Islands with some being in detention for up to five and a half years. The Labor Opposition and the Crossbenchers succeeded in amending the government's legislation to make it easier for medical evacuations from Nauru and Manus Island. This was against the advice of security officials who argued that this could encourage the clients of people smugglers to now attempt to travel. The legislation subsequently cleared the Senate by 36 votes to 34.

While this is an embarrassment for the Prime Minister, **Hon. Scott Morrison, MP**, he insists the government retains the ability to govern. This means continuing with the government's strategy of delivering the budget on 3 April, where it will announce the first surplus in over 12 years and then calling an election for some time in May.

For the Leader of the Opposition, **Hon. Bill Shorten, MP**, the pleasure in defeating the government on this legislation could be short lived if there is a new boat arrival in the three months before the election. Such an event would be pounced on by the government which has targeted Labor as having a poor record with its detention policies while in government. Mr Shorten responded that the amendments only allow for medical evacuation for current detainees not new arrivals.

During a media interview, the Prime Minister was repeatedly asked that fast tracked medical evacuations would not apply to new boat arrivals, but he refused. He ramped up the issue by announcing that the dormant Christmas Island detention centre would be reopened.

During Question Time, the Prime Minister criticised the Opposition noting that when it was in government between 2007 and 2013, there were about 800 unauthorised boat arrivals, resulting in 50,000 asylum seekers and 1,200 deaths at sea. The government would be hoping to make the issue of border control a major issue at the upcoming election.

Minister resigns in new sex scandal

On 17 December 2018, the Assistant Minister to the Deputy Prime Minister, **Hon. Andrew Broad, MP**, resigned from the Ministry over claims that he met a 'sugar baby' in an overseas hotel. The magazine *New Idea* reported that Mr Broad spent time in Hong Kong with a woman, Amy, with the online alias of 'Sweet Sophia Rose'. It was reported that Mr Broad used taxpayer's money to pay for a domestic leg of his flights to reach Hong Kong. Amy claimed that 'he told me he was in Hong Kong for a conference, but he shouldn't have been here at all. He kept saying that he was very important and that when he left he was going to have to throw away his phone. He referred to himself as James Bond numerous times.' Mr Broad responded that 'I have been advised that the person making the allegation may have engaged in criminal activity. This matter has been reported to the Australian Federal Police and



I will not be making any further comment.'

When the former Deputy Prime Minister, **Hon. Barnaby Joyce, MP** was involved in a controversial affair with one of his staffers, Mr Broad was one of the first National Party Members to call for Mr Joyce to resign.

On the very day that Mr Broad's scandal was reported, the government was releasing its mid-year economic and fiscal outlook which was expected to showcase the government's economic management and return to a budget surplus. However, all of this was overshadowed by the media's attention on Mr Broad. To make matters worse it was revealed that the Deputy Prime Minister, **Hon. Michael McCormack, MP**, had known about the controversy since 8 November. When Mr McCormack was pressed on why he did not take early action on the matter, he commented that 'Mr Broad had told him he'd been on a date with a woman he met online but did not tell him all of the details about lurid text messages that were published by *New Idea* magazine.' Nevertheless, Mr McCormack's judgement and decision-making has been brought into question.

On 18 December 2018, Mr Broad announced that he would not contest the next election. He

commented that 'after recent media stories about my private life, it is clear that the people of Mallee will be best served in the next Parliament by a different Nationals candidate.'

The Deputy Leader of the Nationals, **Senator Hon. Bridget McKenzie** says the reports on the behaviour of Mr Broad left her 'deeply disappointed.'

Senator in altercation in Parliament House

Senator Brian Burston is a Crossbench Senator with the United Australia Party and previously with Senator Pauline Hanson's One Nation Party. Senator Burston has been confronted with sexual harassment allegations. It is reported that he offered to have sex with a staff member 'to make her feel better'. Senator Burston denied the allegations and has in turn attacked Senator Hanson claiming that she had twice sexually harassed him. **Senator Pauline Hanson** responded that 'I might be 64 but I'm not that desperate. These are allegations that have been made up, there are no truth to them whatsoever and I feel sorry for his wife, I really feel sorry his wife.'

The matters degenerated even further when Senator Hanson's Chief of Staff, Mr

James Ashby and Senator Burston had a physical altercation in Parliament House which was captured on film and CCTV footage.

The President of the Senate, **Senator Hon. Scott Ryan** took immediate and decisive action stating that 'the video footage that I have reviewed records the reported incident between Senator Burston and Mr James Ashby last night. It shows inappropriate behaviour by a passholder towards a Senator. Accordingly, I have exercised my authority to revoke Mr James Ashby of his pass to access the building and prohibit him from re-entering the building for the time being. This does not affect his employment, which is not a matter for the Presiding Officers.'

Senator Cory Bernardi, Australian Conservatives, stated 'Mr President, I want to put on the record how grateful I am for your expedient investigation of this and your determination to revoke the pass of Mr James Ashby under these circumstances. I say that not because I have any malice towards Mr Ashby or anyone else but because I think those who are entrusted with a pass in this place, just as Senators are entrusted with free rein across Parliament House, have a special privilege. I think that for any chief of staff or any staff member who accosts a Senator in the manner in which it was alleged, there is only one appropriate course of action. I have to say, Mr President, it filled me with dread that this would be referred off to another Committee or an investigation or somewhere else, so I want to go on the record and say congratulations to you for your prompt action. The term 'for the time being' concerns me because, unfortunately, Mr Ashby has quite a track record in this place. I hope that 'time being' is a very long time.'

THIRD READING: AUSTRALIA

Defence Amendment (Call Out of the Australian Defence Force) Act, 2018

The legislation permits states and territories to request the Commonwealth of Australia to call out the Australian Defence Force (ADF) in various circumstances.

The Attorney-General, **Hon. Christian Porter, MP**, commented that the legislation will 'enhance the ability of the ADF to support state and territory police to respond to domestic security incidents, including and, most specifically, terrorism.' Mr Porter noted that 'the threat we face today is, unfortunately, greater and more complex than that which we faced when these laws were introduced almost 20 years ago.'

Mr Porter explained that 'Australia has a broad continuum of operational response to terrorist attacks spanning from general duties police to the specialist members of the ADF. The police and other emergency services are, and will remain, our first responders to such terrible events. It is the immediate actions of these first responders that can have the greatest impact in terms of saving lives, protecting people and neutralising any threat.'

Mr Porter noted that 'while the ADF's primary counterterrorism role is offshore, the ADF has personnel, resources, specialist skills and assets that can assist our emergency services to respond in the event of a terrorist attack. This support includes specialist capabilities such as tactical assault forces, and chemical, biological, radiological and nuclear response and recovery. For this reason, it is essential that the defence forces are able to contribute effectively to domestic counterterrorism efforts in every environment.'

The principles underlying the call-out of ADF personnel to assist civilian authorities are:

- The ADF should only be called out to assist civilian authorities.
- If the ADF is called out, civilian authorities remain paramount, but ADF members remain under military command.
- When called out, ADF members can only use force that is reasonable and necessary in all the circumstances.
- ADF personnel remain subject to the law and are accountable for their actions.

Mr Porter concluded that 'the measures in this Bill will ensure that Defence's specialist counterterrorism capabilities are readily available to States and Territories if and when they are appropriate and needed. Significantly, the amendments will enable the ADF to respond to a threat spanning jurisdictional borders and be pre-authorised to respond to threats on land, at sea or in the air. This will ensure the most rapid response possible, which is critical given the current threat environment.'

Senator Helen Polley, Australian Labor Party, advised that the Opposition supported the legislation commenting that 'we are determined that our national security arrangements stay ahead of our security circumstances to make sure Australians stay safe and the freedoms that make our society what it is are protected.' Senator Polley noted that 'these new provisions respect the States and Territories role as first responders but gives flexibility for the most rapid, effective and appropriate specialist support in responding to terrorist incidents to be provided by the ADF, simplifying, expanding and clarifying the ADF's powers.'

Senator Polley commented that 'the Bill specifies, expands and clarifies the ADF's existing search and seizure powers when they're operating under a call-out order. Currently, the ADF search powers do not authorise them to search for and detain people as they focus on dangerous things. This amendment will permit ADF personnel to be authorised to search for and seize items and search for and detain people that are likely to pose a threat to a person's life, health or safety, or to public health or safety generally.'

