



UTILISING  
TEMPORARY SPECIAL  
MEASURES TO  
PROMOTE GENDER  
BALANCE IN PACIFIC  
LEGISLATURES:

A Guide to Options



Pacific Centre



PACIFIC ISLANDS FORUM SECRETARIAT



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The opinions reflected in this document do not necessarily reflect the policies of the UNDP or the Pacific Islands Forum Secretariat.

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## oreword

**A**t least in theory in the Pacific today, there are no formal obstacles to equal participation in national political and parliamentary processes. However, due to historical and ongoing social, cultural and economic barriers, in practice, there is still a noticeable imbalance in the representation of women and men in Pacific legislatures. As at November 2008, the most recent data which has been collected for this Guide shows that in Pacific Islands countries' and territories' legislatures (not including Australia and New Zealand), there is an average of 4.2% women members and 95.8% male members. In four countries in our region, there are currently no women members in the national legislature, and one country has never had a woman member of parliament. In comparison, the Inter-Parliamentary Union reports that the world average of all elected members is 18.4% women and 81.6% men. Clearly, more work needs to be done to promote gender balance in our Pacific legislatures.

The Pacific Plan specifically prioritises the need to improve gender equality. Initiative 12.6 calls on the Pacific Islands Forum Secretariat to assist with the development of strategies to support participative democracy and consultative decision-making and electoral processes, while Initiative 12.5 calls for support for the implementation of human rights treaties, such as the Convention on the Elimination of all forms of Discrimination Against Women, which itself supports temporary special measures. The Revised Pacific Platform for Action for Women 2005-2015 also recommends that governments "take affirmative action in policies and practices that enhance gender parity in political representation".

In order to progress this work, in September 2008, the Pacific Islands Forum Secretariat together with the Secretariat of the Pacific Community, UNDP Pacific Centre, the International Development Law Organisation and UNIFEM (with support from the AusAID Pacific Leadership Program), convened the "Melanesian Sub-Regional Workshop on Special Measures for Women" in Port Moresby, Papua New Guinea. The Workshop brought together regional and international experts in the area of electoral reform and temporary special measures with key Melanesian governmental officials and representatives, to discuss the use of temporary special measures, the realities on the ground for those who will need to implement such measures and the practical options for each country. While there are plans to convene similar workshops in Polynesia and Micronesia in coming years, there is an acknowledgement that much more work still needs to be done to raise awareness of how temporary special measures can be used in the Pacific.

In the long-term, it is important that we continue to work with our Pacific communities to build greater recognition of the role that women can and should play as national leaders, including as members of our Pacific legislatures. At the same time, countries are encouraged to consider whether immediate affirmative action strategies could be implemented to ensure that more women will be elected into our national legislatures in the short-term. In this context, it is important to note that temporary special measures such as reserved seats for women or party quotas are already being used in the Pacific in Bougainville, New Caledonia, French Polynesia and Wallis and Futuna.

There is no “one size fits all” approach to promoting gender balance in Pacific legislatures. There are arguments both for and against using temporary special measures. Each country will need to decide for itself what strategy will work best, taking into account the local context. It is important that decisions are made through participatory and open processes which bring in the views of all in the community. We hope that this Guide might support some of these processes, by providing basic information about concepts, ideas and options that can be discussed locally, as people decide for themselves what is best-suited to their situation.



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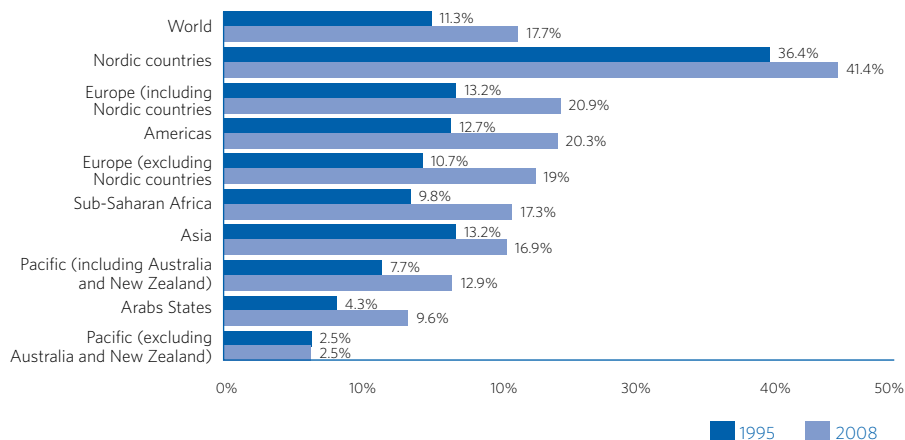
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# I ntroduction

