

Strategic inter-parliamentary dialogue

Gender-responsive recovery post COVID-19

Hosted by the Inter-Parliamentary Union and organized jointly with UN Women

Gender-sensitive parliaments and gender-responsive legal reforms: virtual, 21 April 2021

Context and rationale

The impacts of crises are never gender neutral, and COVID-19 is no exception. Beyond the public health crisis, the COVID-19 pandemic has brought about a full-fledged economic and social crisis. Rampant inequalities have once again been revealed and further exacerbated. A recent report by UN Women¹ outlined that women and girls have felt the economic and social fallout of the pandemic particularly harshly, as they are more vulnerable in hard-hit economic sectors. Lockdown measures and economic pressure have also further amplified violence against women and girls – the shadow pandemic.

Two roadmaps for action continue to be relevant: the Beijing Declaration and Platform for Action (adopted 1995), which is the global blueprint for gender equality; and the targets of the Sustainable Development Goals (adopted 2015). It is now more crucial than ever to achieve them both. Without coordinated action to mitigate the gendered impacts of COVID-19, the fragile gender-equality gains of the past 25 years risk being lost.

Through coordinated action, parliaments are in a unique position to: contribute to the political will needed to enact gender-responsive legislation; oversee government action and resource allocation; and mobilize society in its gender-responsive recovery.

Driving gender-responsive action in parliament

With COVID-19, new ways of working are needed to ensure that parliaments carry out their key role in achieving gender equality more quickly.

In times of crisis, parliaments must be equipped to ensure that gender equality is pursued in their law-making, budget-allocation and oversight work. It is crucial that parliaments adapt their activities to the new realities of COVID-19, and that their decisions and actions are gender responsive. The crisis can and should be an opportunity to fast-track decisions, processes and working methods so that parliaments continue being or become gender-sensitive institutions.

Parliamentarians have a critical role in ensuring gender-responsive COVID-19 recovery through gender-sensitive parliaments in general and gender-responsive legislation in particular. On average, women have just three quarters of the legal rights afforded to men.² Discriminatory laws affect more than 2.5 billion women and girls around the world.

¹ UN Women, *From insights to action: Gender equality in the wake of COVID-19* (Geneva, 2020a): www.unwomen.org/en/digital-library/publications/2020/09/gender-equality-in-the-wake-of-covid-19.

² World Bank (2019): openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf.

To advance parliamentary action in gender-responsive legal reform, support is needed, experiences should be shared, and good practices exchanged. A UN Women–IPU handbook for parliamentarians on making legislation gender responsive is currently being finalized. The purpose of the handbook is to assist parliamentarians around the world to: reflect on the importance of repealing existing discriminatory laws; identify practical approaches to enacting more effective and equal legal protections for men and women in all their diversity; and find entry points and good-practice approaches to progressing meaningful and timely law reform in support of gender equality.

The IPU's guidance note for parliaments on gender and COVID-19³ also provides recommendations for parliaments on how to manage the crisis. It offers examples from some parliaments that can help guide others in promoting: women's participation and leadership in parliamentary decision-making on COVID-19; gender-responsive COVID-19 legislation; oversight of government action on the pandemic from a gender perspective; and the implementation of gender-sensitive and gender-responsive changes to a parliament's work and the way it functions. Also, UN Women's primer for parliamentary action on gender-sensitive responses to COVID-19⁴ highlights practical ways in which MPs and parliamentary staff can take action to ensure COVID-19 response and recovery decision-making addresses women's needs.

Objectives

The strategic dialogue aimed to:

- Build knowledge and a common understanding among parliamentarians from different countries and genders about the impact of COVID-19 on the advancement of gender equality and the empowerment of women and girls globally.
- Identify parliamentary legislative, oversight and budgetary actions focused on gender-responsive recovery policies and strategies.
- Identify the best means to carry out gender-responsive legal reforms in and through the work of parliament, including by using the new IPU–UN Women handbook for parliaments on gender-responsive legal reform.
- Support peer-to-peer exchanges of experience, good practices, lessons learned and advice, so as to establish common strategies for parliamentary action.
- Inspire work in parliament aimed at a more gender-responsive recovery, with due consideration of different national contexts and specific needs.
- Support the implementation of international commitments, including the Beijing Declaration and Platform for Action, the Sustainable Development Goals, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Conventions of the International Labour Organization (ILO), such as the recently adopted Violence and Harassment Convention (No. 190) on the elimination of violence and harassment in the world of work, including gender-based violence, supplemented by Recommendation No. 206 on violence and harassment.
- Contribute, via the Bureau and Forum of Women Parliamentarians and other IPU bodies, to mainstreaming gender equality in the deliberations and decisions of the 142nd IPU Assembly (24–27 May 2021), which was to focus on the impact of the pandemic.
- Contribute a parliamentary perspective to global processes and initiatives, such as the Generation Equality Forum, and *Equality in law for women and girls by 2030*, a UN Women multi-stakeholder strategy.