The legislation provides for the ADF to be pre-authorised to respond to certain threats. Senator Polley stated that 'pre-authorised or contingent call-out will allow Ministers to pre-authorise the ADF to respond if specific circumstances arise. Today, contingent call-out is limited to protecting Commonwealth interests from air threats. This type of call-out has been put in place regularly to protect major Commonwealth events - the G20, the ASEAN summit and the Commonwealth Games. The Bill extends contingent call-out to be available for State and Territory interests from threats in the land, air and maritime domains.'

Senator Rex Patrick, Centre Alliance Party, noted that while the legislation is necessary, 'if the provisions contained in the bill are ever invoked and the ADF is called out into Australian streets in response to a terrorist threat or other domestic violence, it will most likely mark an intelligence, security and policy failure. It will mean that a situation has developed that is so serious that the ADF is needed to bring it to its successful resolution. It will always be preferable that circumstances never reach that point.'

Intelligence Services Amendment Act, 2018

The legislation enables the responsible Minister to specify additional persons outside Australia who may be protected by an Australian Secret Intelligence Service (ASIS) staff member or agent. In addition, the legislation provides that an ASIS staff member or agent performing specified activities

THIRD READING: AUSTRALIA

outside Australia will be able to use reasonable and necessary force in the performance of an ASIS function.

The Minister for Families and Social Services, **Hon. Paul Fletcher, MP**, noted that the original form of the *Intelligence Services Act, 2001* limited the ability of ASIS officers to act even in their own self-defence. Mr Fletcher commented that by 2004 and drawing on the experiences of the terrorist attacks of September 11 ‘the Act was amended to allow ASIS officers, where authorised by the Minister for Foreign Affairs’, to train in - and in certain circumstances use - weapons for self-defence.

Mr Fletcher stated that ‘in the fifteen years since the last amendment related to ASIS’s use of force, the world has indisputably become even more complex - and Australia has become more of an international terrorism and espionage target.’ As a result, the legislation enables ASIS to better protect its officers and other persons when operating in hazardous environments overseas.

The legislation enables the Minister for Foreign Affairs to specify additional persons outside Australia who may be protected by an ASIS staff member or agent. Mr Fletcher stated that ‘this will address a legal uncertainty identified by the Australian Government Solicitor (AGS) in the ability of an ASIS staff member to be compliant with the Act when defending certain other persons including bystanders, and to train for the use of force in those circumstances.’

In relation to oversight, Mr Fletcher stated that ‘before directing a specified activity, the Minister for Foreign Affairs will be required to consult with the Prime Minister, the Attorney-General, the Minister for Defence and other relevant Ministers.’ Mr Fletcher commented that ‘while lethal force may already be used in self-defence as a last resort to protect an officer or another protected person from serious harm or death, it is explicitly provided that in undertaking such an activity ASIS staff members or agents will not, and must not, engage in torture; cruel, inhumane or degrading treatment; sexual assault; or unlawful killings.’

Mr Fletcher advised that ‘oversight arrangements for these amendments will be critical, and will include key roles played by the Inspector-General of Intelligence and Security (IGIS) and the Parliamentary Joint Committee on Intelligence and Security (PJCIS).’ Mr Fletcher stated that the IGIS will ‘ensure that ASIS’s conduct is consistent with the law and with the

Australian public’s expectations of propriety.’

Mr Fletcher in explaining the need for the changes stated that ‘under the current Act, an armed ASIS officer undertaking an operation overseas may only use a weapon in defence of another officer, agent or a limited category of person co-operating with ASIS. The Act currently prohibits an ASIS officer from using a weapon in defence of an innocent person who is threatened by a terrorist or kidnapper, even where this threat is present in front of the ASIS officer. The proposed amendments will allow an ASIS officer confronted with this situation to act appropriately in defence of the innocent person.’

The Shadow Attorney-General, **Hon. Mark Dreyfus, MP**, noted that the Opposition supports the legislation ‘because we recognise the need to modernise the legislative framework that governs the Australian Secret Intelligence Service, ASIS, to reflect the changing operational realities in the global environment and the nature of the national security challenges that Australia now faces.’ Mr Dreyfus concluded that ‘Labor appreciates the non-partisan and consultative manner in which this Bill has been dealt with. This should provide confidence to the Parliament and to the wider community in regard to the additional powers that are conferred on ASIS staff and ASIS agents by this Bill. Such an approach is an example of how national security legislation should be pursued.’

Senator Nick McKim, Australian Greens, commented that ‘it’s been argued by the government that this is a minor increase in powers which is both necessary and proportionate, but, in the view of the Australian Greens, this is mission creep. This legislation joins the many hundreds of pieces of legislation

that we’ve seen passed through State, Territory and Commonwealth Parliaments in the last 20 years that provide greater powers to our intelligence services and erode fundamental rights, freedoms and liberties in this place.’

Senator McKim noted that ‘on the legislation that is currently before us, it’s probably worth pointing out that ASIS managed to illegally bug the Timor-Leste government in order to defraud Timor-Leste out of hundreds of millions of dollars of revenue from the Timor oil and gas fields that were rightly Timor-Leste’s. It was defrauded out of those revenues – unlawfully - by the Australian government through ASIS’s bugging of the Timor-Leste government deliberations on that matter. ASIS managed to do that quite successfully without an increase in their powers relating to how and in what circumstances they can use their weapons. That was one of the most shameful acts of any intelligence agency in our country’s history - ripping off one of our impoverished neighbours of many hundreds of millions of dollars, at a minimum, that that country could have used to help lift its people out of poverty and provide essential medical and educational services to its people.’

Senator McKim concluded that ‘for readers of history, you should know that, when you give extra powers to intelligence agencies and allow those powers to be utilised by other government authorities, what we will see is mission creep and those powers being used for purposes that were not contemplated at the time that the powers were granted by this Parliament. So we have very little faith when we hear assurances that additional powers will not be used in unintended ways, and that is the case also with this legislation.’



THIRD READING: UNITED KINGDOM

Homes (fitness for human habitation) Bill

Introduced in the UK Parliament’s House of Commons by **Karen Buck, MP** (Lab), this Bill was selected in the Private Members’ Ballot. At the start of each parliamentary year, backbench MPs are invited to enter the ballot. Bills which are selected in the draw have priority on the floor of the House over other Private Members’ Bills. The Bill sought to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation, and to make provision about liability for residential accommodation that does not comply with Building Regulations.

The Bill received cross-party support and Government backing. The Parliamentary Under-Secretary of State for Housing, Communities and Local Government, **Heather Wheeler, MP**, said: ‘the Bill will empower tenants and help to further improve standards in rented houses and flats. It has been a pleasure working with the Hon. Member for Westminster North, and I am sure her Bill will get the continued support it deserves as it progresses.’

The Minister highlighted that it was the third Private Member’s Bill from a Labour MP which had received Government backing, following the *Assaults on Emergency Workers (Offences) Act, 2018*, sponsored by **Chris Bryant, MP**, and the *Mental Health Units (Use of Force) Bill*, sponsored by **Chris Reed, MP**. Even in such politically divisive times in UK politics, these Bills perhaps demonstrate that there remains appetite for cross-party co-operation on certain issues.

The Bill passed its Third Reading in the House of Commons on 26 October 2018 and progressed to the House of Lords. Here it received similar cross-party support and completed its passage unamended. The Bill received Royal Assent on 20 December 2018.

Finance (No. 3) Bill 2017–19

In the context of ‘Brexit’, the Finance (No. 3) Bill became a political vehicle for MPs to signal their discontent with the Government’s Brexit strategy and to give the UK Parliament greater influence over the process. **Rt Hon. Yvette Cooper, MP** (Lab) tabled an amendment during the report stage, which, as set out in the Member’s explanatory statement, ‘would prevent the Government implementing the ‘no deal’ provisions of Clause 89 without the explicit consent of Parliament for such an outcome.’

Clause 89 granted tax-raising and regulatory powers to the Treasury in preparation for the

UK’s withdrawal from the EU in March 2019, including in the event of a ‘no-deal’ departure. The amendment received support from a group of cross-party Select Committee chairs, including **Rt Hon. Nicky Morgan, MP** (Con), Chair of the Treasury Select Committee, **Rt Hon. Hilary Benn, MP** (Lab), Chair of the Exiting the European Union Select Committee (also known as the ‘Brexit’ Committee), and **Dr Sarah Wollaston, MP** (Con), Chair of the Health and Social Care Select Committee.

Ms Cooper said during the debate: ‘I tabled amendment 7 because I am really worried that delays, drift or brinkmanship mean that there is now a serious risk that we will end up crashing out of the EU with no deal. I believe that the Government should rule out no deal but, if they will not, Parliament must make sure that it has the powers to do so if it comes to the crunch.’

