

Activity I – Introducing Legislation (Suggested Minimum Time (SMT): 30 minutes)

- Divide participants into pairs to discuss their experiences with laws and legislation.
- Pose the following questions: On a personal level, how do laws affect you as a member of society? Do you believe laws are gender-neutral?

Activity II – Mapping the Branches of Government: Separation of Powers (SMT: 60 minutes)

- Facilitate an entire group discussion to map the branches of national government in participants' context.
- Using flip charts, write the responsibilities of each branch and corresponding institutions.
- Facilitate an entire group debriefing about the relationship between the different branches and their roles.

Activity III – Providing a Framework: Exploring Legislative Priorities for Women (SMT: 75 minutes)

- Conduct a PowerPoint presentation on specific legislation affecting women. Include several slides that provide a general overview of the law and international examples of its impact on women, followed by a discussion of its application in the local context.
- Facilitate an entire group debriefing using questions such as: How can you ensure that laws are gender-sensitive?

Activity IV – Sharing Global Perspectives: Inspiring Stories of Women's Contributions (SMT: 30 minutes)

- Show clips of women peace builders from conflict-affected areas not represented at the workshop sharing examples of their contributions to the legislative process.
- Facilitate an entire group debriefing of participants' observations.

Activity V – Presenting Case Studies: Evidence of Women's Contributions (SMT: 90 minutes)

- Conduct a PowerPoint presentation summarizing Inclusive Security's research paper "Demonstrating Legislative Leadership: The Introduction of Rwanda's Gender-Based Violence Bill." Give background on women's political participation in Rwanda and the strategies women legislators used to design and adapt the bill.
- Map the development of the bill, highlighting entry points and mechanisms used to advance and pass the legislation.
- Facilitate an entire group debriefing.

Activity VI – Mapping Legislation Entry Points (SMT: 80 minutes)

- Identify five legislative priorities in the local context relative to those discussed in the PowerPoint and Case Study presentation. Priorities might include creating new legislation, amending existing legislation, or advocating for implementation of current laws.
- Divide participants into small groups to visually map specific legislation in their context. Ask participants to list substantive priorities for engendering the legislation and map the actors involved. Pose the question: Which actors influence the legislative process in this context?
- Ask each group to present.
- Facilitate a debriefing on the key entry points for furthering women's priorities in legislation.

Activity VII – Promoting Women's Inclusion in Your Context (SMT: 80 minutes)

- Select the top priority in the entire group from the five priorities identified in Activity VI.
- Split participants into small groups to create an advocacy strategy. Pose the following questions: How would you advocate for your priority? How would you convince others to support you in advancing your legislative agenda?
- Request that participants advocate to a panel of national legislators.
- Play the role of an antagonistic member of the legislature as each group presents its proposals.
- Facilitate an entire group debriefing on advocacy strategies.

Legislation Affecting Women



Slide 1: Legislation Affecting Women

Legislation refers to laws enacted by a legislative body or legislature (e.g., parliament, congress, or national assembly). The legislature is the central institution for expressing the will of the people, passing laws, and holding a government accountable. In this way, it helps guarantee people's rights and liberties.

A constitution should describe the basic structure, composition, authority, elections, and procedure of the legislature. Fair and free elections ensure that the legislative body is representative of all components of society.

All legislation affects women, and the ways legislation incorporates women's rights or addresses their priorities varies a great deal from country to country. In turn, women as legislators, government officials, or members of civil society influence legislative processes in a number of ways.

The transition period from violent conflict or an authoritarian regime offers a brief window of opportunity to redraft laws in order to develop gender-sensitive legislation. Using this period to review laws, build a functioning and independent legislative branch, and embrace the rule of law can significantly improve the social, political, and economic status of different sectors of society (e.g., ethnic, racial, and religious groups), especially women. Their improved status can have positive long-term repercussions for peace, security, and democratic development.

Why Does the Legislative Process Marginalize Women?

- Discrimination
- Inadequate laws and systems of enforcement
- Lack of legal education and awareness
- Insufficient understanding of legal actors
- Traditional attitudes and practices

Slide 2: Why Does the Legislative Process Marginalize Women?

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- **Discrimination:** Every society wrestles with treatment or consideration based on class or category—such as gender, race, ethnicity, religion, handicap, sexual orientation—rather than individual merit. It can occur in the “letter of the law” (in the words drafted) or in the application. In many countries, laws discriminate against women in one or both of these ways. Legislatures should review legislation, amend outdated laws, and enact new laws to address these problems.
- **Inadequate laws and systems of enforcement:** Even where good laws exist, systems of enforcing them are often inadequate. Legislation should clearly spell out responsibility for implementing the law, those responsible should be adequately trained and funded, and accountability mechanisms should be created.
- **Lack of legal education and awareness:** Women, particularly those in rural areas, are often unaware of their rights guaranteed by constitutions, legislation, and international conventions. Even women who are aware may not know about instruments and processes that allow them access to justice and legal redress. Public awareness of women’s rights should be raised through legal literacy campaigns, legal information and aid centers, and media campaigns.
- **Insufficient understanding of legal actors:** The problem may not be intention so much as ignorance. Judges, lawyers, law enforcement personnel, and others must be fully educated about the rights of women so such rights are properly interpreted and enforced.

Why Does the Legislative Process Marginalize Women?

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Slide 2: Why Does the Legislative Process Marginalize Women? (continued)

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- **Traditional attitudes and practices:** Traditional and paternalistic attitudes and practices may contradict statutory laws and established civil rights that protect women. Public education is crucial to changing how a country operates and governs itself, particularly with regard to long-standing discriminatory practices with strong cultural roots.

Important Laws for Women

- Citizenship and nationality laws
- Family laws
- Property and succession laws
- Other laws

Slide 3: Important Laws for Women

Citizenship and nationality laws, family laws, and property and succession laws particularly affect women's status in society. There are many other laws that also do so.

Citizenship and Nationality Laws

To ensure equal treatment for men and women, citizenship and nationality laws should guarantee equal rights to:

- Pass citizenship on to children
- Retain nationality if a spouse is a foreign national
- Naturalize foreign spouses

Slide 4: Citizenship and Nationality Laws

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Laws governing nationality and citizenship define a citizen and the benefits that accompany citizenship. Legislation should give women equal rights regarding all aspects of nationality and citizenship.

Sometimes, these laws discriminate against women by restricting a woman's capacity to maintain her citizenship and to pass it onto her children.

To ensure equal treatment for men and women, citizenship and nationality laws should guarantee equal rights to:

- pass citizenship on to children
- retain nationality if their spouse is a foreign national
- naturalize foreign spouses

Some Muslim countries have made improvements in recent years. In 2001, **Pakistan** amended its citizenship law to provide a woman married to a foreigner the right to claim citizenship for her children. **Tunisia** modified its nationality legislation, allowing a Tunisian woman married to a non-national to pass on her nationality to her children, provided they are born in Tunisia. Moreover, **Jordan** changed its law to grant the right of Jordanian nationality to the children of Jordanian mothers married to non-Jordanians.

Family Laws

To ensure equal treatment for men and women, family laws should guarantee equal rights to:

- Enter into a marriage agreement voluntarily
- Enter into a marriage at a certain minimum age, same for men and women
- Seek divorce with fair divorce procedures
- Receive protection in customary marriages
- Make a mutually agreed-upon decision on child custody

Slide 5: Family Laws

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For women, family laws are one of the most important sections of the civil code. They set out rights and obligations including marriage, dissolution of marriage, and child custody. Family laws based on customary and religious sources often discriminate against women by giving them subordinate status within the family.

To ensure equal treatment of men and women, family laws should guarantee equal rights to:

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- enter into a marriage at a certain minimum age
- seek divorce with fair divorce procedures
- receive protection in customary marriages
- decide child custody

In 2001, King Mohammed VI established a commission to investigate possible changes to family law in **Morocco**. Women's rights organizations were instrumental in pressuring the government to legislate reforms, and in 2004, the legislature passed a new family law that ensured marriage equality. Now spouses share equal responsibility for the family, women are entitled to self-guardianship, the legal age of marriage is 18 for both men and women, and both spouses have a right to divorce.