³ Available at: www.ipu.org/file/9041/download.

⁴ UN Women (2020): www.unwomen.org/en/digital-library/publications/2020/06/a-primer-for-parliamentary-action-gender-sensitive-responses-to-covid-19.

The session on gender-sensitive parliaments and gender-responsive legal reforms was informed by: **Ms. Zeina Hilal**, Gender Programme and Youth Participation Programme Manager, IPU Secretariat; **Ms. Fiona O'Loughlin**, Senator, Ireland; **Ms. Mereseini Vuniwaqa**, Member of Parliament, Fiji (via pre-recorded video); **Ms. Beatrice Duncan**, Policy Adviser, Constitutional and Access to Justice team, UN Women; **Ms. Nahla Haidar El Addal**, Member, United Nations Committee on the Elimination of Discrimination Against Women (CEDAW); **Ms. Esther Anyakun**, Member of Parliament, Uganda, and IPU Executive Committee Member.

There were **191 participants**, including **61 parliamentarians, 11 of whom were men**. The meeting was moderated by **Ms. Sandra Pepera**, Director for Gender, Women and Democracy, National Democratic Institute.

Meeting Notes

Opening remarks

Ms. Salma Ataullahjan (Senator, Canada; Member, IPU Bureau of Women Parliamentarians) opened the meeting by highlighting that the impacts of crises were never gender neutral, and existing inequalities between women and men had only worsened. Before COVID-19, the average woman had just three quarters of the legal rights afforded to men. Discriminatory laws affected more than 2.5 billion women and girls around the world.

Even within parliaments, existing inequalities had become apparent:

- ⇒ The pandemic had changed the way parliaments operated. The disruption of formal political processes could cause a reversion to past exclusive practices.
- ⇒ As parliamentary processes moved to virtual settings, women parliamentarians may have faced steeper technological adaptation curves, especially in low-resource countries.
- ⇒ Reports from around the world showed that women politicians had been especially targeted by online harassment during the pandemic.
- ⇒ The impact of working from home may have shifted the distribution of parental roles between men and women, which had worsened gender imbalances in some cases and encouraged a more equitable distribution of roles in others.
- ⇒ The pandemic had shifted priorities on the parliamentary agenda, and gender-equality priorities may have attracted less attention.

Parliamentarians were in a unique position to contribute to achieving a gender-responsive recovery after COVID-19, which should start by enhancing gender sensitivity and responsiveness within their institutions. Parliaments must lead by example and be models of gender-responsive organizations. Discriminatory laws must be repealed, while more effective and equal legal guarantees should be enacted to allow men and women to fulfil their potential.

The pandemic was an opportunity to rethink processes and priorities in parliaments. The chance to build more gender-inclusive legal reforms and gender-responsive institutions must be seized. Indeed, a COVID-19 response strategy that did not take gender equality into account would not be sustainable.

The status, challenges and opportunities of gender-sensitive parliaments

Overview

The first section of the meeting provided an analysis of the current situation on gender-sensitive parliaments. Ms. Zeina Hilal (IPU Secretariat) defined a gender-sensitive parliament, and described how COVID-19 had impacted parliamentary processes from a gender perspective. Parliamentarians from Ireland and Fiji shared their experiences of advocating for gender-sensitive parliamentary actions and gender-responsive legal reforms during the pandemic. The panellists identified key challenges and opportunities from their experiences.