The Exchequer Secretary to the Treasury, **Robert Jenrick, MP** (Con), said: ‘Clause 89 is simply prudent preparation to provide our taxpayers with the certainty they deserve ... Unless Parliament agrees a deal, the UK will leave the European Union on 29 March with no deal, as that was the agreement we all knew when we voted to trigger article 50 [see *European Union (Notification of Withdrawal) Act 2017*]. That is now the law, and amendment 7 does not change that simple truth.’

The Government was defeated on the amendment, which passed by 303 to 296, as a result of the Democratic Unionist Party (DUP) voting with the Opposition, although they have a confidence and supply agreement with the Conservative Party.

The Bill subsequently passed its Third Reading in the House of Commons on 8 January 2019 and completed its passage through the House of Lords on 7 February 2019 and received Royal Assent on 12 February 2019.

Voyeurism (Offences) (No. 2) Bill

The Bill would make certain acts of voyeurism an offence, including ‘upskirting’: the practice of taking unauthorised photographs under a woman’s skirt or man’s kilt. Upskirting has been covered by legislation in Scotland since 2010.

The Voyeurism (Offences) (No. 2) Bill was introduced by the Government and superseded the Private Members’ Bill introduced by **Wera Hobhouse, MP** (Liberal Democrats). When her Private Member’s Bill reached its Second Reading

in the House of Commons on 15 June 2018, **Sir Christopher Chope, MP** (Con) stopped the Bill progressing by shouting ‘object’. After the scheduled end of the time allocated for debate of Private Members’ Bills (2.30pm), Bills can only make progress by consent of the House, and a single objection is enough to prevent further debate. The Voyeurism Bill had been introduced late in the session and was therefore so far down the agenda for the day that it was not reached until after 2.30pm. It was therefore possible for Sir Christopher Chope to halt the Bill’s progress with a single shout of ‘object’.

During the Third Reading of the Government-backed Voyeurism (Offences) (No. 2) Bill on 5 September 2018, Sir Christopher Chope, MP said ‘my purpose in saying ‘object’ was that I wanted the Bill to be scrutinised, and full marks to the Government ... for recognising that this was a Bill that could be properly scrutinised only if it became a Government Bill. So, did I achieve my objective? Yes, I did.’ Rt Hon. Maria Miller, MP (Con) supported Sir Christopher Chope, saying in the debate: ‘If he had not objected, the Bill would have gone through on the nod and the amendments we are debating today would not have been possible.’

Wera Hobhouse, MP during the Third Reading said: ‘It is a pleasure of sorts to follow the Hon. Member for Christchurch (Sir Christopher Chope). We have disagreed on things, but I am pleased to say that I agree with him that we want to make this Bill as good as possible and, in particular, to ensure that it acts as a good deterrent so that people do not consider this vile practice.’

The Bill passed its Third Reading in the House of Commons without division on 5 December 2018 and passed the House of Lords on 15 January 2019 and received Royal Assent on 12 February 2019.



‘BREXIT’ DOMINATES UK PARLIAMENTARY LEGISLATION

Brexit has dominated the UK Parliament and politics, involving several historic events.

‘Meaningful vote’ delay

As set out in the *European Union (Withdrawal) Act, 2018*, the Withdrawal Agreement between the UK and the EU may be ratified only once the House of Commons passes a motion approving the Withdrawal Agreement and political declaration, known as the ‘*meaningful vote*’.

The draft Withdrawal Agreement, published in November 2018, proved highly controversial, primarily due to the Northern Irish ‘*backstop*’. The ‘*backstop*’ establishes that, if no permanent trade deal has been agreed between the UK and the EU at the end of the transition period (December 2020) and there is no agreed extension of the transition period, the ‘*backstop*’ of “*a single customs territory between the (European) Union and the United Kingdom*” will be triggered. This is to ensure that there is no ‘*hard*’ border between the Republic of Ireland (part of the EU) and Northern Ireland (part of the UK).

Further, Northern Ireland will remain in regulatory alignment with the EU for trade purposes. Opponents argue that, if triggered, the UK could not leave the ‘*backstop*’ unilaterally and it is not time-limited. The ‘*backstop*’ arrangement is opposed by Democratic Unionist Party (DUP) MPs who, as pro-unionists of the UK, are against regulatory alignment with the Republic of Ireland. The DUP have a ‘*confidence and supply*’ agreement with the Conservative Government to enable the Government to

command a majority in the House of Commons.

The Government was defeated on several amendments relating to the Brexit process, including a cross-party amendment tabled by Rt Hon. Dominic Grieve, QC, MP (Con) to the business motion on 4 December 2018. This amendment established that, should the House of Commons refuse to approve the negotiated Withdrawal Agreement (in the so-called ‘*meaningful vote*’), MPs would be able to table amendments to the neutral motion which the Government was obliged to bring forward to enable the House to debate its plan for proceeding (neutral motions are ordinarily unamendable).

This was considered to give MPs significant control over the Government’s future course of action. The Government was defeated on this amendment by 321 votes to 299.

With widespread opposition to the proposed Withdrawal Agreement, the UK Prime Minister, Rt Hon. Theresa May, MP announced in a statement to the House of Commons on 10 December 2018 that the vote would be postponed, stating that “*if we went ahead and held the vote tomorrow, the deal would be rejected by a significant margin. We will therefore defer the vote scheduled for tomorrow.*”

Procedurally, the key question was how, exactly, the debate and vote could be postponed, given that the House had agreed to hold the debate and votes on specific named dates. The Order of the Day for resuming the adjourned debate remained in the ownership of the mover of the motion – in this case the Government – and therefore

all that was needed was for the Government whip, when the order was read by the Clerk at the Table, to say “*Tomorrow*” instead of “*Now*”.

The Speaker of the House of Commons, Rt Hon. John Bercow, MP confirmed that this was in line with the rules of the House but suggested that the better option would have been for the Government to move that the debate be adjourned, thereby allowing the House to have a say on postponing the debate. He added that “*no fewer than 164 colleagues have taken the trouble to contribute [and this] will be thought by many Members of this House to be deeply discourteous.*”

Historic Government defeat and vote of ‘no confidence’

The Government rescheduled the vote on the Withdrawal Agreement for Tuesday 15 January 2019 after attempts to seek reassurance from the EU on the ‘*backstop*’. Despite these attempts, opposition to the Government on all sides of the House remained steadfast.

On 15 January 2019, the Government backed motion was defeated by 434 to 202, a majority of 230. This was the biggest Government defeat in history, overtaking the defeat of then Prime Minister, Rt Hon. Ramsay MacDonald, MP in 1924 by 166 votes. This immediately led the Leader of the Opposition, Rt Hon. Jeremy Corbyn MP, to table a motion of ‘no confidence’ against the Government, the first since 1993.

As is customary, the Government made time to debate the motion: in this case, the next day. The motion of ‘no confidence’ was defeated by 325 to 306 after the DUP maintained their support for

the Government despite having voted against the Withdrawal Agreement.

Seeking to gain support for the Withdrawal Agreement, the Prime Minister, Rt Hon. Theresa May, MP told the House of Commons after the ‘no confidence’ division: “*We have a responsibility to identify a way forward that can secure the backing of the House, and to that end I have proposed a series of meetings between senior Parliamentarians and representatives of the Government over the coming days.*”

Unprecedented amendment to a business motion

The Speaker of the House of Commons, Rt Hon. John Bercow, MP faced scrutiny following his choice of an amendment to a Business of the House motion. The business motion for the original (December 2018) ‘*meaningful vote*’ debate was being amended by the Government on 9 January 2019 to allow the debate to resume. The December 2018 business motion provided that it could not be varied or supplemented except by a motion moved by a Minister of the Crown, and that any such motion should be taken ‘*forthwith*’.

An amendment to the government motion amending the business motion was tabled by the backbencher, Rt Hon. Dominic Grieve, QC, MP (Con). It stated that “*a Minister of the Crown shall table within three sitting days a motion ... considering the process of exiting the European Union under article 50*” should the motion on the Withdrawal Agreement be defeated. This would cut the time Government must respond to the defeat



of its Withdrawal Agreement from 21 days as set out in the *European Union (Withdrawal) Act, 2018*. This decision led to lively points of order on 9 January 2018 before the division on the amendment.

Sir Bernard Jenkin, MP (Con), Chair of the Public Administration and Constitutional Affairs Committee, quoted *Standing Order No. 118* in the debate: “*The Speaker shall put forthwith the question thereon...has always been thought and*

understood to mean that these motions are unamendable ... Why have you changed your interpretation of that word in this case?”