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Slide 5: Family Laws (continued)

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In 1990, **Nepal's** new constitution was written with a clause saying that no person should be discriminated against based on gender. Still, it took over ten years for the civil code to extend equal rights to both spouses. In 2002, the government amended the civil code to ensure women's rights to own property, allow them to seek a divorce, regulate polygamy more strictly, and provide women with the conditional right to an abortion.

In November 2001, after nearly 50 years of lobbying and activism, women's groups in **Turkey** finally succeeded in revising the civil code to require greater equality in marriage. Over 120 women's organizations coordinated their efforts to campaign for equality between husbands and wives, particularly in decision making and property rights.

In **South Africa**, the Recognition of Customary Marriages Act was passed in 1998 to protect rights to property, maintenance, and inheritance of spouses in "custom law" marriages. The law recognizes a marriage if both spouses satisfy a number of criteria, including that they are at least 18 years old and agree voluntarily to the marriage. Spouses share equally in all assets and debts, and these rights are protected even if the husband subsequently takes additional wives.

In 2003, **Mozambique** passed a new family law that legalized customary marriages and entitled women who live with partners for more than a year to inherit property. The law stipulates that spouses share responsibility for the family. It creates an equal minimum age for marriage of 18 years for both sexes. Polygamy is not recognized as legal, but the law entitles women in such marriages to full marital rights.

Property and Succession Laws

To ensure equal treatment for men and women, property and succession laws should guarantee equal rights to:

- Acquire, hold, transfer, exchange and sell property
- Inherit land
- Access all property upon the death or divorce from a spouse
- Own non-land property

Slide 6: Property and Succession Laws

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Property and succession laws designate ownership and inheritance of land and other property. These laws are critical for women, who produce much of the world's food and are responsible for gathering water and fuel, but who own only 2% of the world's land. Property and succession laws often discriminate against women or conflict with other laws (civil, customary, and religious) regarding women's rights to property and inheritance.

To ensure equal treatment for men and women, property and succession laws should guarantee equal rights to:

- acquire, hold, transfer, exchange, and sell property
- inherit land
- access all property upon the death of or divorce from a spouse
- own non-land property

In many countries in Africa, recent legislative acts have addressed gender inequalities in property and inheritance laws.

In **Tanzania**, the Land Act and the Village Land Act, both passed in 1999, gave women the right to acquire, hold, use, and sell land. Both require women to be represented in land administration bodies and protect women's rights to co-occupy land. The Land Act overrides customary laws that restricted women's rights to use, transfer, and own land.

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Slide 6: Property and Succession Laws (continued)

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In **Eritrea**, the Land Proclamation of 1994 gave women the right to own and inherit land and to pass it on to their daughters.

In **Rwanda**, the 1999 Inheritance Law granted equal inheritance rights to female children and allowed a wife to inherit her husband's property. Following the 1994 genocide, many women were unable to claim their father's or husband's land and property. Until passage of the law, women returning from refugee or internally displaced persons camps, often without male family members, were left without legal channels through which to reclaim their family's property.

Other Laws

- Political participation (quota laws)
- Employment
- Education
- Healthcare
- Gender-based violence

Slide 7: Other Laws

Other laws related to employment, education, healthcare, and politics should include provisions to ensure equality for men and women. Special attention should be given to gender-based violence, which should be prohibited under criminal law and punished with the same severity as other crimes. These crimes should not require additional evidence or testimony to reach a conviction. The criminal law should establish penalties for violence against women, including sexual assault, domestic violence, trafficking in persons, and honor killings. The state should create witness protection programs and make other assistance available to women.

Advancing Women's Priorities in Legislation

- Critical mass
- Quotas
 - Legislature
 - Political party lists



Slide 8: Advancing Women's Priorities in Legislation

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One of the most effective ways to address women's priorities in legislation is to have women in parliament.

- **Critical mass:** Although the presence of just one woman shatters gender boundaries and alters male behavior, a critical mass—a minority number of women significant enough to affect policy change—can improve the situation for female parliamentarians and for women in general. A minimum target of 25% female representation in the assembly can provide for effective critical mass.
 - In **Scandinavia**, women politicians recruited other women to run for office, then developed legislation and mechanisms to benefit female citizens. As their numbers grew toward a critical mass, the public's perception of female politicians shifted, and members of parliament said they found it became easier to be a woman in politics.
 - Women are close to 30% of the parliament in **South Africa**. Having reached a critical mass, between 2000 and 2007, the parliament passed legislation on abortion, marriage law reform, sexual harassment, and domestic violence.
 - In **Mozambique**, the election of women to 34.8% of seats in parliament resulted in the implementation of a policy agenda focused on improving the quality of women's lives. The country's New Family Law, passed by parliament in December 2003, was a legal victory for Mozambican women and was passed through the efforts of female MPs with support of women leaders in civil society.

Advancing Women's Priorities in Legislation

- Critical mass
- Quotas
 - Legislature
 - Political party lists



Slide 8: Advancing Women's Priorities in Legislation (continued)

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- **Quotas:** Different types of quotas can be used to ensure a minimum number of women in parliament.
 - **Legislatures:** Some countries have tried to improve gender balance in their legislatures by reserving a certain number of seats for women or by establishing quotas for the percentage of women in the legislature. In **Rwanda**, the constitution allows quotas and reserved seats for women in both houses of its parliament; currently the legislative house comprises 56% women. The constitution of **Afghanistan** provides for at least two female delegates from each province in the House of Representatives. Additionally, 50% of the one-third of senators appointed by the president are women. Women can advance their priorities by advocating on issues that affect women to build support among policymakers.
 - **Party lists:** A political party can establish a requirement of a minimum number of women candidates running for office on their party list. In **Mauritania**, women convened to issue a charter calling for quotas to advance women's political participation as a top priority and divided into small groups to meet with politicians, including the 20 candidates running for president. Endorsement of quotas by all 20 led to sweeping new regulations stipulating high positions for women on party candidate lists and in the executive branch and local government. Women are now 22% of Mauritania's parliament and nearly 30% of local administrators.

Strengthening Women's Influence in Parliament

- Women's caucuses
- Cooperation with civil society
- Constituent outreach
- Gender focal points

Slide 9: Strengthening Women's Influence in Parliament

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- **Women's caucuses:** Legislatures often create small groups of members—committees or caucuses— that focus on specific topics such as the environment, foreign affairs, or defense. Women's perspectives can be incorporated into these activities by requiring equal representation of men and women on parliamentary committees or by ensuring that a women's caucus follows the policy developments of the committee and inserts gender perspectives. Cross-party women's caucuses or parliamentary committees also help ensure that women's voices are strengthened in legislative bodies. Women are nearly 25% of the new Government of Southern **Sudan** and formed a women's caucus in the Government of National Unity (GNU), the only cross-party group in the assembly. In 2008, the 87 female parliamentarians in the caucus hosted a national conference of elected women leaders to identify priorities.
- **Cooperation with civil society:** Leveraging civil society networks is an efficient way for women parliamentarians to access large numbers of community members. Women parliamentarians in **Uganda** collaborated with the Women's Coalition for Peace, a group of women's organizations, during the Juba peace talks. Consultations with grassroots women in Northern Uganda led by the coalition provided lawmakers with perspectives on women's priorities that would otherwise have been difficult to gather.
- **Constituent outreach:** Connecting with constituents and obtaining public feedback strengthens the legitimacy of the government, the content of the legislation, and the democratic process of developing legislation. As women parliamentarians consult with communities, they gain support for addressing gender issues and they increase local

Strengthening Women's Influence in Parliament

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Slide 9: Strengthening Women's Influence in Parliament (continued)

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ownership of the process. In drafting the Law on Prevention, Protection, and Punishment of Gender-Based Violence, parliamentarians in **Rwanda** went to their districts to gather information about gender-based violence. They used town hall meetings to increase their understanding of the issues surrounding the problem and to increase constituents' awareness of the problem. The consultations increased the likelihood that a sensitive issue would be addressed effectively and that men and women would hear each other's perspectives.

- **Gender focal points:** Another way to ensure attention to women's issues is to create gender focal points within parliamentary committees. In **Guatemala**, the congress created the Congressional Commission on Women, Minors and Family, which is reforming provisions of the criminal code that affect women's rights.