In 1945, the parliaments of the world were represented 97.5% by men and only 2.5% by women. More than sixty years later, there are just over 8,000 women serving in parliaments around the world, bringing the world averages of all elected members to 18.4% women and 81.6% men. These totals still do not reflect the proportions of women and men in the population, but there are now 23 parliaments leading the way with 30% or more women in their national legislatures.<sup>1</sup> Notably, this 30% threshold symbolises the point at which women in a legislature can be seen to achieve a “critical mass” of influence. However, it is not an end point, but only a signpost in the journey towards gender equality.

In the Pacific region, some progress towards greater gender balance in legislatures has been made - but it is uneven and generally slower than in other parts of the world. In French Polynesia and New Caledonia, women and men are now almost equally represented in their national assemblies. However, in 2008, the Inter-Parliamentary Union (IPU) reported that while the sovereign legislatures of the Pacific region have 12.9% women members on average,<sup>2</sup> when the representatives from Australia and New Zealand are not counted, women’s representation in Pacific legislatures drops to only 2.5% - the lowest in the world.

Figure 1: World and Regional Averages of Women in Parliaments, 1995-2008<sup>3</sup>





As at December 2008, the most recent data shows that women's representation in Pacific Islands Forum member countries (not including Australia and New Zealand) now stands at an average of 4.2%. However, four Pacific Islands Forum member countries currently have no women members at all in their national legislatures, namely the Federated States of Micronesia, Nauru, Solomon Islands and Tuvalu.

**Table 1: Women in Forum Island Country Legislatures as of November 2008**

Country	Size of legislature	Number of women	% women
Niue	20	4	20.0
Fiji	103*	13	12.6
Cook Islands	24	3	12.5
Palau	29#	2	6.9
Samoa	49	3	6.1
Kiribati	42	2	4.8
Vanuatu	52	2	3.8
Marshall Islands	33	1	3.0
Tonga	33	1 <sup>a</sup>	2.9
PNG	109	1	0.9
Solomon Islands	50	0	0.0
Nauru	18	0	0.0
Tuvalu	15	0	0.0
Federated States of Micronesia	14	0	0.0
<b>Average</b>	<b>766</b>	<b>32</b>	<b>4.2%</b>


\* This number refers to both Houses of Parliament (71 elected member House of Representatives and 32 appointed member Senate), prior to the suspension of Parliament following the December 2006 coup.

& The one woman in the Tongan legislature was appointed by the King.

# This numbers refer to both elected Chambers (16 member House of Delegates and 13 member Senate)

Today, considerable work is being undertaken at all levels to support Pacific Forum Islands member countries to achieve gender balance in their legislatures and thereby make them more reflective of and responsive to all of society. Recognising the very real disadvantage that female candidates face due to historical and ongoing social, cultural and economic barriers, national governments, regional bodies, development partners and civil society organisations continue to direct efforts towards encouraging more women to stand for election, supporting women candidates to run effective campaigns, and helping women understand and use parliamentary processes to be effective leaders.

Nonetheless, throughout the region, people are asking whether there is not something more that can, and should, be done. Various international human rights treaties as well as global and Pacific regional governance and development



commitments recognise the importance of supporting gender equality in the political sphere. Article 4 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which has been ratified by all but three Forum Islands Countries,<sup>4</sup> recognises that sometimes governments need to implement affirmative action initiatives or “temporary special measures” to advance gender equality.

Increasingly, there is a call in the Pacific for governments to consider implementing some form of such temporary special measures to promote more women into Pacific legislatures. More and more countries throughout the world are adopting some form of temporary special measures to increase the number of women in parliament. Famously, Rwanda reserved 30% of its parliamentary seats for women in 2003 and there are now 56% women parliamentarians in the Rwandan legislature. The example of Rwanda demonstrates the impact that such measures can have in providing women with opportunities to contribute to the development of their country through high level political processes.