Speaker Bercow gave his interpretation: “*We are not treating here of a motion but of an amendment to a motion.*”

The Speaker of the House of Commons had support for his selection of the amendment from MPs on both sides of the House. Angela Eagle, MP (Lab) said: “*Do you ... agree ... [it] empowers*

this House of Commons and demonstrates that it is taking back control? As Speaker, you have an absolute duty to ensure that this House of Commons is taken seriously, which is why I commend you for the decision you have taken today.”

Speaker Bercow later stated that “*If we were guided only by precedent, manifestly nothing in our procedures would ever change. Things do change. I have made an honest judgment. If people want to vote against the amendment, they*

can; and if they want to vote for it, they can.”

Following Points of Order, the amendment was approved by 308 to 297 without debate. This precedent could be significant, as the term ‘*forthwith*’ is used repeatedly in the House of Commons Standing Orders.

Contempt of Parliament debate

In December 2018, the UK Government was found in contempt of Parliament for the first time. The contempt motion was tabled by the Opposition because the Government declined to publish the full legal advice provided by the Attorney General to the Cabinet on the EU Withdrawal Agreement, despite a resolution of the Commons on 13 November 2018 requiring publication of the advice.

The Attorney General, Rt Hon. Geoffrey Cox, QC, MP, who took questions in the chamber on his advice, stated that: “*if I am satisfied and convinced that any disclosure of the kind the House has asked for would be contrary to the national interest, I cannot comply with the House’s request.*”

The Government attempted to avoid defeat by tabling an amendment to the contempt motion to refer the case to the House of Commons Privileges Committee. The Government amendment was defeated by 311 to 307, and the contempt motion passed by 311 to 293. As a result, the Government published the legal advice which implied that Northern Ireland would remain in the single market for goods as a result of the ‘*backstop*’. This was subsequently described as “*unacceptable*” by the DUP, contributing towards their opposition to the Withdrawal Agreement.



Child Poverty Reduction Bill and the Children's Amendment Bill

The Child Poverty Reduction Bill and the Children's Amendment Bill, introduced as one Bill and subsequently divided at the Committee of the whole House, represent key pieces of legislation for the Labour – New Zealand First coalition government.

The Bills put into law provisions that require the government to set 10-year child poverty reduction targets, develop and report on strategies to promote child well-being, and, on Budget day, report progress on its stated child poverty reduction goals. Additionally, the Bills require the Government Statistician to prepare a report measuring child poverty each financial year, independently from government, and that the report be presented to the House of Representatives.

As the Bills' sponsor, the Prime Minister and Minister for Child Poverty Reduction, **Rt Hon. Jacinda Ardern, MP** (Labour), stated, *"The essence of this Bill is to try and build enduring political accountability, consensus, and action on the issue of child poverty and to reduce it."* ... *"It sits within the Government's wider work programme to ensure that the benefits of a strong, growing economy are shared more fairly. It sits within a work programme that focuses on fixing critical problems in health, housing, education, transport, and so many other sectors."*

The Minister for Disability Issues, **Hon. Carmel Sepuloni, MP** (Labour), told the House that *"Children with disabilities will be an important focus within the child well-being*

strategy which is currently being developed. This will set out the Government's vision for the well-being of all children, and, as New Zealand's first child well-being strategy, it is an opportunity to harness collective goodwill, knowledge, and resources to create positive change."

Members of the Opposition supported the Bills' Third Reading, with National Party spokesperson for Children, **Ms Maureen Pugh, MP** commenting, *"There's no question that across this House we are all combined in our desire to bring our children of Aotearoa out of poverty. This Bill certainly sets the way for us to begin that journey. This is a Bill of the whole Parliament. I think this is actually an indication of where cross-party agreement really does good for New Zealand."*

Mr Dan Bidois, MP (National) added that while the Opposition supported the Bills, *"there is much more that needs to be done in the areas of housing and building housing - much more than what has been done to date. There is much more that needs to be done around the family unit, and I want to acknowledge the contribution from speakers on this side of the House who emphasised the role of the family unit but also that hard work and that pioneering attitude. How can we as politicians encourage and lead that work ethic throughout New Zealand society? I think if we can do all of those things, then we will truly alleviate child poverty in New Zealand."*

The Green Party of Aotearoa New Zealand, as the government's confidence and supply partner, also supported the Bills at their Third Reading; however, some Members did feel

that action on child poverty should have occurred sooner. **Ms Marama Davidson, MP** (Co-Leader, Green) argued, *"Things should never have gotten this bad. There is absolutely no excuse or reason why things have gotten this bad - why we have tamariki [children] who are being sent to hospital from poor, inadequate, and unhealthy housing; why incomes and household incomes are so low that tamariki do not have all they need to live healthy, happy, dignified lives."*

The ACT Party remained the only party opposed to the Bills. **Mr David Seymour, MP** (Leader, ACT) countered that the provisions in the Bills would not lift child poverty, arguing that *"If more money was the solution, then the Government spending tens of billions of dollars a year in benefits and Working for Families and accommodation supplements would have solved poverty by now. All this Bill is going to do is tell us how many households are within 60% or 40% or 50% of the median income. It is not a measure of child poverty. It's not even a measure of the incomes that houses have. It is a measure of how many households have incomes similar to how many other households. That's the first problem with this Bill - that it doesn't actually solve the problem of child neglect."*

The Bills passed their Third Reading on 18 December 2018, with 118 votes to 1.

Misuse of Drugs (Medicinal Cannabis) Amendment Bill

The Misuse of Drugs (Medicinal Cannabis) Amendment Bill passed its Third and final Reading in the New Zealand House of Representatives on 11 December 2018. The Bill establishes a medicinal cannabis scheme to provide quality and regulated supply, and deschedules cannabidiol so that it is no longer classified as a controlled drug. As an interim measure, until the scheme has been fully established, the Bill provides a criminal defence from prosecution for those requiring palliation who use medicinal cannabis.

New Zealand First Member, **Mrs Jenny Marcroft, MP** explained that although doctors can already prescribe medicinal cannabis in New Zealand, the coalition government wants *"to make this product more readily available - a good, high-quality product - and easily accessible, because the price point was putting it out of reach for all New Zealanders."*

The Leader of the Opposition, **Hon. Simon Bridges, MP** (Leader, National), argued, however, *"that what in fact this Bill is is decriminalisation of cannabis by stealth in this Parliament today."*

Opposition Member and ACT Party Leader, **Mr David Seymour, MP** supported the Bill, commenting, *"We've got to get a bit realistic in this debate. The debate is not about whether cannabis is good or bad. ... This Bill is a very small concession to those who are most vulnerable in our community ... they believe that they can be palliated and helped by access to medicinal cannabis."*

The regulatory framework of the medicinal cannabis scheme was a point of contention across the House, with National calling for detail on the licensing regime to be embedded in the primary legislation. The government, however, opted instead for the detail to reside in regulation, which will be outlined after a consultation period. The Opposition described this approach as *"lazy"*, with **Mr Simeon Brown, MP** (National) stating, *"we can't just pass the buck on to officials and pass the buck on to other people. Yes, they may assist in the process and may be able to provide advice on the process, but we are, ultimately, the decision makers, as Parliament."*

The Minister of Health, **Hon. Dr David Clark, MP** (Labour), disagreed, however: *"It's true that most licensing regimes are administered by officials. They seek expert advice and report to Ministers, in many different portfolios, on the practical implications of current practice, because if things are set up in regulation, it's easier to quickly move if there's a change in circumstance, such as new studies that reveal some products are dangerous or interact with others and that changes need to be made."*

Green Party Member and party spokesperson for drug law reform, **Ms Chlöe Swarbrick, MP** raised the issue of local medicinal cannabis production: *"I have a vision for a local medicinal cannabis scheme in Aotearoa which provides us with an opportunity to move away from a reliance on big business, overseas pharmaceuticals. It's not spurred by moral panic or a fear of anything that isn't cut or pressed in a lab but informed by evidence in the developing research. It opens up a market that allows those who have been targeted and penalised disproportionately under the war on drugs to use their skills to retrain and to contribute to society. It provides an opportunity to communities throughout regional New Zealand to not just stabilise unsustainable economic decline but to flourish on their own terms."*

Many National Party Members expressed concern with the possibility of patients smoking loose-leaf cannabis, particularly in public places. National party spokesperson for health,

THIRD READING: NEW ZEALAND

Dr Shane Reti, MP stated: *"We oppose the normalisation of loose leaf in New Zealand society, and we oppose the lack of quality and safety with loose leaf. I say again: loose leaf is not a medicine."*

Minister Clark argued, however, that the legislation is *"a compassionate approach for people nearing the end of life, where the usual concerns, of course, around product safety, quality, efficacy, and any long-term risks really are irrelevant."*

The National Party also questioned how the temporary palliation exemption would be managed and called for a sunset clause to be inserted into the Bill to specify when the exemption would end. **Hon. Michael Woodhouse, MP** (National), former Minister of Police, said that the exemption would *"completely undermine the licensing regime"* if patients could still procure cannabis from illicit sources.