Number of Women in Parliament

	Percentage of women
Nordic countries	41.4%
Americas	21.4%
Europe (excluding Nordic countries)	19.1%
Sub-Saharan Africa	18.3%
Asia	18.1%
Pacific	14.9%
Arab States	9.7%

Slide 10: Number of Women in Parliament

The International Parliamentary Union (IPU), established in 1889, promotes representative democracy and is the focal point for parliamentary networking. The Union coordinates exchanges among parliamentarians from various countries, studies legislative branch institutions, and strengthens and supports legislatures worldwide. A Committee of Women Parliamentarians coordinates IPU activities related to increasing the number of women in legislatures. One of their key jobs is to track numbers of women in parliaments worldwide:

	Percentage of women in Parliament (2008)
Nordic countries	41.4%
Americas	21.4%
Europe (excluding Nordic countries)	19.1%
Sub-Saharan Africa	18.3%
Asia	18.1%
Pacific	14.9%
Arab States	9.7%

The percent of women's representation in parliament has been increasing steadily. The greatest increases in percentage of women serving as parliamentarians are seen in post-conflict countries.

Tactics for Advancing Women's Priorities through Legislative Action

- Using the executive branch
- Using the judicial branch
- Working through civil society

Slide 11: Tactics for Advancing Women's Priorities through Legislative Action

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Don't assume that women will automatically adopt an agenda for women's advancement and leadership. Increased numbers of women in national legislatures do not automatically translate into an increase in gender-sensitive policy initiatives.

Women's rights can be advanced through legislation. Increases in rights can also be achieved through the implementation and enforcement of laws. The executive branch and the judicial branch generally drive implementation and enforcement. Civil society involvement and public awareness of laws, generated by the media, are essential as well.

- **Using the executive branch:** In many post-conflict societies, the legislature is weak and heavily influenced by the executive branch, which often determines legislative priorities. Women can advocate to ministries, which in turn can advance their agenda through the legislative branch. In **Afghanistan**, Ministries of Women's Affairs, Parliamentary Affairs, and Health came together to draft provisions of a health bill that called for increased funding for maternal healthcare and building of hospitals and clinics to better address the needs of women and girls. The executive branch can also issue specific regulations and guidelines that detail how laws should be applied; this can greatly affect the extent to which laws realize gender sensitivity in their application. In the **United States**, the Equal Employment Opportunities Commission issues annually an extensive code of regulations that clarify and specify the meaning of laws intended to prohibit discrimination in the workplace on the basis of sex, age, religion, and national origin, among other criteria.

**Tactics for Advancing
Women's Priorities
through Legislative Action**

- Using the executive branch
- Using the judicial branch
- Working through civil society

**Slide 11: Tactics for Advancing Women's Priorities through
Legislative Action (continued)**

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- **Using the judicial branch:** The constitutional review process conducted by the judicial branch determines whether laws conflict with constitutional provisions. When legislation violates constitutional rights, laws can be challenged and perhaps changed. In some countries, advocates have used constitutional review processes to bring “test cases” to challenge the constitutionality of a statute. This is an important source of redress; it can be used to challenge a particular law in court and to push the legislature to enact new laws. In **Botswana**, a woman challenged the country’s Citizenship Act, under which children of women married to foreigners were not entitled to citizenship. The Botswana Appeals Court invalidated the law as unconstitutional and ordered the government to adopt a new law. As a result, the government eliminated discrimination against women with respect to citizenship through the Citizenship Amendment Act of 1996.
- **Working through civil society:** Civil society can be an important driver of legislative action to advance women’s rights. In **Albania**, the Citizens Advocacy Office (CAO), a prominent local NGO, helped advance draft legislation prohibiting domestic violence. They also provided legal counseling to protect victims and worked with local police to open and secure shelters for victims. The CAO used a participatory process, the “citizens’ petition,” collecting close to 21,000 signatures from local communities, to introduce the bill in the parliament.

Enforcing Women's Legal Rights

- Training for the judicial branch
- Public education about legal rights
 - Public outreach programs
 - Awareness through the media
- Mechanisms to ensure equal application of the law

Slide 12: Enforcing Women's Legal Rights

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Writing gender-sensitive laws is not enough; governments need to create mechanisms to implement these laws. Legislation loses credibility and becomes meaningless if not applied and enforced. It is only when the judicial system, which includes lawyers, prosecutors, law enforcement personnel, and service providers, fully understands the rights of women that it can enforce these rights. Citizens, too, need to raise awareness of existing laws and call for their implementation.

- **Training for the judicial branch:** Training programs for the judicial branch should ensure that judges, lawyers, and court personnel understand how international law, constitutional law, and legislation affect women directly. In **Albania**, the Magistrates School introduced a course on gender and law. With the assistance of USAID's Women Legal Rights Initiative, Albania also developed a series of training activities on family law for justice officials and a book to guide judges in the implementation of the country's new anti-trafficking law. In **Rwanda**, the Ministry of Justice and the National Institute for Legal Practice and Development developed a course on gender in the law as part of the curriculum for legal professionals. In **Guatemala**, more than 700 legal professionals, including magistrates, justices of the peace, prosecutors, public defenders, law professors, and 50 community paralegal women, were trained by United States federal judges on women's rights, the US judicial system, and judicial independence. Additionally, a gender unit was created within the supreme court in Guatemala to take the lead on gender-related activities within the judicial sector.

Enforcing Women's Legal Rights

- Training for the judicial branch
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Slide 12: Enforcing Women's Legal Rights (continued)

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- **Public education about legal rights:** In order to change entrenched cultural, religious, and traditional rules and practices that discriminate against women, public awareness of laws is necessary.
 - **Public outreach programs:** Such programs should specifically target women, especially in rural and remote areas, who are often unaware of their legal rights. Special attention should also be given to local authorities and leaders who enforce rights and responsibilities in their communities. In **Lesotho**, the Federación Internacional de Abogadas (a nonprofit, membership-based organization) provided paralegal training to 60 rural community leaders so they could give free legal service to their communities. The community leaders, who included members of the police's Child and Gender Protection Unit, were educated about Lesotho's court system, women's rights under customary and common laws, and redress for legal violations. The trainings have provided tools to address women's issues. The trained paralegals have successfully handled over 210 cases involving property rights, labor, domestic violence, inheritance, and matrimonial issues.
 - **Awareness through the media:** Modern democracies are greatly influenced by the mass media. It is critically important for women's groups to establish contacts and cultivate support among newspaper, radio, and television journalists who cover legislative issues affecting women. The media also can help raise awareness of new laws, rights, and options for legal recourse. Global Rights is an international NGO that helps legal practitioners apply international human rights standards

Enforcing Women's Legal Rights

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Slide 12: Enforcing Women's Legal Rights (continued)

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in their countries, document human rights violations, press for legislative transparency, and pass gender-sensitive legislation. In **Bosnia and Hercegovina**, Global Rights led a media campaign to inform the public about the 2006 Gender Equality Law. Using radio and TV spots that recounted stories of gender discrimination, they informed women of the new law's provisions, allowing them to challenge discriminatory practices.

- **Mechanisms to ensure equal application of laws:** Often countries create offices to receive and review complaints of non-compliance with laws or unequal treatment. **Lithuania** has an Equal Opportunities Ombudsperson whose office reviews claims of gender inequality and other human rights violations. Monitoring mechanisms, such as ombudspersons or similar institutions, should be empowered to recommend corrective action to overcome existing or anticipated shortcomings.

International Policies Supporting Women's Rights in the Law

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- United Nations Security Council Resolution 1325
- Regional declarations

Slide 13: International Policies Supporting Women's Rights in the Law

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- **Convention on the Elimination of All Forms of Discrimination Against Women:**

Adopted in 1979, CEDAW has been ratified by 177 countries. It was the first legally binding international convention on women's rights; all ratifying countries have an obligation to implement CEDAW.

CEDAW asks signatories to prohibit discrimination and eradicate it from all areas of women's lives and prescribes measures to ensure women enjoy their rights. It includes provisions on eliminating gender discrimination in such areas as politics, education, employment, healthcare, and marriage and family. CEDAW calls for equality between men and women in law and practice. It requires states to prevent, report, and legally protect against public and private acts of violence against women. CEDAW also calls for increasing women's participation in decision-making processes. Signatories are required to report on CEDAW implementation during the UN Commission on the Status of Women annual meeting.