Ms. Zeina Hilal (Gender Programme and Youth Participation Programme Manager, IPU Secretariat) explained that a gender-sensitive parliament was premised on the principle of gender equality, where both men and women had an equal right to participate without discrimination. A gender-sensitive parliament responded to the needs and interests of both men and women in its structures, operations, methods and work. While research showed that women in parliament had promoted the gender-equality agenda, that objective must be understood as the responsibility of the institution as a whole.

A gender-sensitive parliament:

- ✓ Promotes and achieves an equal number of women and men, including in leadership positions.
- ✓ Advances gender equality in its internal rules of procedure and the country's policy and legal frameworks.
- ✓ Mainstreams gender equality in all its work through dedicated mechanisms and internal capacity.
- ✓ Fosters a respectful and inclusive internal culture, and responds to MPs' needs in terms of balancing work and family responsibilities.
- ✓ Acknowledges and builds on the contributions of its men members who pursue and advocate for gender equality.
- ✓ Encourages political parties to take a proactive role in promoting gender equality.
- ✓ Equips parliamentary staff with the capacity and resources to promote gender equality, and ensures gender balance among staff.

However, the pandemic had changed the way parliaments operated. The current COVID-19 crisis had brought great challenges with it. But it had also created an opportunity to address and redress existing imbalances and inequalities, and build fair and more resilient societies in the long run. Parliaments could seize the opportunity to build gender-sensitive institutions amid the pandemic by, for example:

- Mainstreaming gender in parliamentary procedures and decision-making.
- Ensuring special parliamentary committees had a gender-equality mandate.
- Ensuring gender-balanced representation in COVID-19 task forces.
- Overseeing government pandemic responses and budgeting from a gender perspective.
- Enacting gender-responsive legislation.
- Communicating and raising awareness about COVID-19 and its gendered effects.
- Ensuring new ways of working in parliament were gender sensitive.
- Demanding sex-disaggregated data.

She shared good practices from the parliaments of Australia, Chile, Colombia, Georgia, Mexico, Tanzania and Uganda – a few of the legislatures that had prioritized gender-responsive processes within and through parliaments during COVID-19.

Ms. Fiona O'Loughlin (Senator, Ireland) shared her experiences of building a gender-sensitive parliament in Ireland during the pandemic. As less than 25 per cent of MPs were women, getting women involved in politics and getting them elected remained an issue.

In a study from Ireland about the barriers women faced in attaining public office, the following limitations had been identified:

- X Maternity leave was available, but only for female MPs, and not for ministers.
- X The Constitution did not currently allow virtual sittings, but MPs were trying to introduce remote voting, especially to support those taking maternity leave.

- X All COVID-19 committees were chaired by men. Overall, women only chaired 5 out of 25 parliamentary committees. Parliament currently had no mechanism to ensure that women were able to assume committee leadership roles.
- X Other issues regarding women running for office included a lack of confidence, limited access to funding, and a non-conducive parliamentary culture and selection convention.

To address those barriers, the Irish Parliament was:

- ✓ Creating a Family Friendly Forum at the initiative of the Speaker of the House. The Forum would look at different ways in which Parliament could become more family friendly, including by revising business hours and improving facilities. MPs would sit on the Forum, but different organizations would also be encouraged to participate.
- ✓ Working to incorporate gender-responsive mechanisms into party financing so that it incentivized gender-responsive action.

Ms. Mereseini Vuniwaqa (Member of Parliament, Fiji) said in a pre-recorded video that in 2019, the Fiji Government had launched a programme to map out priority issues for women and girls, and help create a long-term policy agenda. That had resulted in the design of two key policy initiatives in early 2020:

1. The Fiji Country Gender Assessment, which attempted to provide a comprehensive overview of gender issues ranging from health, education and the economy to violence against women and girls, gender and the environment, and women in leadership and decision-making roles. The Assessment had helped provide evidence about what worked, and what was still missing in the creation of a gender-mainstreaming action plan.
2. The Gender Transformative Institutional Capacity Development, which aimed to create an enabling environment and sector-specific knowledge to comprehensively integrate women's and girls' needs into all budgets, strategies and laws.

When COVID-19 had struck, the Government had recognized that the pandemic could offer opportunities for the roll-out and implementation of its new strategic initiatives. The pandemic had created a chance to prioritize gender statistics in developing legislative policies. It had emphasized the need to strengthen capacities, knowledge and skills on gender mainstreaming and gender budgeting in order to attain gender-equality outcomes. The country was now better placed than ever to achieve gender equality for women and girls.