Instead of a fixed end-date, the Minister of Health will conduct a review of the statutory defence within two years. Labour Member, **Dr Liz Craig, MP** explained: *"as Minister Clark was saying, what we've got is a two-year period where we then review it, and then, if the scheme is up and running, that defence may well be looked at and removed. But we've got to have the regime in place to have that, so that people can access medical cannabis that is produced to a high standard."*

The Bill received the royal assent on 17 December 2018.

Crown Minerals (Petroleum) Amendment Bill

The Crown Minerals (Petroleum) Amendment Bill passed its Third Reading on 7 November 2018. The purpose of the Bill is to give effect to the government's announcement on offshore oil and gas exploration permits made on 12 April 2018. The Bill amends the *Crown Minerals Act 1991* to ban the granting of offshore oil and gas permits and limits onshore permits to the Taranaki region.

It was brought to the House by the Minister of Energy and Resources, **Hon. Megan Woods, MP** (Labour), who explained that the Bill *"will limit new petroleum prospecting, exploration, and mining permits to the onshore Taranaki region only, and it guarantees the protection of existing permits"* and who described the legislation as *"an important step*

to take action on climate change and begin a just transition to a low-carbon economy."

In support of the government, the Minister of Conservation, **Hon. Eugenie Sage, MP** (Green) described the Bill as being *"about signalling that we have got to make significant changes in the way we do business and in the way we generate energy if we are going to get to carbon-zero by 2050 and if we are going to shift our economy on to one that protects the climate rather than undermining it by promoting further oil and gas exploration."*

National Party spokesperson for the environment, **Ms Erica Stanford, MP** (National) summarised many of the Opposition's concerns about the Bill: *"There are so many issues with this Bill: the massive decrease in investment in the Taranaki region ... the loss of skilled people and the loss, potentially, of thousands of jobs; the cost of billions of dollars of revenue ... the fact that this Bill does nothing to deal with the issues of demand ... and the major issue of carbon leakage, which means that global emissions will likely rise, rather than decline."*

Concerns about electricity prices were also a major issue behind opposition to the Bill. **Hon. Paul Goldsmith, MP** (National) stated: *"Every New Zealander who struggles right now to pay their electricity and gas bills and to get through the long winter and figure out how to make ends meet has to be aware that this decision right here, right now - this Bill—will undoubtedly make their energy bills higher in the years to come."*

Minister for Economic Development, **Hon. David Parker, MP** (Labour) defended the Bill, however, addressing concerns about the transition to renewable energy generation and investment, asserting that: *"These are long time frames. The system has time to adjust. I would make some predictions as to how the system will adjust, because what is happening here is we are creating investment certainty for those who have to make the generation investments that we need over the next couple of decades."* Minister Parker also addressed concerns about the impact the Bill would have on energy prices, claiming: *"The current cheapest sources of new generation are renewables, proven by the fact that that's what those companies are investing in - in geothermal and wind."*

The Bill was passed with 63 votes to 56 and received the royal assent on 12 November 2018.

QUOTA IN EMPLOYMENT AND EDUCATION DEBATED IN INDIA PARLIAMENT'S WINTER SESSION

The Constitution of India has been amended to provide reservation in employment and higher education to the economically weaker sections of society. As required by the Constitution, each House of Parliament passed the Constitution 124th (Amendment) Bill, 2019 by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. The Bill received President's assent on 12 January 2019.

On 8 January 2019, the last day of the Winter Session of Lok Sabha that had commenced on 11 December 2018, after a near five-hour long debate, the House passed the Constitution 124th (Amendment) Bill, 2019 to provide 10% reservation to economically backward sections in the general category in recruitments and admission in higher educational institutions.

In Lok Sabha, 323 Members voted in favour of the Bill, while three voted against it. In Rajya Sabha, which had been extended by a day, the Bill and the motion for its reference to a Select Committee for examination and report were discussed together on 9 January 2019 and after rejecting the demand for sending the Bill to a Select Committee, the House passed the Bill by 165 to 7 votes, after a long seven-hour debate.

The Act empowers the State to make any provision for the reservation in appointments or posts in favour of any economically weaker sections of citizens and for their admission to higher educational institutions including private educational institutions, whether aided or unaided by the State, subject to

a maximum of 10%. All minority educational institutions as mentioned in the Constitution have been excluded from the ambit of this law. This will be in addition to the existing ceiling of 50% reservation available to the socially and educationally backward classes (OBC), the scheduled castes (SC) and scheduled tribes (ST).

The Act amends *Articles 15 and 16* of the Constitution, by adding a clause which allows States to make special provision for the advancement of any economically weaker sections of citizens. The economically weaker sections will be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

Most of the Opposition parties, including the SP, TRS, AITC, BJD, the Left and the INC supported the Bill. However, several of the opposition parties also questioned the timing of the Bill, claiming the government's move was spurred by the coming national elections. AIADMK staged a walkout before the voting.

Moving the motion for the consideration of the Bill in Lok Sabha, the Minister of Social Justice and Empowerment, **Shri Thaawarchand Gehlot** clarified that 10% reservation will be given without tampering with the existing quotas for SCs, STs, and OBCs. As such efforts earlier were struck down by the Supreme Court due to lack of constitutional support the government decided to amend the Constitution for making such provision. After the addition of a sub-clause to *Article 15 and 16* of the Constitution, the State and Union governments cannot

be debarred from making legislation on this subject.

Initiating the debate, **Prof. KV Thomas** (INC) said his party is not against the concept of the Bill, but the way it has been brought raises several questions on the sincerity of the government. He alleged that the government has brought the Bill without proper homework and demanded for referring it to a Joint Parliamentary Committee (JPC).

Intervening in the debate, the Minister of Finance and Minister of Corporate Affairs, **Shri Arun Jaitley** described the Bill as a move to grant equal opportunity to all and for ensuring Sabka Saath, Sabka Vikas.

This equality of status and opportunity mentioned in the Constitution was meant to remove the gap between the privileged and the disadvantages. The Parliament is empowered to make law providing special opportunities to those who are socially or educationally backward. Similarly, the poor section of other classes will be provided 10% reservation on the basis of economic backwardness. The ceiling of 50% for reservation imposed by the Supreme Court under *Article 16(4)* is based on caste basis reservation.

Shri Jaitley countered the allegations related to timing of the legislation and cited the Congress party's 2014 election manifesto in which it had talked about such move. He accused the Congress Party of adopting double standards.

The AIADMK member and the Deputy Speaker of Lok Sabha, **Dr M. Thambidurai** demanded for increasing the reservation ceiling to 69% for the socially backward people. Questioning the reservation on

economic ground, he wanted to know whether the various schemes for the economically weaker sections started by governments including the ones led by the BJP and the Congress have failed.

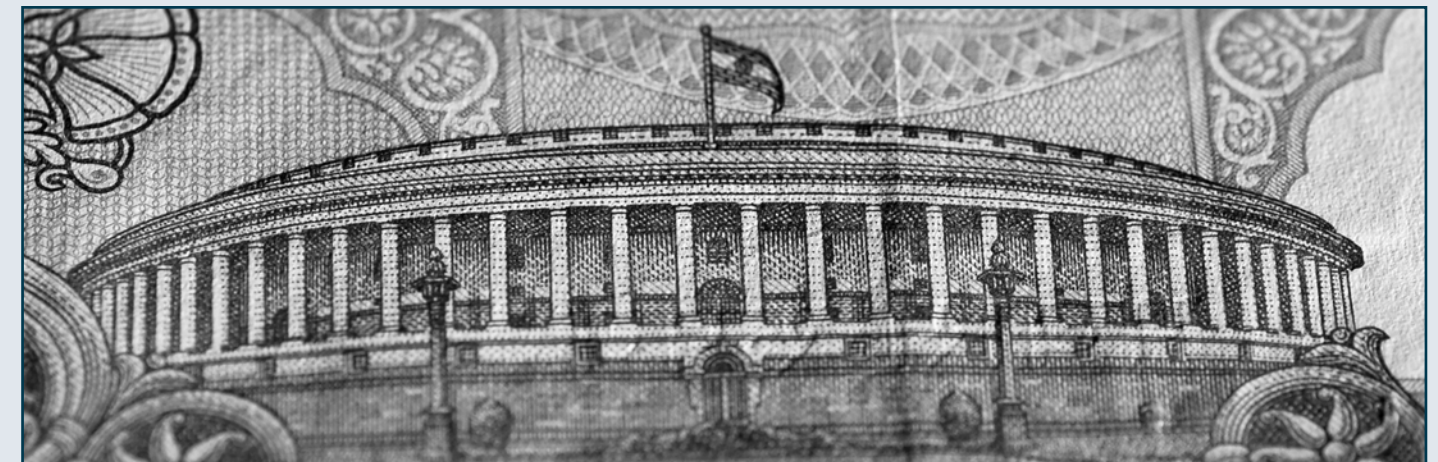
Shri Sudip Bandyopadhyay (TMC) while supporting the Bill questioned the government record of providing employment to the unemployed youth and asked the government to take concrete steps in this direction.