- **United Nations Security Council Resolution 1325:** UNSCR 1325 is an international legal instrument that advances the role of women in peace and security. It was unanimously adopted in October 2000. The resolution spells out actions that governments, the UN, and others should take to ensure the participation of women in peace-building efforts and improve the protection of women in conflict zones.

The resolution acknowledges the critical role women can play in preventing and resolving conflicts and in building peace. It stresses the responsibility of all actors to protect women from gender-based violence, especially rape, and to prosecute those guilty of perpetrating such crimes.

International Policies Supporting Women's Rights in the Law

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- United National Security Council Resolution 1325
- Regional declarations

Slide 13: International Policies Supporting Women's Rights in the Law (continued)

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The resolution calls on the Security Council, the UN Secretary-General, member states, and all other parties (including non-state actors, militias, humanitarian agencies, and civil society) to promote:

- participation of women in decision-making and peace processes
 - integration of gender perspectives and training in peacekeeping
 - protection of women
 - gender mainstreaming in UN reporting systems and programs
- **United Nations Security Council Resolution 1820:** The Security Council unanimously adopted Resolution 1820 in June 2008. The resolution builds on existing international conventions and human rights and humanitarian law related to gender-based violence, including rape and other sexual crimes in times of conflict.

The resolution states that:

- All parties to violent conflicts are required to immediately and completely stop and prevent all acts of sexual violence against civilians.
- All parties to the conflict should take steps to protect civilians, including women and girls, from all forms of sexual violence. Steps could include: instituting military disciplinary measures; training troops on the “categorical prohibition of all forms

International Policies Supporting Women's Rights in the Law

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
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- Regional declarations

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Slide 13: International Policies Supporting Women's Rights in the Law (continued)

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of sexual violence against civilians”; breaking down myths that contribute to sexual violence; vetting armed forces and security forces to exclude those convicted of past sexual violence crimes; and evacuating women and children under threat of sexual violence.

- Acts of sexual violence should be excluded from amnesty provisions, and member states are called upon to live up to their obligation to prosecute persons who have committed such crimes and to ensure victims of sexual violence, especially women and children, have equal protection under the law and equal access to the justice system.
- **Regional declarations:** These additional instruments advance women's rights.
 - **Convention of Belem de Pará:** Signed in 1994 and named after the city in Brazil where it was adopted, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women calls on states in the region to take steps to ensure women's human rights and the right to be free from violence.
 - **Protocol on the Rights of Women in Africa:** This protocol of the African Charter on Human and Peoples' Rights protects and promotes women's rights by seeking to align its commitments with international standards. Twenty-eight African countries were signatories as of 2008 and civil society groups are working to hold them accountable for implementation.

Strategies To Promote Inclusion: Shaping Legislation

- Analyze legislation from a gender perspective
- Organize workshops for members of legislature and judiciary
- Use international experiences to shape gender-sensitive legislation
- Create civil society-executive-parliament alliances to shape policy, promote enforcement, and raise awareness
- Monitor proposed and existing legislation to ensure consistency with national and international law

Slide 14: Strategies to Promote Inclusion: Shaping Legislation

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- Ensure that all legislation is analyzed to determine how it could affect men and women differently. A special committee might be established in the legislature to do so.
- Organize workshops for members of the legislature and judiciary (men and women) to highlight critical issues of concern, how and why they affect women, and what legal recourse is needed.
- Utilize international and regional expertise and experiences drawn from other countries to ensure that gender differences are considered in legislation.
- Create alliances among civil society, the executive branch, and the legislative branch to shape policies and legislation, monitor enforcement, and disseminate information on laws to citizens nationwide.
- Monitor proposed and existing legislation and judicial decisions to make sure they conform with constitutional principles and international standards.

More Strategies To Promote Inclusion: Shaping Legislation

- Design and implement public education programs
- Create a network of male allies
- Overturn laws that discriminate based on gender
- Advocate for judicial reform and gender training for legal sector professionals
- Document and share information globally

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Slide 15: More Strategies to Promote Inclusion: Shaping Legislation

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- Design and initiate media-based education efforts, such as radio shows, to ensure that women, especially in remote areas, and relevant leaders understand the legal rights of women.
- Create a network or support group of men in civil society and the executive and legislative branches of government to help emphasize the importance of gender equality for society.
- Challenge and overturn laws that discriminate based on sex.
- Advocate for judicial reform and institute gender training programs for judges, attorneys, and other relevant legal sector professionals.
- Document and share information, specific language from legislation, and experiences with women in other countries.

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

~Margaret Mead

Slide 16: Margaret Mead Quote

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.

Margaret Mead

Lecture Notes: Demonstrating Legislative Leadership

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Demonstrating Legislative Leadership



Slide 1: Demonstrating Legislative Leadership

The Rwanda legislature has the highest percentage of women in the world, 56.5% as of the 2008 election. In 2006, female parliamentarians developed and drafted a progressive gender-based violence (GBV) bill. The “Draft Law on Prevention, Protection and Punishment of Any Gender-Based Violence” is the first piece of substantive legislation to be introduced by the legislative rather than executive branch. Outlawing rape, including marital rape, this is the first Rwandan bill to provide a legal definition for the rape of an adult woman, while also emphasizing crimes against children.

The 1994 Rwandan Genocide

- 800,000 people killed in 100 days
- Trauma and health crises among displaced
- Remaining population — 70% women/girls
- 500,000 orphans

Slide 2: The 1994 Rwandan Genocide

- **800,000 people killed in 100 days:** The 1994 genocide in Rwanda left an estimated 800,000 people, $\frac{1}{10}$ of the country's population, dead in 100 days. Organized mobs were largely responsible for perpetrating the genocide and inciting ordinary Rwandans to violence. Local leaders and state-sponsored radio also urged citizens to kill. While women were only 3% of the perpetrators of violence, many were victimized. Targeted not only for their ethnicity but also for their gender, women were subjected to sexual assault and torture, including rape and forced incest.

The 1994 Rwandan Genocide

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- Remaining population — 70% women/girls
- 500,000 orphans

Slide 2: The 1994 Rwandan Genocide (continued)

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- **Trauma and health crises among displaced:** Women witnessed unspeakable cruelty and lost livelihoods and property. In addition to violence, women faced displacement, family separation, and food insecurity, all of which resulted in post-conflict psychological trauma. Their social structures were destroyed, their relationships and traditional networks were severed, and they were left to head their households and communities.
- **Remaining population—70% women/girls:** The genocide ended in July 1994 with the victory of the Rwandan Patriotic Front (RPF) troops. In the immediate aftermath of the genocide, women and girls constituted 70% of the population. Given this demographic imbalance, women immediately assumed multiple roles as heads of household, community leaders, and financial providers, meeting the needs of devastated families and society more broadly.
- **500,000 orphans:** Women buried the dead, found homes for nearly 500,000 orphans, and built shelters. Women were the ones who picked up the pieces of a literally decimated society and began to rebuild.

Violence Against Women During and After Conflict

- Rape during genocide
 - International Criminal Tribunal for Rwanda (ICTR): rape as a crime of war
 - National and local courts
 - *Gacaca*
- Post-genocide GBV
 - 1/3 of women abused in communities
 - 1/2 of women experienced domestic violence

Slide 3: Violence Against Women During and After Conflict

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- **Rape during genocide:** Over the course of the 100 days of genocide, women were victims of a systematic program of rape, abuse, and sexual torture. Estimates on the number of rapes committed in Rwanda during the genocide range from 250,000 to 500,000.
 - **International Criminal Tribunal for Rwanda (ICTR):** Although the use of rape as a weapon of war is not unique to Rwanda, the prevalence of rape and sexual torture during the 1994 genocide is distinctive in its sheer scale. In fact, a landmark decision by the UN-established ICTR in 1998 became the first international law to recognize rape as a tool of genocide.
 - **National and local courts:** In general, women who experienced rape or sexual torture have faced challenges with the post-genocide legal system. Yet, some significant advances were made to lessen their plight. Due in part to the efforts of women activists and parliamentarians, rape was elevated to the highest category of genocide-related crimes in 2001. Genocide-related rape and sexual violence charges can now be brought to trial at the national and local levels in Rwanda.
 - ***Gacaca*:** In 2001, the government passed a law establishing community-based *gacaca* courts, which have a legal function but also aim to promote truth-telling and reconciliation. A second law concerning the *gacaca* system, passed in 2004, contained provisions to protect the rights of sexual violence survivors, such as allowing women to testify in closed sessions.

