



# Women's Priority Legislative Agenda for the 17th Congress

## 4

### Enacting a Women's Political Participation and Representation Law



#### POLICY BRIEF NO. 4

*This policy brief provides the rationale and recommendations for promoting and accelerating women's political participation and representation in elective positions through the adoption of a gender quota and other temporary special measures.*

#### WHAT IS THE ISSUE? WHAT HAS BEEN OUR RECENT EXPERIENCE/S WITH REGARDS TO THE ISSUE?

The country has made great strides in promoting and increasing women's participation in politics and governance. Two women have occupied the highest position in government as President of the Republic of the Philippines for a total of more than a half of the last three decades. There has also been an increasing trend in terms of the percentage of women in elected government positions.<sup>2</sup>

Notwithstanding these advances, there is still a very wide gap in terms of the level of political representation of women and men, where women are greatly underrepresented. From 1998 to 2013, the percentage of women elected into public office ranged from 16.1 percent to 20 percent, reaching its peak in the 2010 elections.<sup>3</sup> Despite the Millennium Development Goal (MDG) target on having women comprise 50 percent of elective seats in the national parliament by 2015, the country was only able to achieve 26 percent representation of women in the national parliament. These levels of representation of women do not even meet the 30 percent "critical mass," which scholars identify as the minimum percentage necessary for a minority group to be able to influence decision making.<sup>4</sup>

The slow increase in women's representation in politics may be attributed to prevailing patriarchal norms and values, and gender stereotypes. The perception that politics is dirty and the tendency of electoral campaigns and elections in various parts of

of the country to be marked with violence contributed to the notion that politics is more the realm of men than women.<sup>5</sup> Gender stereotypes which consider women as weak, emotional and indecisive – qualities that are undesirable in negotiation and decision-making - also discourage voter's from voting for women candidates.<sup>6</sup> This, in turn, affects the preference of political parties or groups to finance male candidates who are perceived to have higher probabilities of winning the election. The difficulty of women in finding sufficient resources for costly electoral campaigns tends to hinder them from running for elective national government positions. At the same time, the "multiple burden" experienced by most women, wherein they still bear most of the responsibility for performing domestic duties while they engage in political, economic and social activities, discourages women themselves from running for public office.<sup>7</sup>

#### WHY IS THE ISSUE IMPORTANT?

Women have the right as citizens to equal representation.<sup>8</sup> Women comprise half of the population, but they hold only about one-fifth of government elected positions. Women's representation is crucial in making their issues and perspectives an integral part of decision- and policy-making processes and, ultimately, be reflected in policies, programs and strategies of government that affect their lives. Men cannot fully represent the interests of women considering their differentiated needs, issues, socialization and experiences.

Considering these and given the existing constraint to

women's political participation, there is, therefore a need to adopt temporary special measures to facilitate and accelerate the attainment of de facto gender equality between women and men in terms of political participation and representation. There are various ways through which States have done this.

One of the most popular and widely-used strategy is the adoption of a gender quota system as a temporary special measure for the attainment of gender balance in government institutions. Under the gender quota system, a certain number or percentage of the members of a particular body are allocated to a particular sex.<sup>9</sup>

It is important to ensure that women's representation will not only be token. The struggle is to form a critical mass of women in elective positions so that their voices will be heard. At the same time, measures should focus on building the capacity and enhancing leadership and decision-making skills of women to be able to effect change and influence policy discussions.

### WHAT ARE THE EXISTING LAWS OR POLICIES RELATED TO THE ISSUE?

The 1987 Constitution, upholds the fundamental equality before the law of women and men and recognizes the vital role of women in nation building.<sup>10</sup> The Constitution also guarantees citizens' equal access to opportunities for public service.<sup>11</sup>

Republic Act 9710 or the Magna Carta of Women (MCW), the country's comprehensive women's human rights law, provides under Section 11 the undertaking of "temporary special measures<sup>12</sup> to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development." It mandates the adoption of temporary special measures for the incremental increase of women in third level positions in the civil service until a fifty-fifty (50-50) gender balance is achieved; sets a forty percent (40%) quota for women in local development councils and planning bodies; and provides for the creation of an incentive system for encouraging political parties to integrate women in their leadership hierarchy and electoral nominating processes, among others.<sup>13</sup>

The representation of women in legislative bodies is also provided under Section 14, Book I of Republic Act 7160 or the "Local Government Code of 1991," which mandates the inclusion of a woman sectoral

representative in local legislative councils; as well as under Republic Act 7941 or the "Party-List System Act," which includes women in the list of marginalized sectors that may form a political party and vie for representation under the party-list system.