This Guide is designed as a reference for governments, members of Pacific legislatures, political parties, women candidates and civil society advocates who want to understand the possible options for temporary special measures that could be introduced in the Pacific. This Guide draws on a range of resources, in particular from organisations like the IPU and the International Institute for Democracy and Electoral Assistance (International IDEA), both of which have produced some excellent generic guides and data on increasing women’s access to parliaments through the use of temporary special measures.<sup>5</sup> Notably though, this Guide attempts to focus specifically on options for Pacific Islands Forum member countries, taking into account the unique local context of each of the 14 countries examined.

## WHY IS GENDER BALANCE NEEDED IN PACIFIC LEGISLATURES?

**T**hroughout the Pacific, men and women have traditionally worked together to build more prosperous and stable communities. While men's and women's contributions may have been in different sectors and in different ways, the need to work together to maximise the impact of men's and women's activities has long been recognised. It is interesting to note then, that while Pacific men and women work together in a range of sectors, in political life men still strongly dominate the political discourse in the Pacific as indicated by the fact that 95.8% of parliamentarians in Pacific Islands Forum member countries are men.

The Millennium Declaration which was endorsed by 189 world leaders in 2000 – including leaders from all Pacific Island Forum member countries – specifically recognises the importance of promoting gender equality and women's empowerment. The Declaration recognises that meaningful participation by women and men alike in national political life is a key marker of national development. Millennium Development Goal 3, on promoting gender equality, has as one of its key indicators the *“proportion of seats held by women in national parliaments”*.

Equality of women and men in the realm of political life is recognised as a human right in international treaties to which many Pacific Islands Forum member countries are legally bound, as well as in a number of regional and international declarations and development strategies. The UN International Covenant on Civil and Political Rights recognises in Articles 2, 3 and 25 the right of men and women to participate freely and on an equal footing in public life. The UN Convention on the Elimination of all forms of Discrimination Against Women similarly recognises in Article 7 the need to eliminate the widespread discrimination against women in the area of politics. The 1995 Beijing Platform for Action calls on States to take measures to ensure equal access of women and men in power structures and decision-making. In 2003, the UN General Assembly specifically passed a resolution calling on States to take positive measures to increase women's participation alongside men in national politics.<sup>6</sup>