Violence Against Women During and After Conflict

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 - 1/3 of women abused in communities
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Slide 3: Violence Against Women During and After Conflict (continued)

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- **Post-genocide GBV:** Gender-based violence in Rwanda remains a concern in the post-genocide era.
 - **1/3 of women abused in communities:** A 2004 study by the Rwandan government's Ministry of Gender and Family Promotion revealed that one in three women in Rwanda had been physically or verbally abused in their communities.
 - **1/2 of women experienced domestic violence:** Additionally, one out of every two women had experienced an act of domestic violence. Although the Rwandan penal code prohibited rape and sexual torture, it did not provide legal definitions of these acts, leading to difficulties and inconsistencies in prosecuting gender-based crime.

Rwandan Women Today

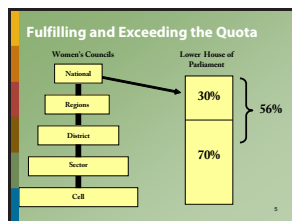
- Leaders in national politics and local communities
 - Highest % of women parliamentarians in world
 - 56% in Lower House as of September 2008 election
 - 36% of President's Cabinet
 - Chief Justice of Supreme Court (3 of 7 justices)
 - One-third District Executive Committees
 - Two-thirds executives in Kigali

Slide 4: Rwandan Women Today

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Despite these circumstances, Rwandan women have made remarkable contributions to rebuild their society and have achieved unprecedented representation in government.

- **Leaders in national politics and local communities:**
 - Highest % of women parliamentarians in world
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Slide 5: Fulfilling and Exceeding the Quota

Rwandan women seized the post-conflict window of opportunity to advance their political participation and shape the country's reconstruction and reconciliation. Rwanda's 2003 constitution mandates that 30% of posts in decision-making bodies be reserved for women. However, women far exceeded the quota in the national parliament in the last two elections.

Women's Councils, established by the first post-genocide Minister of Gender, are assemblies elected by women. These bodies feed into local government through reserved seats for women's council leaders, ensuring an official link between these women-only groups and local government.

At the sector level, women are guaranteed a percentage of seats via a triple ballot through which voters choose one general candidate, one female candidate, and one youth candidate. A subsequent indirect election results in selection of a district council chosen from among sector-level winners; women are guaranteed 30% of district council seats. At the national level, Women's Councils channel women into the parliament.

Of the 80 seats in the lower house of the national legislature, 24 are set aside for women from the Women's Councils. The remaining 70% of seats are openly contested by men and women on political party ballots. Often the most experienced female candidates compete on the political party ballots; this creates opportunities for less-experienced female candidates to gain experience running for the women-only slots.

The first post-genocide election in 2003 gave women 48.8% of seats in the lower house of parliament, making Rwanda the world's leader in women's political participation. In the 2008 elections, women were elected to over 56% of parliament, making them the first majority female parliament in the world.

Forum of Rwandan Women Parliamentarians

- Cross-party women's caucus founded in transitional period (1996)
- First cross-party parliamentary caucus
- Bolstered by supportive atmosphere and forward-looking policies
- Institutional strength increases power of individuals

Slide 6: Forum of Rwandan Women Parliamentarians

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- **Cross-party women's caucus founded in transitional period (1996):** The Forum of Rwandan Women Parliamentarians (FFRP) is a legislative caucus founded in 1996, less than two years after the genocide. The FFRP has been central to Rwanda's GBV legislative efforts.
- **First cross-party parliamentary caucus:** It is the first cross-party caucus that has been opened to women from all political parties and ethnic backgrounds.
- **Bolstered by supportive atmosphere and forward-looking policies:** The group has fostered an atmosphere of collaboration and cooperation, supporting forward-looking policies in Rwanda's development. Priority policy areas include children's rights and reform of land inheritance legislation.
- **Institutional strength increases power of individuals:** Critically, over the last decade, the caucus focused on developing institutional capacity and strength, ensuring longevity and influence as a collective, rather than just a group of individual women members of parliament. With a strategic plan focused on capacity building for female legislators and engendering new and existing legislation, the FFRP has been vital to developing the GBV bill.

Development of GBV Bill

- **June 2004:** Ministry of Gender releases results of study on GBV
- **Winter 2004 – spring 2005:** Parliamentarians disseminate information on gender provisions in the Constitution; receive feedback on GBV
- **Spring and summer 2005:** FFRP hires consultants to research legal mechanisms, meets with stakeholders, resolves to introduce bill
- **October 2005:** National conference on GBV
- **Fall 2005:** Trips to the field by parliamentarians (men and women)

Slide 7: Development of GBV Bill

The chronology of the bill's development can be easily traced.

- **June 2004: Ministry of Gender releases results of study on GBV:** A 2004 study by the Rwandan government's Ministry of Gender and Family Promotion (MIGEPROFE) and the International Rescue Committee revealed that, over the preceding five years, one in three women in Rwanda had been physically or verbally abused in their communities, and, in the previous year, one out of every two women had experienced an act of domestic violence.
- **Winter 2004 – spring 2005: Parliamentarians disseminate information on gender provisions in the Constitution; receive feedback on GBV:** Parliamentarians participate in province-level meetings to disseminate information about gender provisions in the new constitution and receive recommendations that parliament should create legislation dealing with gender-based violence.
- **Spring and summer 2005: FFRP hires consultants to research legal mechanisms, meets with stakeholders, resolves to introduce bill:** In 2005, with the support of the UN Development Programme (UNDP), the FFRP hired two domestic consultants to engage civil society organizations and experts on issues of gender-based violence. As part of this consultation, a questionnaire about gender-based violence was distributed to leaders in civil society organizations. In addition, an international consultant who had previously studied and reported on Rwandan legal statutes was invited by the FFRP to compile a set of best practices in international law related to sexual violence.

Development of GBV Bill

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Slide 7: Development of GBV Bill (continued)

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- **October 2005: National conference on GBV:** The documents produced by the consultants served as the starting point for a national conference on gender-based violence held in Kigali in October 2005. During the two-day conference, participants discussed and debated issues of gender-based violence in Rwanda and developed a set of recommendations that would provide the framework for the law itself. Also developed at the conference was a checklist of concerns related to gender-based violence that was used in further interviews with civil society representatives.

The FFRP built on the study by implementing programs to gather data perspectives and increase dialogue and debate on GBV. The goals were to create local ownership of and support for action to address GBV and to shape legislation around local priorities and sentiments.

The FFRP undertook a mass media campaign, broadcasting panel discussions with experts and lawmakers on TV and radio across the country. Radio programs included live call-in debates on the subject of gender-based violence. Citizens were given access to a free telephone line and were encouraged to contribute.

- **Fall 2005: Trips to the field by parliamentarians (men and women):** While developing the GBV bill, both male and female parliamentarians engaged in public consultations in town hall meetings. Shortly after this national conference, in October and November 2005, members of parliament returned to their home districts. During the field visits, the parliamentarians explained the policy-making process and the issue of gender-based violence to the local population. Through these gatherings, the FFRP acquired important

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Slide 7: Development of GBV Bill (continued)

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information for drafting the law and sensitized the public to gender-based violence. Approximately half of the parliamentarians who participated were men. These public consultations built support for the bill prior to its formal introduction in parliament and helped defuse objections during debate in the Chamber of Deputies—in part by enabling men to hear first-hand their constituents' perspectives on the issue. Civilians were encouraged to write to the president of the parliament if they later thought of any comments that had not been raised at the meetings but would be relevant in the lawmaking process.

Parliamentarians also coordinated with the National Women's Council to convene several women-only sessions with large groups of women (approximately 400). In November 2005, members of the FFRP invited 2 women from each of Rwanda's 12 districts to come to the parliament and make recommendations on how to address GBV from a legislative perspective. The women chosen were activists in their community who had shown a commitment to fighting gender-based violence.