Shri Anandrao Adsul (Shiv Sena) supporting the Bill said providing 10% reservation for people belonging to economically weaker sections is a just a new starting.

Shri A. P. Jithender Reddy (TRS) said reservation in education and also in employment opportunities for the economically weaker sections of the society will make the society inclusive and stronger. He believed the reservation policy would be more effective when standardized.

The Minister of Consumer Affairs, Food and Public Distribution, **Shri Ram Vilas Paswan** (LJP) said it was a long-standing demand which has been fulfilled by the present NDA government. He suggested that along with the SC, ST and OBC quota, this 10% provision for upper caste should be included in the Ninth Schedule of the Constitution to remove any fear of it being challenged in the Supreme Court. **Shri Paswan** also asked the government to provide reservation in private sector and judiciary too.

Stating that economically weaker sections for the first time will get benefit through affirmative action, **Shri Bhartruhari Mahtab** (BJD)



said the economically weaker section of society needs to be identified and be provided with affirmative support.

Shri Jitendra Chaudhury (CPI-M) said the economically backward section of population is required to be supported in all respects. In order to make the Bill more comprehensive he wanted it to be examined by a JPC or the Standing Committee.

Smt. Supriya Sule (NCP) supporting the Bill wanted to know what was the urgency in bringing such an important Bill?

Shri Dharmendra Yadav (SP) while supporting the Bill raised question about the intention and manner in which the Bill has been introduced. He asked for undertaking a caste-based census and providing reservation in proportion to the percentage of population.

Dr Mahendra Nath Pandey (BJP) described the Bill as a historical step and said the government has given the benefit of reservation to the poor from the general category without reducing anyone's reservation.

Opposing the way the Bill was introduced, **Shri Jai Prakash Narayan Yadav** (RJD) asked for a survey to find out the persons who are landless and shelter-less persons and those deprived of education and jobs to provide reservation on that basis.

Shri Nishikant Dubey (BJP) said the Bill represents Sabka Saath Sabka Vikas.

Shri Bhagwant Mann (APP) termed the Bill as an election stunt. If BJP cared so much about the poor, it should have introduced the Bill on the first day of the first session and not on the last day of the last session.

Shri Upendra Kushwaha (RLSP) was happy that reservation is being provided for the unemployed youth belonging to the upper castes and requested for extending it to the private sector as well.

Shri Deepender Singh Hooda (INC) expressed doubt on the commitment of the government and said had the government been truly committed to this cause, it would have come up with the Bill earlier.

Shri Nand Kumar Chauhan (BJP) believed the Bill will pave the way for the prosperity of the children of the poor from general category.

Shri E. T. Mohammad Basheer (IUML) said the dramatic way of bringing this legislation by bulldozing all the healthy parliamentary practices is highly condemnable and objectionable.

Prof. Richard Hay (BJP) termed the Bill as a game-changing legislation.

Shri N.K. Premachandran (RSP), while supporting the contents of the Bill for providing benefit to the economically backward people, alleged that the Bill has not been brought in good faith and violates the procedural formality.

The Minister of State in the Ministry of Health and Family Welfare, **Smt. Anupriya Patel** (Apna Dal) wanted to ensure that people whose economic condition improves after availing the benefit of reservation do not continue to avail the benefit of reservation. She wanted to know whether reservation will be provided to backward classes according to their population after the 2021 census.

Shri Dushyant Chautala (INLD) wanted to know how the government will identify that a particular person is economically poor and whether any survey will be conducted as the data available with the government is that of the year 2011 and the economic condition of the people has deteriorated during the last eight years between 2011 to 2019.

Shri Ramdas Athawale (RPI) appreciated the decision to provide 10% reservation to the economically weaker sections of general category.

Opposing the Bill, **Shri Asaduddin Owaisi** (AIMIM) said the Bill is a fraud on the Constitution as the Constitution does not recognise economically weaker section. The original purpose of the reservation was to give social justice, to reduce social and educational backwardness.

Shri Kaushalendra Kumar (JD-U) was happy that a Bill has been brought to give reservation

to economically backward people from general category.

Shri Prem Das Rai (SDF) also supported the Bill.

Supporting the Bill, **Shri Rajesh Ranjan** (RJD) urged the government to bring caste census so that reservation can be granted on the basis of population of each caste and category.

Shri Hukumdev Narayan Yadav (BJP) said the Bill has translated his dream and the cause he has been fighting all his life into a reality.

Shri Venkatapura Subbaiah Ugrappa (INC) appreciating the Bill said if the government was so keen on social justice, it should have brought this Bill much earlier.

Replying to the debate, the Minister, **Shri Thaawarchand Gehlot** said, it is a historic moment and the Bill will provide equal opportunities to those who are economically weaker in upper caste. He said, millions of poor from the general category irrespective of their religion, will get the benefit of reservation. **Shri Gehlot** believed that the law, even if challenged in the Supreme Court, will stand the scrutiny as it has been brought with the constitutional provisions. He refuted the charge that decision on the issue has been taken in haste. He assured that though the decision is belated, the policy and intention is pure.

THIRD READING: INDIA



The Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 2017

The *Requisitioning and Acquisition of Immovable Property Act, 1952* was enacted to empower the Central Government to requisition, for the purposes of the Union, any immovable property, and to acquire such requisitioned property under certain specified conditions. The said Act came into force on 14 March 1952.

The power to requisition immovable property for public purposes is under *Section 3* of the Act and the power to acquire requisitioned property is under *Section 7*. The principles and method of determination of compensation for requisitioned property and payment thereof had been laid down in *Sections 8 and 9* of the Act.

There had been instances of persons interested in the requisitioned property challenging the notice of acquisition on the

ground that the same had been published without affording personal hearing to them by the competent authority. However, after prolonged litigation traversing up to the Supreme Court, if the interested persons succeed in getting a notice of acquisition quashed, they would be bestowed with the unintended benefit of compensation for their property as on the date of publication of fresh notice of acquisition. It was felt that this may cause astronomical hike in the quantum of compensation because of the inevitable appreciation of the market value of the property between the original date of publication of notice of acquisition and the present date of publication of the same, pursuant to the orders of the courts.

Accordingly, the Government brought forward the Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 2017. In *Section 7* of the parent Act a new

Sub-Section viz. (1A) had been inserted which contains provisions to enable the Central Government to re-issue the notice of acquisition to the owner or such other person interested in the property, for the purpose of giving opportunity of being heard. The owner or the person interested in the property has also been entitled to annual rate of interest, prevalent at any relevant time on the compensation payable, from the date of publication of the first notice, till the final payment of compensation.

Further, it had also been provided that any enhanced compensation with or without interest awarded by the court or other authority, before the date of commencement of the proposed amendment, shall be subject to the re-issuance of the proposed notice of acquisition and shall be applicable only to the cases of property being acquired for national

security and defence purpose. It was proposed to give effect to the amendments from the date of enactment of the *Requisitioning and Acquisition of Immovable Property Act, 1952*, namely, the 14 March 1952.