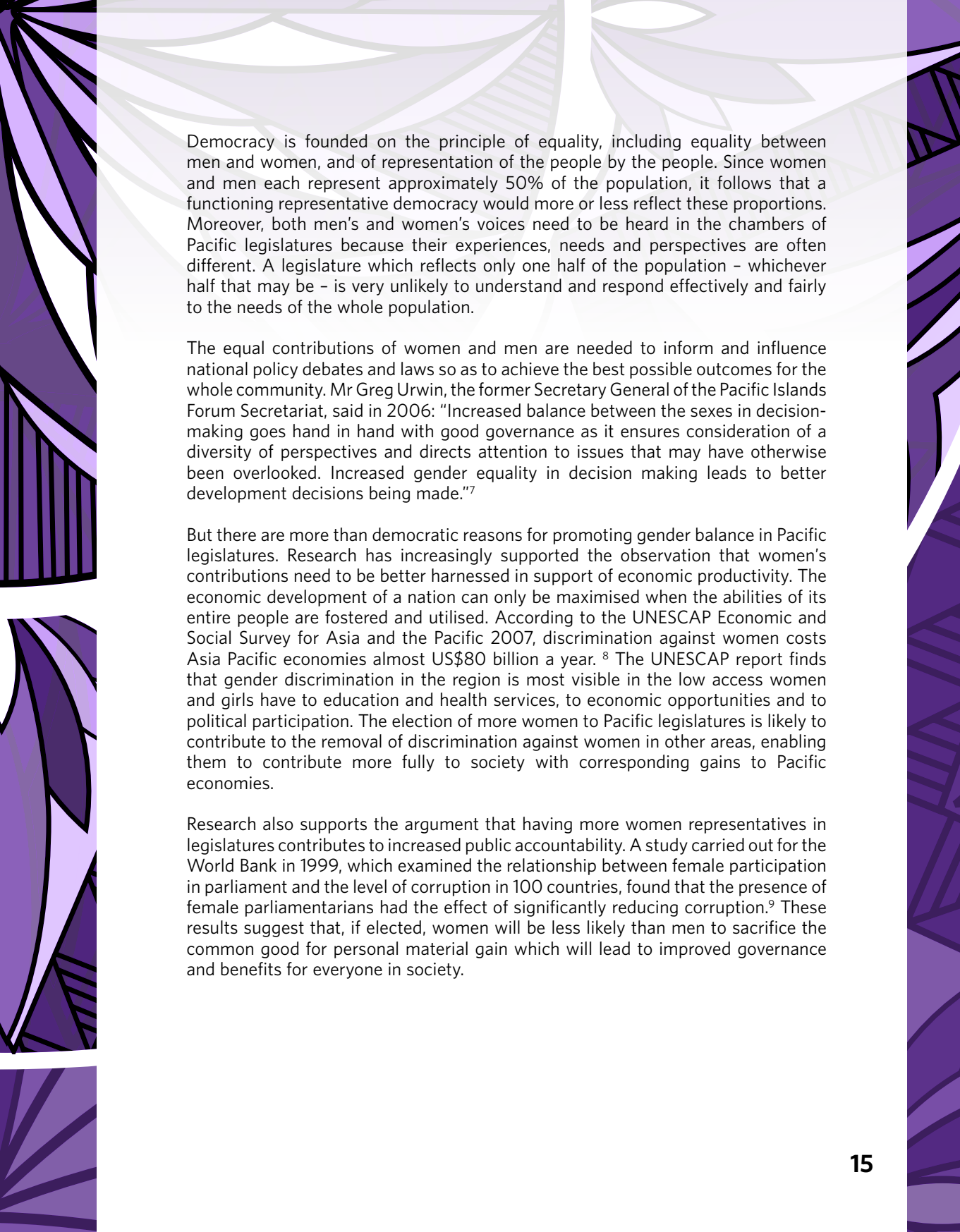
### **Box 1: Pacific regional commitments to temporary special measures**

The Pacific Platform for Action for the Advancement of Women & Gender Equality, which was endorsed in 1994, identified as a specific objective the need to “promote and encourage the full participation of women in family, political life and decision making”. A target for achievement of this goal was “30% women in decision making levels of government”. Ten years later, the Revised Pacific Platform for Action 2005-2015 also included a recommendation that Governments “create an environment conducive for women to stand for election” and “take affirmative action in policies and practices that enhance gender parity in political representation”.

Pacific Leaders have repeatedly recognised the importance of tackling the issue of gender equality in support of sustainable development and good governance. At the Auckland Special Leaders’ Retreat in 2004, Leaders agreed to address the low participation of women in decision-making. In that same year, at the Commonwealth Women’s Ministers’ Meeting in Fiji, the Commonwealth Plan of Action for Gender Equality 2005-2015 encouraged Governments to take action to “increase women’s representation to a minimum of 30% in parliament...by creating an enabling environment for women to seek and advance political careers; and by other measures e.g. encouraging political parties to adopt targets for women candidates in manifestos”.

Strategic Objective 8 of the Pacific Plan 2005 also prioritises the need to improve gender equality. Initiative 12.6 calls on the Forum Secretariat to support the development of a strategy to support participative democracy and consultative decision-making and electoral processes, while Initiative 12.5 calls for support for the implementation of human rights treaties, such as the Convention on the Elimination of all forms of Discrimination Against Women, which itself support temporary special measures.

Despite continued commitments from Pacific leaders, little progress has been made over the years in increasing the numbers of women in Pacific legislature. However, in 2008 some encouraging signs were evidenced, when legislators in both PNG and the Federated States of Micronesia commenced action to promote the use of temporary special measures to increase the number of women in their national legislatures. The time may have come for other countries to follow their lead and consider more proactive options such as the introduction of temporary special measures to increase the number of women in the parliaments of Pacific Islands Forum member countries.



Democracy is founded on the principle of equality, including equality between men and women, and of representation of the people by the people. Since women and men each represent approximately 50% of the population, it follows that a functioning representative democracy would more or less reflect these proportions. Moreover, both men's and women's voices need to be heard in the chambers of Pacific legislatures because their experiences, needs and perspectives are often different. A legislature which reflects only one half of the population – whichever half that may be – is very unlikely to understand and respond effectively and fairly to the needs of the whole population.