### WHAT ARE THE EXPERIENCES OF OTHER COUNTRIES IN ADDRESSING THE ISSUE?

There are 118 countries and territories that use some types of gender quota for an elected office.<sup>14</sup> Countries such as Argentina, Brazil, and France have adopted candidate quotas which regulate the gender composition of the candidate lists of political parties in the election.<sup>15</sup>

Rwanda, Timor-Leste, and India, on the other hand, have legislated 'reserved seats', which "regulate by law the gender composition of elected bodies, by reserving a certain number or percentage of seats for women members, implemented through special electoral procedures."<sup>16</sup>

Party quotas (also called voluntary party quotas) are adopted in Australia, Canada, Germany, and Switzerland. These quotas are "adopted by individual parties for their own candidate lists, and are usually enshrined in party statutes and rules."<sup>17</sup>

As of January 2015, of the 41 countries whose parliament are composed of more than 30 percent women, 34 have adopted some form of gender quota.<sup>18</sup>

Nonetheless, a lot of countries are also adopting gender-neutral quotas that provide that neither sex shall occupy more than a given percentage of seats. This type of quota may also be in the form of a requirement for alternating female and male candidates on candidate lists such as those of France, Costa Rica, Ecuador, Republic of Korea, Lesotho and Zimbabwe.<sup>19</sup>

### WHAT ARE THE CONSIDERATION IN ADDRESSING THE ISSUE IN THE COUNTRY?

#### Promoting women's rights and gender equality

Women in key positions in government have showed that they are as capable and effective as their male counterparts in assuming leadership and decision-making roles. Promoting women's representation in elected bodies allows them to contribute to development and nation-building, and ensure that governance leads to equal access to resources and to

development results and outcomes for both women and men, girls and boys.

### Responding to International Commitments

The recognition and promotion of the rights of women to participate in politics and other decision-making processes are enshrined in international human rights instruments to which the Philippines is a State Party. These include the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR) and, in particular, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Beijing Declaration and Platform for Action (BPfA), adopted at the United Nations Fourth World Conference on Women in Beijing in 1995, calls on all parties to implement affirmative action for the equal participation of women and men in decision making in order to strengthen democracy and promote its proper functioning.

Moreover, the United Nations Sustainable Development Goals, particularly Goal No. 5 pertaining to achieving Gender Equality, targets, among others, women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

### POLICY RECOMMENDATION

Recognizing the social, economic and structural barriers that hinder women's full participation and representation, the PCW recommends for the adoption of a gender quota and other temporary special measures as affirmative actions that would level the playing field and provide equal opportunities for women to run and be elected into public office. The recommended legislative measure shall:

1. Adopt a candidate quota for political parties using the forty-sixty (40-60) formula, wherein neither sex comprise less than 40 percent nor more than 60 percent of the number of candidates in the party slate;
2. Provide incentives to political parties who have reached the gender quota in their leadership and policy-making structure and/or roster of candidates for the elections;
3. Create a women's campaign fund for aspiring women candidates, especially those

belonging to marginalized sectors;

4. Enjoin political parties to develop a women and Gender and Development (GAD) agenda; and
5. Specific to the party-list system, provide a rule on the ranking order of candidates in the form of a closed "zebra" or alternate female-male listing of candidates who shall become the party's representative depending on the number of seats the party would be able to win.

### CONCLUSION

It should be emphasized that the end goal is not merely increasing the number of women in policy and decision-making positions, but rather enabling women to meaningfully participate and bring to the discussion how to address gender issues and inequalities and changing social norms, as well as effectively influence and contribute to government policy- and decision-making towards the achievement of gender equality, inclusive growth and development. It is hoped that our legislators will finally pass a law that promotes and accelerates women's political participation and representation in elective positions.

### ENDNOTES

<sup>1</sup> This policy brief is based on PCW Policy Paper No. 1, series of 2015, "Addressing Millennium Development Goals No. 3: Promoting and Accelerating Women's Political Participation and Representation."

<sup>2</sup> COMELEC Election Records and Statistics Department (ERSD), "Comparative Statistics on Elected Candidates by Elective Position, by Gender: National and Local Election," September 3, 2014.

<sup>3</sup> Data does not include elective positions at the barangay level. Ibid.

<sup>4</sup> Drude Dahlerup in her study of women representation in Scandinavian politics published in 1988 identified 30 percent as the crucial cut-off point for "critical mass" or the proportion of a minority, in this case women, to a group necessary for them to have an influence over decision-making. See also Sarah Childs and Mona Lena Crook, "Critical Mass Theory and Women's Political Representation," *Political Studies* 56 (2008), 370.

<sup>5</sup> Philippine Plan for Gender-Responsive Development, 1995-2025 (Manila: National Commission on the Role of Filipino Women, 1995), 396.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid

<sup>8</sup> Drude Dahlerup, "Increasing Women's Political Representation: New Trends in Gender Quotas," in *Women in Parliament: Beyond Numbers (A Revised Edition)*, edited by Julie Ballington and Azza Karam (Stockholm: International IDEA, 2005), 144.

<sup>9</sup> Drude Dahlerup, "Increasing Women's Political Representation," 141.

<sup>10</sup> 1987 Philippine Constitution, article 2, sections 14.

<sup>11</sup> Ibid, section 26..

<sup>12</sup> Article 4, section 1 of the CEDAW defined temporary special measures as actions adopted by State Parties to accelerate "de facto equality between men and women." Hence, these "shall not be considered discrimination ..., but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

<sup>13</sup> Republic Act 9710, otherwise known as the Magna Carta of Women (MCW), chapter IV, sec. 11.

<sup>14</sup> Drude Dahlerup, Zeina Hilal, Nana Kalandadze and Rumbidzai Kandawasvika-Nhundu, Atlas of Electoral Gender Quotas, (Stockholm: International IDEA, Inter-Parliamentary Union (IPU) and Stockholm University, 2013), 16.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> "Facts and Figures: Leadership and Political Participation," UN Women, accessed June 28, 2016, <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/dacts-and-figures>.

<sup>19</sup> Ibid.