Moderated discussion

Overview

After the end of the first section, the floor was opened for interventions from participants. MPs from around the world made comments on the topic and shared their own experiences. Participants reflected on the following questions: Had sanitary measures taken in their parliaments impacted the advancement of gender sensitivity? If a parliamentary COVID task force was in place, was it gender balanced? Had new parliamentary mechanisms for gender mainstreaming been put in place? If so, what impact were they having? Had COVID-19 impacted the ability to preserve gender-equality priorities on the agenda of their parliaments?

A participant from **Bangladesh** described three challenges that illustrated how the pandemic had impacted the gender inclusivity of parliamentary processes:

- X **Gender equality of parliamentarians:** representation had fallen dramatically, and men had taken most of the leading roles in COVID-19 response work.
- X **Technology:** women MPs had less technological knowhow, making them less likely to lead pandemic response initiatives.
- X **Gender-disaggregated data:** in the absence of such data, laws were being made without reference to the right facts.

An MP from the **Philippines** said that, beyond laws to enshrine women's rights and ban discrimination, it was also important to incorporate the protection of women and mothers in economic stimulus packages. The economic packages drafted to respond to COVID-19 had included budgets for temporary employment, as well as for situations where women needed to be compensated justly in their role as head of household.

A participant from **Syria** emphasized the need to know what provisions went into stimulus packages and how they affected women. Many Syrian women lived in camps and were raising families alone, as their husbands had been killed in the war. Both the conflict and COVID-19 had made life more difficult for women, and they must be protected through laws and economic packages.

In **Thailand**, many businesses had been closed down and many people had been laid off as a result of the pandemic. Women had been adversely affected, as they made up the majority of factory workers. The Thai Government had launched a financial relief package that both men and women could access. Women MPs and the women's caucus were closely monitoring the third wave of COVID-19, as it was spreading quickly and affecting rural health-care workers, who were also mostly women.

In **Bahrain**, much had been achieved in recent years for women in parliament. One of the Speakers of Parliament was a woman, and the 24 committees in Parliament were gender balanced. However, women MPs were striving for more, especially in adapting to changes during the pandemic:

- ✓ A gender-equality committee had been established in the upper chamber.
- ✓ Technological changes were being made to allow for virtual plenary and committee meetings.
- ✓ Parliament was advancing towards paperless ways of working to adapt to a virtual setting.

In **Cyprus**, early action had been taken for MPs and parliamentary staff at the beginning of COVID-19:

- ✓ Parliamentary committees had held virtual meetings, and the Parliament had seen it as a golden opportunity to introduce new flexible forms of work.

- ✓ Despite the extraordinary situation, the Parliament of Cyprus had been able to adopt legislation criminalizing sexism and rape.

Good practices and the way forward in gender-responsive legal reform

Overview

In the second section, the panellists delineated some promising practices to enhance gender-responsive legal reform that could be applied in parliaments. Representatives from CEDAW and UN Women discussed the global gains and losses in gender-responsive legislation that had occurred during the pandemic. Rights had been retrenched in some cases, while in others, gender-responsive legislation had gained ground. In Uganda, gender-responsive legislation had advanced even amid COVID-19, and representation had remained gender balanced. While there were certainly some examples of gains and good practices, all panellists stressed that there was a long way to go before the desired results would be seen in legislation.

Ms. Nahla Haidar El Addal (Member, CEDAW) described what the committee was seeing from a global perspective. A grave impact of the pandemic was the regression of rights. While that had started even before COVID-19, the pandemic had justified the return of discriminatory actions. The regression of rights was not just between women and men, but between the poor and rich as well. The effects of intersectionality had never been more apparent. Even in more developed countries, the lack of a gender-responsive crisis response had been acknowledged.

On legal frameworks, women must be consulted and included in the creation of legal reforms. CEDAW recommended that COVID-19 be seen as a man-made disaster, and that relevant gender mainstreaming be taken as a disaster response. In the CEDAW framework, the role of MPs was not only to adopt law, but also to monitor its implementation.