The equal contributions of women and men are needed to inform and influence national policy debates and laws so as to achieve the best possible outcomes for the whole community. Mr Greg Urwin, the former Secretary General of the Pacific Islands Forum Secretariat, said in 2006: "Increased balance between the sexes in decision-making goes hand in hand with good governance as it ensures consideration of a diversity of perspectives and directs attention to issues that may have otherwise been overlooked. Increased gender equality in decision making leads to better development decisions being made."<sup>7</sup>

But there are more than democratic reasons for promoting gender balance in Pacific legislatures. Research has increasingly supported the observation that women's contributions need to be better harnessed in support of economic productivity. The economic development of a nation can only be maximised when the abilities of its entire people are fostered and utilised. According to the UNESCAP Economic and Social Survey for Asia and the Pacific 2007, discrimination against women costs Asia Pacific economies almost US\$80 billion a year.<sup>8</sup> The UNESCAP report finds that gender discrimination in the region is most visible in the low access women and girls have to education and health services, to economic opportunities and to political participation. The election of more women to Pacific legislatures is likely to contribute to the removal of discrimination against women in other areas, enabling them to contribute more fully to society with corresponding gains to Pacific economies.

Research also supports the argument that having more women representatives in legislatures contributes to increased public accountability. A study carried out for the World Bank in 1999, which examined the relationship between female participation in parliament and the level of corruption in 100 countries, found that the presence of female parliamentarians had the effect of significantly reducing corruption.<sup>9</sup> These results suggest that, if elected, women will be less likely than men to sacrifice the common good for personal material gain which will lead to improved governance and benefits for everyone in society.

## **Box 2: Women's perspectives can make a difference: Dame Carol Kidu's contribution to Papua New Guinean policy-making**

Since 1997, Dame Carol Kidu has been the lone female parliamentarian sitting in the PNG National Parliament. She has used her position in parliament to champion a range of important causes both nationally and regionally. In 2007, Islands Business named Dame Carol as its "Person of the Year" and in 2008, SPC awarded Dame Carol the "Pacific Human Rights Award" in recognition of her work promoting the rights of Pacific peoples.

Dame Carol was first elected to Parliament as an independent candidate, and has been re-elected twice. From 1997 to 2000, she was Shadow Minister for Social Development, from 2000 to 2002, she was Chairperson of Special Parliamentary Committee on Urbanisation and Social Development and from 2002 she has been Minister for Welfare and Social Development (since renamed Minister for Community Development).

In her various roles, Dame Carol has facilitated the preparation of major legislative reforms to the criminal code on rape and sexual assault, as well as new legislation on child sexual abuse and sexual exploitation of children. She has also been proactive in developing Private Members' Bills and lobbying for their enactment, including amendments to the Evidence Act to lessen the trauma of giving evidence in such cases and amendments to the Village Court Act to ensure at least one woman in each Village Court. In her role as Minister, she also spearheaded a major shift in public policy to refocus social development away from a 'welfare model' to an integrated community development approach.

Dame Carol has been a particular champion of women, children and the underprivileged. In 2007, she spearheaded the passage of the Lukautim Pikinini Act (Children's Care and Protection Act) and she also pushed for Cabinet endorsement of the Office for the Development of Women, which will be fully established during 2009. She also facilitated the establishment of the Parliamentary Committee on HIV/AIDS in 2003 and the endorsement of national policies for youth and people living with disabilities. Currently, she is leading the push to promote more women in the national parliament through the use of temporary special measures. Dame Carol's many achievements are a strong testament to the impact that women can make, if given the space and opportunity to contribute to national legislative and development processes.

IPU survey research of nearly 300 parliamentarians from 110 countries shows that in legislatures the world over, women are most often the most ardent supporters of women's issues. All over the world, women are at the forefront of efforts to combat gender-based violence, as well as campaigns to ensure that issues such as parental leave, childcare, pensions and gender-equality laws appear on the legislative agenda. It is not women alone, however, that can affect legislative, policy and social change. It is imperative to recognise that a partnership between women and men is needed to affect parliamentary change, not only for gender equality as a goal in itself, but also for wider political, social and economic advancement and security. Notably, as legislatures become more gender-balanced, male parliamentarians may also become more aware of issues they may not have considered before, and thus themselves develop as more effective leaders for society as a whole.