Development of GBV Bill

- **December 2005–August 2006:** Consultative committee (lawyers within FFRP, relevant ministries, civil society, police, etc.) meets once a month
- **Summer 2006:** FFRP asks that bill be put on parliament's agenda
- **July 2006:** Recruitment of male co-sponsors
- **August 2006:** Draft Law introduced, passes to Committee
- **2007:** Law passed by Chamber of Deputies
- **July 2008:** Law passed by the Senate

Slide 8: Development of GBV Bill

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- **December 2005 – August 2006: Consultative committee (lawyers within FFRP, relevant ministries, civil society, police, etc.) meets once a month:** By December 2005, FFRP formed a consultative committee composed of male and female MPs, representatives from the Ministry of Gender and the Ministry of Justice, the national police, civil society, and the legal community, as well as two technical advisers from parliament. This consultative committee met monthly to prepare the bill for introduction in the Chamber of Deputies.
- **Summer 2006: FFRP asks that bill be put on parliament's agenda:** FFRP resolves that they will have introduced the draft bill by the end of the current parliamentary session. In July, the FFRP meets with the Speaker of the Chamber of Deputies to ask that the bill be put on the agenda.
- **July 2006: Recruitment of male co-sponsors:** To build support for their legislation and avert potential opposition, female parliamentarians approached men as allies instead of adversaries. In addition to including their male colleagues in the development and introduction of the legislation, the women recruited men as co-sponsors. With backing from male parliamentarians, and using non-threatening language in the discussions and texts, the FFRP was able to frame the issue as a broad social concern—not solely a “women’s issue.”
- **August 2006: Draft Law introduced, passes to Committee:** Finally, on August 2, 2006 eight parliamentarians (four men and four women) introduced the draft law into debate. Within just one day, the Draft Law was passed to committee without objection.
- **2007: Law passed by Chamber of Deputies**
- **July 2008: Law passed by the Senate**

Successful Techniques of FFRP

- Strong analytical foundation of research
- Public outreach
- Civil society cooperation
- Collaboration with men



Slide 9: Successful Techniques of FFRP

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- **Strong analytical foundation of research:** The FFRP's legislation was supported by strong research conducted by credible institutions. This helped the FFRP make the case for pursuing a GBV law given the needs the study uncovered.
- **Public outreach:** Women parliamentarians worked with the public to shape the law, but also to help raise awareness of the legislation and to increase local buy-in.
- **Civil society cooperation:** They sought grassroots views to understand the prevalence of GBV and what provisions would be most helpful. Parliamentarians engaged with civil society throughout the legislative process, from receiving feedback on gender provisions in the Constitution to bringing women from the provinces to parliament for discussion.
- **Collaboration with men:** Women parliamentarians understood that male allies were critical to the success of the GBV legislation. Men were involved in public consultations, drafting, and debate to encourage their ownership in facilitating passage. Rather than making the bill solely about women, this inclusive process made the bill about everyone.

Major Provisions of the GBV Bill

- Defines gender-based violence
- Considers violence against spouses
- Outlines responsibilities of state institutions
- Specifies penalties for categories of gender-based violence



Slide 10: Major Provisions of the GBV Bill

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The “Draft Law on Prevention, Protection and Punishment of Any Gender-Based Violence” is a wide-ranging piece of legislation that touches on many aspects of gender-based violence as well as other gender equity issues. An opening explanatory note introduces the impetus for drafting legislation on gender-based violence by discussing the problem in Rwanda and around the world. The note includes statistics from the 1994 Rwandan genocide as well as post-genocide society.

- **Defines gender-based violence:** The bill defines gender-based violence and outlines general principles, such as “any gender-based violence is a heinous crime punished by law.”
- **Considers violence against spouses:** Importantly, the bill includes an article stating that violence against spouses is considered gender-based violence and that “no person is allowed to engage a spouse in forced sexual intercourse.” Gender-based violence is identified as a reasonable cause for requesting divorce. In addition, the bill prohibits violence and harassment related to dowry issues.
- **Outlines responsibilities of state institutions:** Other articles outline the responsibilities of the police, the judicial system, local authorities, medical professionals, and employers with regard to gender-based violence.
- **Specifies penalties for categories of gender-based violence:** Included in the bill are a number of provisions that extend beyond basic definitions of and penalties for gender-based violence. For example, Article 12 assigns monetary value to domestic chores performed by women for the purpose of determining property and compensation in the

Major Provisions of the GBV Bill

- Defines gender-based violence
- Considers violence against spouses
- Outlines responsibilities of state institutions
- Specifies penalties for categories of gender-based violence



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Slide 10: Major Provisions of the GBV Bill (continued)

case of crime or divorce. Article 57 abolishes polygamy and requires that any man engaged in unlawful marriages legalize the marriage with his first wife and ensure education of the children born to the rest of his wives.

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Strategies to Advance Legislation

- Encourage donors to provide technical and financial support to women's caucuses
- Support connections between women parliamentarians and civil society organizations
- Ask donors to ensure women parliamentarians have technical assistance to draft laws that use inclusive language
- Advance collaboration among male and female parliamentarians in developing legislation

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Slide 11: Strategies to Advance Legislation

- Encourage donors to provide technical and financial support to women's caucuses and encourage them to address gender-based violence in their work.
- Support connections between women parliamentarians and civil society organizations in shaping legislation.
- Ask donors to ensure women parliamentarians have technical assistance to draft laws that use inclusive language and do not alienate men.
- Advance collaboration among male and female parliamentarians in developing legislation, using inclusive, non-confrontational language.

Strategies to Advance Legislative Action

- Create alliances involving civil society and government to combat gender-based violence
- Advocate for constitutional provisions, such as quotas and reserved seats, which promote women's participation in government
- Use consultations to educate the public about legislative issues
- Ensure that consultations are open to the public

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Slide 12: Strategies to Advance Legislative Action

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- Create alliances involving civil society and government to combat gender-based violence.
- Advocate for constitutional provisions, such as quotas and reserved seats, that promote women's participation in government.
- Use consultations to educate the public about legislative issues, including gender-based violence, and to solicit the public's input.
- Ensure that consultations are open to the public; encourage the participation of men and women, with the option of additional sex-segregated sessions to ensure that everyone contributes to the dialogue.

*After the genocide,
women rolled up their sleeves
and began making society work again.*

*~Paul Kagame
President of Rwanda*

Slide 13: Paul Kagame Quote

After the genocide, women rolled up their sleeves and began making society work again.

*Paul Kagame
President of Rwanda*

ACTIVITY I: Introducing Legislation

Objective:

Share personal experiences with laws and legislation

Methodology:

- Pair discussions
- Brainstorming

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for pairs

Suggested minimum time:

30 minutes

Activity steps:

1. Divide participants into pairs. (5 minutes)
2. Pose the following questions for pairs to discuss: How do laws affect you as a member of society? Do you believe laws are gender-neutral? Could you provide a personal example? (20 minutes)
3. Facilitate an entire group debriefing. (5 minutes)

Sample debriefing questions:

1. What are some commonalities that emerged in your sharing?
2. What was particularly surprising or inspiring in your stories?

ACTIVITY II: Mapping the Branches of Government: Separation of Powers

Objectives:

Introduce concept of separation of powers

Map the branches of government in participants' context

Methodology:

- Large group discussion
- Entire group debriefing

Materials:

- Flip charts
- Markers

Room set-up:

Lecture style

Suggested minimum time:

60 minutes

Activity steps:

1. Ask participants to map out the branches of national government in their context. Facilitate an entire group discussion on governmental separation of powers, highlighting the role of legislatures. Pass out the glossary of terms to participants and use it to orient participants to the activity [see Appendix A]. (20 minutes)
2. Write out on flip charts the responsibilities of each branch and specific corresponding institutions. (25 minutes)
3. Facilitate an entire group debriefing about the relationship between the different branches and their distinct roles. (15 minutes)

Sample debriefing questions:

1. Why is it critical for a democratic system to have checks and balances?
2. What difference does separation of powers make in the way a government functions?
3. Why is it important to have an independent and strong legislative branch?

Lesson modifications/trainer tips:

- This activity builds on material presented in the democracy and government module of curriculum. Ideally, the two modules would be conducted in conjunction. If you are not planning a democracy and governance workshop, you should read the module's lecture notes, which provide additional background for this particular activity.