Ms. Beatrice Duncan (Policy Adviser, Constitutional and Access to Justice team, UN Women) emphasized that every facet of our lives was governed by a law, which underscored the importance of parliamentarians. From her perspective, gender-responsive legislation had actually increased during the pandemic. The passing of Uganda's landmark legislation on succession was one example.

However, the work was not finished and there were several other areas that still needed to be addressed. In some countries, women were still unable to inherit, pass on their nationality, or work in several sectors due to legal prohibitions. While legislation on women's rights had been passed all over the world, there was still a long way to go. She urged MPs to continue taking their lead from CEDAW. When discussing the forthcoming joint IPU–UN Women parliamentary handbook on gender-responsive legislation, she emphasized the role that the IPU and UN Women played in supporting parliaments to advance women's rights nationally.

Ms. Esther Anyakun (Member of Parliament, Uganda; IPU Executive Committee Member) discussed how the Ugandan Parliament had passed several laws and policies in relation to women's rights, but noted a continuing mismatch where some gender-equality issues were still to be achieved. As the succession law in Uganda had impeded the rights of girls to inherit, amendments had been needed. The passing of the Succession (Amendment) Bill, as well as laws on employment and marriage, had been long overdue. Legal reforms were necessary to keep legislation gender responsive. Parliament had yet to see the impact of those recent reforms on the ground.

She said that she was a member of the national pandemic task force along with four women ministers. The work of the task force had clarified that, since women in Uganda were often the breadwinner in their homes, the pandemic had disproportionately affected their access (and so their families' access) to income from small businesses. Urban areas were especially hard hit at such times.



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Moderated discussion

Overview

After the end of the second section, the floor was opened for interventions from participants. A moderated session was held about the sharing of good practices on gender-responsive measures taken in different countries. MPs considered the following questions: Has your parliament been able to integrate a gender perspective into legislation about COVID-19 response and recovery efforts? Has gender-responsive legal reform been initiated in your country in the context of COVID-19? Has your parliament recently enhanced its capacity to oversee the implementation of existing gender-equality legislation? Has your parliament engaged in national reporting and follow-up under the CEDAW Convention in the context of COVID-19?

Azerbaijan was transitioning to a gender-sensitive parliament and working to move away from a male-dominated institution. In 2006, the Parliament had adopted a law on gender equality, which had become the legal base for further action on gender-responsive legal reform. The Parliament had recently appointed its first female chair, and had also made use of civil society partnerships to increase the representation of women and young people in parliament.

A participant from the **United Kingdom** said that the representation of minorities could be in danger through parliaments adopting new technology as a result of the pandemic. Virtual settings had diminished opportunities for scrutiny and the role of backbench and non-government MPs. Anti-lesbian attacks against MPs online had also increased. MPs should therefore be very circumspect about using technology, as it could be exclusionary and discriminatory.

A representative from the **Democratic Republic of the Congo** highlighted the impact COVID-19 had had on parliamentary processes, and discussed the possible exclusionary nature of virtual settings. There were usually 108 members at Senate sittings, but during the pandemic, meetings of only 55 members including the Speakers had been required. That had decreased the participation of women by 10 per cent. However, gender-responsive mechanisms had been created in Parliament:

- ✓ At least two women had to be represented in special COVID-19 mechanisms or committees.
- ✓ The special committees had to follow gender-responsive government protocols on crisis management.
- ✓ Seventy-five per cent of the bureau of the seven special committees were women.

A representative from **Montenegro** discussed the importance of women's caucuses in addressing difficult and exclusionary political structures. The women's caucus in Montenegro was an all-women cross-party body, which allowed it to better influence the adoption of gender-responsive legislation.

In **Benin**, some good examples of gender-responsive legal reform had occurred, including:

- ✓ A national policy to promote gender equality through a national action plan.
- ✓ A 2019 law on affirmative action in favour of women.
- ✓ A law to promote the education and financial inclusion of women in specific sectors.
- ✓ A policy to combat violence against women, girls and children.

However, as there were only six women MPs out of 83 parliamentarians, they were limited in how far they could advance gender-equality issues.

In **South Africa**, a strong focus was needed on the implementation, reporting and accountability of laws. Sometimes, coordination and mobilization during the legislative process could be rushed. As a result, implementation gaps might be identified after a law had been passed. That had been the case with some private members' bills.