“The work of women in parliament can be facilitated by forming strategic partnerships. As men form the majority of members in parliaments, and dominate leadership positions in political parties, they are important partners in garnering support for implementing change. In addition, the views of both women and men are needed for the development of gender-sensitive legislation.”<sup>10</sup>

“Equality in Politics: A Global Survey of Women and Men in Parliaments”  
Inter-Parliamentary Union, 2008

In the Pacific, the equal but differing contribution of women and men has always been recognised as necessary to achieve successful sustainable communities. The idea that a nation can succeed with input from men only therefore has no precedent in traditional cultural life. The contribution of women in parliament should not be seen as an affront to traditional values but rather as a modern expression of the valued and necessary contribution that women have always made to their communities. It is interesting to note though, that while in many Pacific countries the position of women has been improving strongly among top executives in the civil service – a clear demonstration of the capabilities of women to contribute to the progress of their countries alongside men – the number of women in Pacific legislatures has shown only slow signs of increasing.<sup>11</sup>

### Box 3: Why are there so few women in Pacific legislatures?

Research from around the world indicates that there are a wide range of factors that act as barriers to women entering parliament in equal numbers to men. Any one of the barriers listed below is sufficient to prevent significant numbers of women accessing parliament. Nowhere in the world is the political playing field so uneven. The parliamentary representation of Pacific women is the lowest in the world because in many Pacific countries women face almost every one of these barriers:

- ✿ Research from around the world indicates that there are a wide range of factors that act as barriers to women entering parliament in equal numbers to men. Any one of the barriers listed below is sufficient to prevent significant numbers of women accessing parliament. Nowhere in the world is the political playing field so uneven. The parliamentary representation of Pacific women is the lowest in the world because in many Pacific countries women face almost every one of these barriers:
- ✿ Traditional patriarchal cultures and/or a focus on clan group allegiances;
- ✿ A colonial history of male dominance;
- ✿ Religious beliefs that can be used to deny political leadership roles to women;
- ✿ Corruption, intimidation and electoral fraud;
- ✿ Male-dominated, fluid political party systems;
- ✿ Lack of political will on the part of governments to develop and/or implement policies to support gender equality in political governance;
- ✿ Lack of financial resources, political knowledge, campaign skills and/or confidence in women;
- ✿ Lack of a united and effective women's movement to advocate for and support women into parliament;
- ✿ Plurality-majority electoral systems.



# HOW CAN MORE WOMEN BE PROMOTED IN PACIFIC LEGISLATURES?

**T**hroughout the Pacific, many people already agree that it is essential for governments, legislatures, political parties, civil society and development partners to work strategically to support the entry of more women into national and provincial legislatures in order to achieve gender balance. In the long-term, it is recognised that change is needed across society to value the contribution and capacity of women in the national policy-making sphere. Efforts to increase the number of Pacific men and women who vote for women in elections will need to be strategic and sustained if there is to be an impact over time. In the short-term, consideration may also need to be given to other quicker means of getting women into legislatures, such as “temporary special measures”.

## **Long-term: Campaigning support, electoral reform and civic education**

It is a long-term project to address the cultural and institutional barriers to women’s participation in politics in the Pacific. It has been identified that work needs to be done both to support more women to get into parliaments, but also to encourage more people to vote for women candidates. Both the supply and the demand side of the equation need to be addressed:

- ✿ **Encourage and educate voters:** Without support from Pacific voters, women will never be elected into Pacific legislatures in significant numbers. It is essential that voters are engaged in the political process and encouraged to recognise the capacity and value of women candidates. Already, civic education programmes are underway in many Pacific countries which seek to raise the public’s awareness of their rights, roles and responsibilities as voters. Many of these programmes also specifically discuss the issues around women’s parliamentary representation.
- ✿ **Support women candidates:** Many organisations in the Pacific are working with women to encourage them to stand in greater numbers. Without capable, committed women standing as candidates for elections, there is little chance that major inroads can be made in increasing women’s participation.