ACTIVITY III: Providing a Framework: Exploring Legislative Priorities for Women

Objectives:

Provide a framework to analyze legislation's impact on women

Introduce gender concerns related to family, property, succession, and citizenship laws and their application in the local context

Methodology:

- PowerPoint presentation
- Entire group debriefing

Materials:

- Laptop and projector
- Screen
- PowerPoint presentation

Room set-up:

Lecture style

Suggested minimum time:

75 minutes

Activity steps:

1. Deliver a PowerPoint presentation on laws affecting women and mechanisms to advance women's priorities in legislation. Share examples of laws from places not represented at the workshop. (60 minutes)
2. Facilitate an entire group debriefing. (15 minutes)

Sample debriefing questions:

1. What are potential barriers to creating gender-sensitive legislation in these areas of law? What are some strategies to overcome these obstacles?
2. What are some priorities for legislative reform to advance women's rights in your context?
3. How might legislation be amended to advance women's rights?

Lesson modifications/trainer tips:

- Print PowerPoint presentations and hand out to participants.
- If not equipped with PowerPoint, use flip charts or a projector.

ACTIVITY IV: Sharing Global Perspectives: Inspiring Stories of Women's Contributions

Objectives:

Attain an understanding of women's contributions to the legislative process

Appreciate examples of women promoting gender-sensitive legislation

Methodology:

- Video presentation
- Entire group debriefing

Materials:

- DVD played on a laptop

Room set-up:

Lecture style

Suggested minimum time:

30 minutes

Activity steps:

1. Show video clips of interviews with women peace builders from conflict-affected areas not represented at the workshop sharing their experiences with legislative processes. Reference the biographical information provided for each woman [see Appendix B]. (20 minutes)
2. Facilitate an entire group debriefing. (10 minutes)

Sample debriefing questions:

1. What were some of the commonalities and/or differences you observed in the women peace builders' stories? How do they compare to your own experiences with the legislative process?
2. How can you adapt some of the women peace builders' strategies to develop gender-sensitive legislation in your context?

Lesson modifications/trainer tips:

- Ideally, a woman peace builder from a conflict-affected area not represented at the workshop will attend the training session to share her personal experiences with participants.

ACTIVITY V: Presenting Case Studies: Evidence of Women's Contributions

Objective:

Attain an understanding of women's contributions to legislation in Rwanda

Methodology:

- PowerPoint presentation
- Entire group discussion

Materials:

- Flip charts
- Markers

Room set-up:

Lecture style

Suggested minimum time:

90 minutes

Activity steps:

1. Conduct a PowerPoint presentation summarizing Inclusive Security's research paper "Demonstrating Legislative Leadership: The Introduction of Rwanda's Gender-based Violence Bill." (40 minutes)
2. Lead participants in mapping the bill's development, highlighting entry points and mechanisms used by the Rwandan female legislators. (40 minutes)
3. Facilitate an entire group discussion of the key entry points and strategies for furthering women's priorities in legislation. (10 minutes)

Sample debriefing questions:

1. What specific methods did the Rwandan women use to advance the bill?
2. How did the Rwandan women overcome specific obstacles to draft the bill?
3. What process did they use to introduce the legislation?
4. What best practices might you take away from the Rwandan women's success?

ACTIVITY VI: Mapping Legislation Entry Points

Objectives:

Attain an understanding of specific mechanisms women can use to create legislation

Identify legislative priorities to promote in participants' context

Methodology:

- Brainstorming
- Small group discussion

Materials:

- Flip chart
- Markers

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

80 minutes

Activity steps:

1. Ask participants to identify five legislative issues in their context related to those discussed in the PowerPoint and case study presentation. Reference the notes from the debriefing session of Activity III and the key priorities listed in Appendix C. (20 minutes)
2. Split participants into five small groups and ask each group to map one of the five different issues, focusing on the actors involved. The priorities might include creation of new legislation, amendments to existing legislation, efforts to repeal legislation that is discriminatory, or a campaign to implement already adapted laws. (30 minutes)
3. Ask each group to present its map. (15 minutes)
4. Facilitate an entire group debriefing. (15 minutes)

Sample debriefing questions:

1. How can you best influence the legislative process? Where are the entry points?
2. What are some potential challenges you may face?
3. What are some strategies to overcome these challenges?

ACTIVITY VII: Promoting Women's Inclusion in Your Context**Objectives:**

Identify key strategies to advance a particular piece of legislation

Emphasize women's participation as critical to the legislative process

Methodology:

- Small group discussion
- Entire group debriefing

Materials:

- Flip charts
- Markers

Room set-up:

Divided into sections for small groups of three to five participants

Suggested minimum time:

80 minutes

Activity steps:

1. Having mapped the actors and entry points in Activity VI, ask the entire group to choose the top legislative priority in their context. (5 minutes)
2. Divide participants into small groups. Ask them to design an advocacy strategy to promote the chosen priority. Focus on actors, activities, and outcomes. (35 minutes)
3. Ask each group to present its advocacy strategy to a panel of national legislators. Play the role of an antagonistic member of the legislature as each group presents its proposals. (30 minutes)
4. Facilitate an entire group debriefing about the proposed advocacy strategies. (10 minutes)

Sample debrief questions:

1. What strategies are essential to the successful promotion of a gender-sensitive legislative agenda?
2. How can issues included in your proposed legislation be framed to garner support of men?

Lesson modifications/trainer tips:

- This activity suits participants interested in advocacy and influencing legislation. It may not be relevant for all groups, but it is an essential first step for groups interested in organizing to advance a specific legislative agenda.

Glossary of Terms

The **legislative branch** of government focuses on creating and amending laws. Also referred to as the legislature, this branch most often takes the form of a parliament, a congress, or a national assembly. It drafts new bills and amendments, decides whether or not to sign them into law, and approves national budgets.

The **executive branch** of government is responsible for the daily functions of the state and is tasked with implementation of the laws at national and local levels. The executive branch comprises the head of state (often a president or prime minister), several ministers who focus on particular topics (health, education, foreign affairs), and a large number of executive branch employees and civil servants, such as diplomats, military personnel, and police officers.

The **judicial branch** of government interprets laws and makes decisions when disputes arise over how the laws are applied in practice. The system of courts includes a court of final appeal and lower courts, along with judges, magistrates, and adjudicators. Rulings by the courts can amend or overturn laws created by the legislative branch. Typically, the highest court in a nation is the supreme or constitutional court.

As a basic model for good governance in a democratic society, a system of the **separation of powers** ensures that each branch of government has independent authority and divided areas of responsibility. The executive, judicial, and legislative branches each have the right to perform only the duties to which they are assigned. For example, the executive branch only implements laws; it does not create or interpret them, since the legislative and judicial branches perform these functions, respectively. In order to ensure each branch cooperates with the others and no one branch reigns supreme, a system of **checks and balances** is employed. This refers to a system in which each of the separate and independent legislative, executive, and judicial branches of government serves control the authority of and appropriate use of power by the other two branches. “Independent” here implies that each branch can function without the interference and abuse of the others. No one branch can amass excess power, as the sharing of responsibilities and rights related to the law keeps the shared power in balance. Specific rules and procedures guarantee this balance. For example, in the United States, the president (head of the executive branch) has the right to veto legislation proposed by the Congress (legislative branch). Similarly, the Congress has the authority to determine the composition and jurisdiction of the Federal Courts (judicial branch).

Map of the separation of powers in the US (at the national level)

Legislative (Congress)	Executive (President and Cabinet)	Judicial (Supreme Court)
<ul style="list-style-type: none">• Makes the laws• Controls all money and taxes, borrows, and sets the budget• Has sole power to declare war• Oversees, investigates, and makes the rules for the government and its officers• Approves appointments of the heads of the executive branch• Ratifies treaties	<ul style="list-style-type: none">• Executes the laws• Executes the spending authorized by Congress• Executes the instructions of Congress when it declares war or makes rules for the military• Declares states of emergency and publishes regulations and executive orders	<ul style="list-style-type: none">• Oversees and administers members of the judiciary• Determines jurisdiction for any given case• Judges when a law is unconstitutional• Has the responsibility to administer Constitutional law and apply it to constitutional disputes

Shirley Williams

Background: United Kingdom

- Since 1918, 4,659 Members have been elected to the House of Commons in the UK. Of these, 6% have been women.
- Women have held 27 cabinet positions in total.
- There has been only one female Speaker of the House of Commons.
- Margaret Thatcher became the first female prime minister and went on to serve the longest term of any prime minister in the 20th century.
- A record 120 women were elected to Parliament in the 2007 general elections.
- One in five Members of Parliament are now women. Out of the 27 European Union countries, the UK ranks 15th in terms of women's representation in national parliaments. Globally, the UK is ranked 51st.