Debate

During the discussion on the Amending Bill in both Houses, the following points mainly emerged:

- A reasonable opportunity of hearing is being provided under clause of the Amending legislation. This is beneficial to the person who is going to be affected. There are number of cases where the acquisition proceedings were taken up but remained inconclusive. No compensation had been given. Ultimately, so many acquisitions and requisitions had been declared illegal and void. The compulsion which had been assigned under the Act had been provided under *Section 8* of the Act. In substance, nothing had been given as to what would be the amount of compensation. If it is either by an agreement or by arbitration as to what could be the principles, nothing had been laid down as such. Hence, there must be a formula of paying compensation.
- The Amending Bill intends to ensure justice and payment of outstanding amount to the people in a time bound manner.
- There is no objection to the acquisition of land for public purposes and security purposes, if proper compensation is paid to the affected persons. But it is not proper to acquire cultivable and fertile land to raise a business. A law needs to be invariably be made to convert the wasteland into fertile land. Notice, therefore, needs to be served to the land owner only. People tend to lose their life savings in the prolonged litigation. Therefore, it had been requested that there is a need to bring improvement in this regard.
- With regard to compensation, it was felt that amount of compensation can be increased if it is related to security only. It would not be appropriate to acquire land on the rates prevailing in 1950. Further, land requisition should be made for public purposes only.
- It was sought to be reiterated that stakeholding of the land acquisition by the

state should also be with the farmers, that is, the original owners of the land.

- To ensure safety and security of poor people, if the land has to be acquired for the purpose of poverty alleviation, this also should be included in this. For instance, construction of houses, educational institutions and health institutions for the purpose of public good is also part and parcel of the safety and security of the country.

The Minister-in-charge in his reply to debate observed that any sovereign state must have the power to requisition and then acquire land for the purposes of defence and national security. The State wants to pay fair and just compensation. There is *Section 7*, which provides that the land or assets so requisitioned can then be acquired within a period of 17 years. The compensation is paid at the point of acquisition. It is becoming relevant because some parties, when they have their assets acquired, may either keep quiet about it for some time or they choose through collusion to go to the Court.

According to the Act, the Government should pay compensation when the notice for acquisition is issued. But some people would go to the Court and challenge that notice for acquisition on the condition that they have not been provided a hearing. So, the Government has to complete that lacuna. This amendment is solely for the point of determining the date for the compensation to be computed. A very important clarification, which might address some of the doubts, is that the Government has no intention to open up cases where compensation has already been provided and where the recipient has already received the compensation.

Finally, the Minister reiterated that this Amendment is specifically to deal with the Government of India's acquisition under *Section 7* for national security and defence purposes only.

The Amending Bill was passed by Lok Sabha on 20 December 2017 and by Rajya Sabha on 18 July 2018. The technical amendment with regard to change of year of Bill was adopted by Lok Sabha subsequently on 7 August 2018. The Bill as passed by both Houses of Parliament was assented to by the President of India on 31 July 2018.

The Constitution (One Hundred and

Second Amendment) Bill, 2018

The National Commission for the Scheduled Castes and Scheduled Tribes came into being consequent upon passing of the *Constitution (Sixty-fifth Amendment) Act, 1990*. The said Commission was constituted on 12 March 1992 replacing the Commission for the Scheduled Castes and Scheduled Tribes set up under the Resolution of 1987. Under *Article 338* of the Constitution, the National Commission for the Scheduled Castes and Scheduled Tribes was constituted with the objective of monitoring all the safeguards provided for the Scheduled Castes and the Scheduled Tribes under the Constitution or other laws.

The National Commission for Scheduled Tribes was created vide the *Constitution (Eighty-ninth Amendment) Act, 2003* by inserting a new *Article 338A* in the Constitution. Consequently, under *Article 338* of the Constitution, the reference was restricted to the National Commission for the Scheduled Castes. Under clause (10) of *Article 338* of the Constitution, the National Commission for Scheduled Castes is presently empowered to look into the grievances and complaints of discrimination of Other Backward Classes also.

In the year 1992, the Supreme Court of India in the matter of *Indra Sawhney and others Vs. Union of India and others* (AIR 1993, SC 477) had directed the Government of India to constitute a permanent body for entertaining, examining and recommending requests for inclusion and complaints of over-inclusion and under-inclusion in the Central List of Other Backward Classes. Pursuant to the said Judgment, the National Commission for Backward Classes Act was enacted in April, 1993 and the National Commission for Backward Classes was constituted on 14 August 1993 under the said Act.

At present the functions of the National Commission for Backward Classes is limited to examining the requests for inclusion of any class of citizens as a backward class in the Lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate. With a view to safeguard the interests of the socially and educationally backward classes more effectively, it had been proposed to create a National Commission for Backward Classes



with constitutional status at par with the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

In view to achieve this objective, the Government brought forward the Constitution (One-hundred and Second) Amendment Bill, 2018.

The National Commission for the Scheduled Castes had recommended in its Report for 2014-15 that the handling of the grievances of the socially and educationally backward classes under clause (10) of *Article 338* should be given to the National Commission for Backward Classes.

Salient Features of the Bill

- A new *Article 338* has been inserted to constitute the National Commission for Backward Classes which shall consist of a Chairperson, Vice-Chairperson and three other Members. The said Commission would have the mandate to hear the grievances of socially and educationally backward classes, a function which has been discharged so far by the National Commission for Scheduled Castes under clause (10) of *Article 338*.
- The Commission had been vested with all the powers of a civil court trying a suit and in particular in respect of the following matters, namely: -
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses and documents; and
 - (f) any other matter which the President may, by rule, determine.
- The Union and every State Government shall consult the Commission on all major policy matters affecting socially and educationally backward classes. Further, a new *Article viz. 342A* had also been proposed to be inserted.
- The main provisions of newly inserted *Article* are the President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally

backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be. Further, the Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

- Finally, an amendment had also been made in *Article 366* of the Constitution by inserting new sub-clause (26) providing that "socially and educationally backward classes" mean the backward classes as are so deemed under *Article 342A* for the purposes of the Constitution.

Debate

During the debates on the Constitution Amendment Bill, Members expressed their unanimous consent to the measure.

The Bill was passed by Lok Sabha on 10 April 2017. On a procedural matter, an amendment was made by Rajya Sabha on 31 July 2017. Pursuant to requirements under Rules, an alternative amendment and requisite further amendments were made by Lok Sabha on 2 August 2018. This being a Constitutional Amendment, as was necessary, these were agreed to by Rajya Sabha on 6 August 2018. This Constitution Amendment Bill was assented to by the President of India on 11 August 2018.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018

The *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989* (hereinafter referred to as said Act) was enacted with a view to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes and to provide for Special Courts and exclusive Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences. The said Act was amended in 2015 with an objective to deliver greater justice to members of the Scheduled Castes and the Scheduled Tribes.

In a recent judgment, the Supreme Court

had held that a preliminary enquiry shall be conducted by a Deputy Superintendent of Police to find out whether allegations make out a case under the said Act before registering a First Information Report relating to commission of an offence and the approval of an appropriate authority shall be obtained before arrest of any person in connection with such offence.

The provisions of the *Code of Criminal Procedure, 1973*, however, provide that every information relating to commission of an offence, if given, shall be recorded and where the investigating officer has a reason to suspect the commission of an offence, he can arrest a person and there is no requirement of conducting a preliminary enquiry before recording of any such information or obtaining of an approval from any authority before arresting any person. Moreover, such preliminary enquiry and approval would only delay the filing of a charge sheet.

The principles of criminal jurisprudence and *Section 41* of the *Code of Criminal Procedure, 1973* as interpreted in several judgments, implies that once the investigating officer has reasons to suspect that an offence has been committed, he can arrest an accused. This decision to arrest or not to arrest cannot be taken away from the investigating officer.

In view of this position the Government felt it was expedient in the public interest that the provisions of the *Code of Criminal Procedure, 1973* be made applicable in respect of registration of First Information Report relating to commission of an offence or arrest of any person without any preliminary enquiry or approval of any authority, as the case may be.

Accordingly, the Government brought forward the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018*. In the parent Act [the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*] a new *Section viz. 18A* had been inserted which provided that the (a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or (b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply. It has also been provided that the provisions of *Section 438* of the Code shall not apply to

a case under this Act, notwithstanding any judgment or order or direction of any Court.

In order to protect the interests of Scheduled Castes and Scheduled Tribes, in 1989, *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* was enacted. This Act covers 22 offences.

Further, 25 new offences had been included in the Act and now in total 47 offences are covered under it. On certain issues where writ petition was filed in the Supreme Court had delivered a verdict on 20 March 2018. The Supreme Court while interpreting *Section 18* of the parent Act delivered its verdict with certain restrictions. In continuation to the decision of Supreme Court, the Government had filed a review petition.