Participants from the **Philippines** shared information about three pieces of legislation:

- ⇒ Women senators had collaborated across party lines to adopt a Bill providing for gender-responsive COVID-19 protocols that guaranteed women's voices would be heard during the COVID-19 response. The Bill was drafted in cooperation with UN Women and used an intersectional lens to understand the overlapping vulnerable conditions of minority groups. It prioritised the fight against gender-based violence, defined sexual reproductive health services as essential so that they remained open during lockdown, and mandated an equitable and gendered approach to vaccination.
- ⇒ The Divorce Bill: the Philippines was one of the few countries that still prohibited divorce. That had had a negative effect during the pandemic, especially with rising cases of domestic violence.
- ⇒ The Sexual Orientation and Gender Identity Expression Bill: Women's rights and trans women's rights needed protection and representation under the law. They had different needs, especially on access to education and employment. While local ordinances did exist, a national directive was now needed.

In **Nicaragua**, gender-responsive approaches had been in place before the pandemic. The case showed that countries could manage COVID-19 with limited resources, as long as strong policies were in force:

- ⇒ The political structure enabled women to actively take part in decision-making.
- ⇒ Budgets were allocated with a gendered perspective.
- ⇒ Family protection was a high priority.
- ⇒ Electoral reform was being pursued in 2021.

In **Rwanda**, gender-responsive legal reforms had allowed the country to mitigate the gendered effects of the pandemic by:

- ✓ Revising previous discriminatory laws.
- ✓ Enacting a number of gender-sensitive laws on State finance and property.
- ✓ Guaranteeing income for mothers through a law on maternity leave.
- ✓ Strengthening the offences and penalties associated with gender-based violence.
- ✓ Safeguarding the right to abortion.
- ✓ Mandating gender budgeting, and holding government institutions accountable for programme implementation.

In **Madagascar**, recent wins had included passing a law on gender-based violence in January 2021. MPs must now follow up on implementation because there had been many victims of gender-based violence during the pandemic.

Main findings and recommendations as presented to the IPU Forum of Women Parliamentarians⁵

A gender-sensitive parliament was premised on the principle of gender equality. It advanced gender equality in all aspects of its work and functioning, and provided a conducive environment for men and women to equally participate and lead. While the promotion of policies and laws on gender equality had often been the result of the increased role of women in decision-making, sustainable progress could only be achieved if gender equality was promoted by women and men – parliamentarians and parliamentary staff alike – as well as by political parties and parliament at large.

⁵ See IPU Forum of Women Parliamentarians, 31st session (virtual), May 2021: www.ipu.org/event/142nd-ipu-assembly#event-sub-page-documents/.

Promoting gender-sensitive parliaments was the key to ensuring a proper COVID-19 response and recovery from a gender perspective. To build more resilient societies where women could thrive without discrimination, all legal provisions that held women back must be lifted. There was a long way to go: currently, 2.5 billion women and girls were still being discriminated against by their countries' laws. Parliament had a paramount role to play, and must be suitably equipped to adopt gender-responsive legislation and policies, and to ensure they were adequately implemented. If change started within parliaments, parliamentary outcomes would eventually be more likely to advance and then achieve gender equality for all.

A number of steps must be taken to build gender-responsive parliamentary processes, including gender-sensitive legislation, budgets and oversight to respond to the COVID-19 pandemic, and building back better. Some parliaments had already taken (or were stepping up) the following measures in the wake of the pandemic:

- Ensuring women's equal participation and leadership in all law-making and oversight processes, including those relating to the COVID-19 pandemic.
- Supporting the creation of cross-party women's parliamentary caucuses and synergies with women's groups from civil society.
- Providing a mandate to all standing and ad hoc committees to advance gender equality, and ensuring they had the capacity to do so.
- Mandating gender budgeting and the provision of sex-disaggregated data by the government, so that parliament could adequately monitor the impact of laws, budgets and policies (including how they linked to health-related, economic and social responses to the COVID-19 crisis) and could amend them accordingly.

Reforming parliamentary processes required strong political will and the buy-in of different stakeholders. Already before, but also after the outbreak of the COVID-19 pandemic, a number of parliamentary leaders had promoted internal review processes that had built on the IPU's *Plan of Action for Gender-sensitive Parliaments* and its related self-assessment toolkit.