Biographical Information

- Baroness Shirley Williams is a British politician and academic.
- She was elected a Labour MP in 1964 and served in several ministerial positions.
- Shirley was one of the four founders of the Social Democratic Party in 1981.
- From 1988 to 2001, she served as a professor at Harvard University's John F. Kennedy School of Government and subsequently as Public Service Professor of Electoral Politics, Emerita. She directed Project Liberty while at Harvard.
- From 2001 to 2004, Shirley served as leader of the Liberal Democrats in the House of Lords. Since 2007, she has served as an adviser on nuclear proliferation to Prime Minister Gordon Brown.
- Shirley helped draft constitutions in Russia, Ukraine, and South Africa and was the UN Special Representative to the former Yugoslavia.
- She serves on the advisory councils of the Institute for Public Policy Research, the Council on Foreign Relations, the Twentieth Century Fund, and the Nuclear Threat Initiative, a Washington-based think tank.
- Shirley had an early career in journalism and was a Fulbright scholar at Columbia University.

Judith Kanakuze

Conflict Background: Rwanda

- In 1994, an estimated 800,000 Tutsis and moderate Hutus were killed at the hands of extremists during a three-month-long genocide. One-tenth of the country's population was killed.
- Rwanda is in the process of rebuilding its government, economy, and society and women are involved from the grassroots to the national level.
- Rwanda's 2003 constitution mandates that 30% of *all* posts in decision-making bodies be reserved for women.
- Women represent 56% of the current lower house of parliament, the highest proportion of any country in the world.
- The first post-genocide Minister of Gender established assemblies elected by women, known as Women's Councils. These bodies feed into local government through reserved seats for women's council leaders, ensuring an official link between these women-only groups and local government.
- The country has complemented an international war crimes tribunal with traditional indigenous methods in its quest to balance accountability and reconciliation.

Legislation Affecting Women

Appendix B (continued)

Biographical Information

- Judith Kanakuze is a member of the Chamber of Deputies of the Rwandan Parliament.
- From 1992 to 1994, Judith was the director of Research and Study and later the executive director of a nonprofit organization that promotes women entrepreneurs and whose staff and board are made up of both Hutu and Tutsi women.
- From 1998 to 2000, she worked with the civil society organization Network of Women Working for Rural Development, first as the director of consulting and then as national coordinator.
- Judith was the only civil society representative and 1 of only 3 women on the 12-member Judicial and Constitutional Commission in 2000. As a gender expert and representative of the women's movement in Rwanda, on this Commission she ensured the ratification of a remarkably gender-sensitive constitution.
- Judith is a member of the Forum of Parliamentary Women of Rwanda and has consulted at the Ministry of Gender and the Promotion of Women.

Ruth Oniang'o

Conflict Background: Kenya

- Since gaining independence from Britain in 1963, Kenya has been the dominant economy in the Horn of Africa. Despite challenges with corruption, Kenya is one of the most stable countries in Africa and is a regional political leader, mediating in conflicts in Somalia and Sudan.
- Violence erupted following the 2007 elections in Kenya, leaving 1,000 people dead and displacing up to 350,000. Fear of violence and food insecurity continues to increase the difficulties girls and women face.
- Relative calm returned to Kenya following the 2008 swearing-in of a coalition cabinet of Kibaki's Party of National Unity (PNU) and Raila Odinga's opposition Orange Democratic Movement (ODM), with Kibaki as president and Odinga as prime minister.
- The power-sharing deal, mediated by an African Union-mandated team led by Kofi Annan, led to the creation of three commissions to review the electoral framework and investigate violence and injustices involved in the election.
- Kenya does not allow state financing of political parties, thereby preventing the government from tying party quotas to financing, as has been done in neighboring Rwanda and Tanzania.
- Women were among the loudest voices for mediation and reconciliation of the crisis; women from civil society organizations surrounded the location of the talks and wore white to symbolize peace.
- Kenya has one of the lowest rates of women in elected positions of leadership, with women holding only 9% of seats in government.
- Kenya first attempted to introduce legislation in 2000 to ensure women's participation in government, but the legislation has been defeated several times.

Biographical Information

- Ruth Oniang'o is a former Shadow Minister for Education, former member of the Education Committee, and former vice chair of the Kenya Women Parliamentary Association.
- She has served as a member of Kenya's ninth parliament since 2003 after being nominated by the official opposition party, KANU (Kenya African National Union).
- She is editor in chief of the *African Journal of Food, Agriculture, Nutrition and Development* and the founder and chair of the board of trustees of the award-winning Rural Outreach Program.
- Ruth is a professor of food science and nutrition at Jomo Kenyatta University of Agriculture and Technology in Nairobi.

Legislation Affecting Women

Appendix B (continued)

- She has consulted for numerous international organizations such as the World Health Organization and for local NGOs. She is also on the boards of International Food Policy Research Institute, Monsanto Company, and the International Rice Research Institute.
- She was appointed to presidential commissions in Kenya on the review of laws affecting women and children (1995), financing of university education (1995), and poverty eradication (on-going).
- Many of her publications have been presented in local, regional, and international fora.
- Ruth has a PhD from University of Nairobi and an MS and BS from Washington State University.

Jemma Kumba

Conflict Background: Sudan

- Violence has gripped Sudan for 46 years, pitting the Arab Islamic government in the north against black African Christians and animists in the south
- The conflict has taken tens of thousands of lives and displaced 1.5 million people.
- A comprehensive peace agreement between the North and South was signed in January 2005, providing for a high degree of autonomy for the South and a share in the oil revenue for the North.
- Genocide continues in Darfur, where more than 300,000 have been killed and more than 2 million residents have been driven from their homes since February 2003.
- Ethnic cleansing takes place at the hands of the government-supported *Janjaweed* Arab militias, as they target any of the African tribes suspected of supporting the new rebellion.
- As part of the attacks, women in Darfur continue to be targeted for rape.

Biographical Information

- Jemma Kumba is the first and only woman governor in Sudan, currently serving as the governor of the Western Equatoria State.
- She previously served in Sudan's Parliament of National Unity, where she was chair of the Permanent Committee for Economic Affairs.
- Jemma is a member of the Pan-African Parliament's Committee for Cooperative International Relations and Conflict Resolution. She also serves as gender adviser to the Sudan Peace Fund Consortium, working to mainstream gender perspectives into grassroots peace-building efforts.
- She was one of several women participants in the peace negotiations, where she advocated for women's priorities.
- Jemma was a member of the Sudan Peoples' Liberation Movement's (SPLM) advance team sent to Juba in southern Sudan for political mobilization and the establishment of SPLM offices.
- She previously worked for several years for the New Sudan Council of Churches as both the assistant relief coordinator in Kenya and the coordinator of the Women and Youth Desk.
- Jemma holds a degree in public administration and political science. She also has a diploma in leadership development for women, and training in monitoring, evaluation, and diplomacy.

Key Issues for Women to Consider

Legislative Process

- Gender balance in the legislature, on all committees, and special committees on gender
- Elimination of discrimination in the letter and application of all laws

Family Laws

To ensure equal treatment of men and women, family laws should guarantee equal rights to:

- Enter into a marriage agreement voluntarily
- Enter into a marriage at a certain minimum age, same age for men and women
- Seek divorce and fair divorce procedures
- Receive protection in customary marriages
- Make a mutually agreed-upon decision on child custody

Property and Succession Laws

To ensure equal treatment of men and women, property and succession laws should guarantee equal rights to:

- Acquire, hold, transfer, exchange, and sell property
- Inherit land
- Access all property upon the death of or divorce from spouse
- Own non-land property

Citizenship and Nationality Laws

To ensure equal treatment of men and women, citizenship and nationality laws should guarantee equal rights to:

- Pass citizenship on to children
- Retain nationality if a spouse is a foreign national
- Naturalize foreign spouses

Laws Addressing Violence Against Women

- Adequate criminal penalties and procedures and legal redress for acts of violence
- Fair procedures relating to evidence and testimony that do not discriminate against women
- Adequate laws and programs for the protection of and assistance to victims

Enforcing Legal Rights

- Gender training for the judicial branch
- Public education about legal rights
- Mechanisms to challenge legislation that is inconsistent with rights
- Training for police and legal professionals to ensure enforcement of laws