While the matter was under consideration of the Supreme Court and in view that certain more time would be taken in decision by the Supreme Court, the Government realized that the justice to the people belonging to Scheduled Castes and Scheduled Tribes was being delayed. Therefore, the Government took a considered view to restore the purpose of the Act for which it was enacted. A new provision to *Section 18* had been made by adding *18A*.

Debate

During the discussion on the Amending Bill in both Houses of Parliament the following main points emerged: -

- The new proposed clause *18A* would provide relief for all the concerned persons. 24 lakh vacancies in Government sector need to be filled. A suggestion was also made to include the Bill in the Ninth Schedule to the Constitution of India.
- The Bill was brought to give justice to the 25 crore people belonging to Scheduled Castes in the country. To ensure the supremacy of the Parliament, it is mandatory that all speak unanimously in its favour.

The Bill nevertheless met with consensus among all sections of the Houses. The Bill was passed by Lok Sabha on 6 August 2018 and by Rajya Sabha on 9 August 2018. The Bill as passed by both Houses of Parliament was assented to by the President of India on 17 August 2018.

CPA Patron, Officers, Executive Committee, Regional Representatives, Commonwealth Women Parliamentarians (CWP) Steering Committee and CPA Regional Secretaries

Patrons

PATRON:

Her Majesty Queen Elizabeth II
Head of the Commonwealth

VICE-PATRON:

Vacant

CPA Executive Committee

Executive Committee Members' dates of membership are indicated below each name. Correct at time of printing.

**Term extended to 2019 as no General Assembly held in 2018.*

Officers

PRESIDENT DESIGNATE:

(2018-2019):

Rt Hon. Rebecca A. Kadaga, MP
Speaker of Parliament, Uganda

VICE-PRESIDENT: (2018-2019):

Vacant

CHAIRPERSON OF THE EXECUTIVE COMMITTEE

(2017-2020):

Hon. Emilia Monjowa Lifaka, MP
Deputy Speaker, Cameroon

VICE-CHAIRPERSON

(2017-2019*):

Hon. Alexandra Mendès, MP
Canada. *Regional Representative,
Canada Region (2015-2019*)*

TREASURER (2016-2019):

Mrs Vicki Dunne, MLA
Deputy Speaker, Australian
Capital Territory

COMMONWEALTH WOMEN PARLIAMENTARIANS (CWP) CHAIRPERSON

(2016-2019):

Hon. Dato' Noraini Ahmad, MP
Malaysia

CPA SMALL BRANCHES CHAIRPERSON

(2016-2019):

Hon. Angelo Farrugia, MP
Speaker of the House of
Representatives, Malta

Regional Representatives

AFRICA

**Hon. Senator Eno Lafon
Emma Veryelle, MP**
Cameroon
(2015-2019*)

Vacant
Nigeria
(2015-2019*)

**Hon. Bernard Songa
Siblatani, MP**
Vice-Chairperson of the National
Council, Namibia
(2016-2019)

Hon. Lazarous C. Chungu, MP
Zambia
(2016-2019)

Hon. Dr Makali Mulu, MP
Kenya
(2017-2020)

**Rt Hon. Sephiri Enoch
Motanyane, MP**
Speaker of the National
Assembly, Lesotho
(2017-2020)

ASIA

Hon. Imran Ahmad, MP
Bangladesh
(2015-2019*)

Hon. Dr Fehmida Mirza, MP
Pakistan
(2016-2019)

Hon. Dr Lal Chand Ukrani, MPA
Sindh
(2017-2020)

AUSTRALIA

Hon. Russell Paul Wortley, MLC
President of the Legislative
Council, South Australia
(2015-2019*)

Hon. John Ajaka, MLC
President of the Legislative
Council, New South Wales
(2016-2019)

Hon. Bruce Atkinson, MLC
President of the Legislative
Council, Victoria
(2017-2020)

BRITISH ISLANDS AND MEDITERRANEAN

Dr Roberta Blackman-Woods, MP
United Kingdom
(2015-2019*)

Hon. Stuart McMillan, MSP
Scotland (*stand in for
Northern Ireland*)
(2016-2019)

Hon. Leona Roberts, MLA
Falkland Islands
(2017-2020)

CANADA

Hon. Alexandra Mendès, MP
Canada
(2015-2019*)
Also CPA Vice-Chairperson

Hon. Jackson Lafferty, MLA
Speaker of Legislative
Assembly, Northwest Territories
(2016-2019)

Hon. Kevin Murphy, MHA
Speaker of the House of
Assembly, Nova Scotia
(2017-2020)

Portrait of The Queen © John Swannell/Camera Press



CARIBBEAN, AMERICAS AND THE ATLANTIC

**Hon. Anthony Michael
Perkins, MP**
Speaker of the National Assembly,
Saint Kitts and Nevis
(2015-2019*)

**Hon. Bridgid Annisette-
George, MP**
Speaker of the House,
Trinidad & Tobago
(2017-2020)

Hon. Andy Glenn Daniel, MP
Speaker of the House of
Assembly, St Lucia
(2018-2021)

INDIA

Shri Feroze Varun Gandhi, MP
Lok Sabha, India
(2015-2019*)

Shri Premchand Aggarwal, MLA
Speaker of the Legislative
Assembly, Uttarakhand
(2016-2019)

Shri Hitendra Goswami, MLA
Speaker of the Legislative
Assembly, Assam
(2017-2020)

PACIFIC

**Hon. Nafitoa Talaimanu
Ketii, MP**
Deputy Speaker of the
Legislative Assembly, Samoa
(2015-2019*)

Hon. Clayton Mitchell, MP
New Zealand
(2016-2019)

Hon. Simon Pentanu, MP
Speaker of the House of
Representatives, Bougainville
(2017-2020)

SOUTH-EAST ASIA

Hon. Datuk Dr Ronald Kiandee, MP
Deputy Speaker, Malaysia
(2015-2019*)

**Hon. Datuk Wira Haji Othman
Muhamad, MP**
Speaker, Malacca
(2016-2019)

Hon. Mr Zainal Sapari, MP
Singapore
(2017-2020)

CPA Regional Secretaries

AFRICA

Mr Steven Kagaigai
Parliament of Tanzania

ASIA

Mr Syed Shamooun Hashmi
Parliament of Pakistan

AUSTRALIA

Mr Jerome Brown
Parliament of Australia

BRITISH ISLANDS & MEDITERRANEAN

Mr Jon Davies
Parliament of the United Kingdom

CANADA

Mr Michel Patrice
Parliament of Canada

CARIBBEAN, AMERICAS & ATLANTIC

Mr Pedro E. Eastmond
Parliament of Barbados

INDIA

Smt Snehlata Shrivastava
Parliament of India

PACIFIC

Ms Wendy Hart
Parliament of New Zealand

SOUTH-EAST ASIA

Mrs Roosme Hamzah
Parliament of Malaysia

CPA Headquarters Secretariat

Mr Akbar Khan

7th CPA Secretary-General

Commonwealth Parliamentary
Association, CPA Headquarters
Secretariat, Richmond House,
Houses of Parliament, London
SW1A 0AA, United Kingdom

Tel: +44 (0)20 7799 1460
Email: hq.sec@cpahq.org
www.cpahq.org
Twitter @CPA_Secretariat
Facebook.com/CPAHQ

A full listing of all CPA Branches can be found in
the CPA Directory at: www.cpahq.org

Commonwealth Women Parliamentarians (CWP) Steering Committee

PRESIDENT:

Vacant
(2018-2019)

CHAIRPERSON

Hon. Dato' Noraini Ahmad, MP
Malaysia
(2016-2019)

AFRICA

Hon. Angela Thoko Didiza, MP
South Africa
(2016-2019)

ASIA

Ms Munaza Hassan, MNA
Pakistan
(2018-2021)

AUSTRALIA

Ms Michelle O'Byrne, MP
Tasmania
(2016-2019)
*Also Vice-Chairperson of the
CWP (2018-2019)*

BRITISH ISLANDS AND MEDITERRANEAN

Ms Joyce Watson, AM
Wales (2015-2018)

CANADA

Ms Laura Ross, MLA
Saskatchewan
(2017-2020)

CARIBBEAN, AMERICAS AND THE ATLANTIC

**Hon. Jeannine Giraudy-
McIntyre, MP**
President of the Senate, St Lucia
(2018-2021)

INDIA

Smt. Kirron Kher, MP
Lok Sabha, India (2017-2020)

PACIFIC

**Ms Anahila Kanongata'a-
Suisuiki, MP**
New Zealand Parliament
(2017-2020)

SOUTH-EAST ASIA

Vacant
(2016-2019)

SUBSCRIBE TODAY

THE PARLIAMENTARIAN