Efforts are also being directed towards supporting women candidates to run more effective campaigns. Without support, in the form of funding and personnel, it can be very difficult for women to actively campaign, particularly in constituencies where voters are dispersed over very large areas. Reforms to campaign finance laws could also assist in the creation of a more level playing field for women, who often have more limited access to sources of campaign funding.<sup>12</sup>

- ✿ **Strengthen political parties:** Although organised and well-structured political parties are active in only a relatively small number of Pacific countries, where they exist they can still be targeted for support as they are a key mechanism for promoting more women in parliament and for ensuring women's issues are more effectively addressed by legislators. Consideration could be given to encouraging greater internal democracy in the operation of political parties which would lead to a more equitable role for women within the party organisation and as party candidates.
- ✿ **Build capacity to strengthen and enforce electoral laws:** The reports of independent election observer missions conducted in many Pacific Forum Islands member countries have indicated that vote buying, electoral fraud and even intimidation undermine the integrity of some Pacific elections. These problems all impact on the ability of candidates of integrity, including women candidates, to be successful at elections. It is essential that more attention is focused on addressing the range of problems which currently beset many parliamentary elections by strengthening electoral management bodies and enforcement agencies

## Short-term: Introduction of “temporary special measures”

While long-term strategies need to be implemented to enable women to be elected in larger numbers, at the same time there is increasing recognition that something needs to be done in the short-term to deal with the major under-representation of women in Pacific legislatures today. Article 4 of the Convention on the Elimination of all forms of Discrimination Against Women – which has been ratified by every Pacific Island Government except Nauru, Palau and Tonga – specifically recognises that temporary special measures may need to be implemented in the short-term to advance women's equality. The term “temporary special measures” is used to describe affirmative action policies and strategies to promote equality and empower women.

Attention should be paid to the fact that these measures are clearly stated to be TEMPORARY. This makes it clear that these measures are not intended to be in place forever. According to the United Nations CEDAW Committee, they should remain in place until they are no longer needed – that is, until the objective of gender equality has been attained and sustained over a period of time – and then they can be removed.

Affirmative action in favour of women recognises that women currently face barriers that unfairly inhibit their ability to effectively engage in the national political sphere and which will take time to overcome. Temporary special measures can be used as a short-term, quick impact measure to “kickstart” an increase in women’s representation, while longer-term efforts are being made to create a more sustainable, level playing field for women in politics.

#### Box 4: Funding Support for Women Candidates

A number of women candidates in the region have commented that they struggled to campaign effectively because they lacked the funds to underwrite their campaign costs. Without money to travel, to host community events and to engage in media campaigns, it was often difficult for women to promote themselves. Where political parties exist, more effort should be made to support the few women candidates who are being endorsed by parties. While such support has been generally lacking, some innovative efforts have nonetheless been made to provide support to women candidates:



**Fiji Women’s Rights Movement:** When contemplating the plight of women candidates in the 2006 Fiji national elections, FWRM recognised that one of the biggest obstacles women face is election funding. It costs money to run a political campaign. In response, FWRM undertook a Women in Politics (WIP) Appeal to assist all women standing, irrespective of their political party. The Movement decided that in the political climate at the time, it was important that they support all women because gender cuts across all party lines. It was considered important to just get women in. FWRM’s fundraising efforts raised a total of \$11,000. This money was then divided amongst 30 female candidates, who received \$366 each.



**EMILY’s List:** EMILY’s List is named after the principle that “Early Money Is Like Yeast” (it makes the dough rise). The organisation was established in the USA to support female Democratic candidates to get elected. Emily’s List has a three-pronged strategy: (i) recruit and fund Democratic women candidates; (ii) help them build and run effective campaigns; and (iii) mobilise women voters to help elect progressive candidates across the nation. EMILY’s List Australia was established in 1996 and supports women candidates endorsed by the Australian Labor Party who are also committed to the principles of choice, equity, diversity, equal pay and affordable childcare. Since its inception EMILY’s List has supported 115 new women to get elected into Federal and State Parliaments through campaign training, mentoring and the direct donations to candidates of over \$750,000 for campaign expenses.<sup>13</sup> In recent times, there have been early discussions about replicating the concept of EMILY’s List in the Pacific.